

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF DENTAL EXAMINERS**

IN RE:)
JENNIFER DAY) Docket No: DE14-0508
Registration No.: 0140001486)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and makes the following Charges against Respondent, Jennifer Day:

Board Authority

1. The Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against dental assistants pursuant to 3 V.S.A. §§129 and 129a; 26 V.S.A. §§767 and 809; the Administrative Rules of the Board of Dental Examiners ("RBDE"); and the Rules of the Office of Professional Regulation.

Facts

2. Respondent Jennifer Day is presently registered as a dental assistant by the State of Vermont under registration number 0140001486.
3. Prior to obtaining her current registration, Respondent's registration had lapsed in 1999. During the lapsed period, Respondent continued to work as a dental assistant from 2003 through the present date for Dr. Ronald DellAmore in Williston, Vermont.
4. Respondent performed professional responsibilities of a dental assistant including taking x-rays without proper registration as required by RBDE, Rule 2.1 during the lapsed period.

Charges

5. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:
- i. RBDE, Rule 2.1 (A person is not allowed to practice in Vermont as a dentist, dental hygienist or dental assistant unless licensed or registered by the Board); and
 - ii. 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Understandings

5. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.
6. Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
7. This Stipulation and Consent Order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
8. Respondent is voluntarily waiving the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
9. Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- A. Respondent has engaged in unprofessional conduct as set out above.
- B. The Board of Dental Examiners hereby **WARNS** Respondent's license.
- C. Respondent must pay a \$250 administrative penalty within 30 days of the date this **CONSENT ORDER** is signed by the Board Chair.
- D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

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AGREED TO:

Dated: 9.1.09

STATE OF VERMONT
SECRETARY OF STATE

By: Gregg Meyer
State Prosecuting Attorney

RESPONDENT
Jennifer Day

Dated: 9.1.09

By: Jennifer Day
Jennifer Day

APPROVED AND SO ORDERED: VERMONT BOARD OF DENTAL EXAMINERS

Dated: 10/14/09

By: Shirley Lammie
Chairperson

Date of Entry: 10/16/09

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