

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

IN RE:)
CHRISTINA M. SHATNEY) **Docket No. 2018-80**
License No. 014.0001352)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and the Respondent in this matter, Christina M. Shatney, represented by William A. O'Rourke, III, Esq., who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Dental Examiners (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by dentists, dental hygienists, and dental assistants pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 12; the Administrative Rules of the Board of Dental Examiners ("ARBDE"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Christina M. Shatney ("Respondent") of Barre, Vermont is licensed by the State of Vermont as a Registered Traditional Dental Assistant under license number 014.0001352. This license was originally issued August 2, 1995, and expired on September 30, 2015.
3. During all relevant times, Respondent was employed as a Registered Traditional Dental Assistant by Dentist R.V. in Barre, Vermont.
4. In September of 2014, Patient was a resident Woodridge Rehabilitation and Nursing Home in Berlin, Vermont (the "nursing home").
5. Patient was rehabilitating from surgery and was unable to travel.
6. Patient's dentures went missing during her stay at the nursing home.
7. On September 19, 2014, Patient's sister contacted Respondent at Dr. R.V.'s office to inquire about replacing Patient's dentures.
8. Respondent discussed the options of temporary dentures or a more permanent set of dentures.

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9. Respondent also told Patient's sister that because Patient could not travel, someone from Dr. R.V.'s office could go to the nursing home and meet with Patient there.
10. On September 30, 2014 Respondent traveled alone to the nursing home to take impressions for both upper and lower transitional dentures.
11. Dr. R.V. did not accompany Respondent.
12. Taking impressions for Patient's upper and lower dentures involved placing an impression material into an impression tray and putting it in the Patient's mouth until it sets up.

Violation Two: 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, incorporating 26 V.S.A. §642(a) Dental Assistants, Practice.

13. The State re-alleges and incorporates Paragraphs 2 through 12 above.
14. As a Registered Traditional Dental Assistant, Respondent may only perform intraoral tasks under the direct supervision of a Dentist.
15. 26 V.S.A. §561(7) defines "direct supervision" as "supervision by a licensed dentist who is readily available at the dental facility for consultation or intervention."
16. Paragraphs 2 through 12 above demonstrate that Respondent performed an intraoral task without being under the direct supervision of a Dentist.
17. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(3), incorporating 26 V.S.A. §642(a).

Understandings

18. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
19. Respondent understands that the Board of Dental Examiners must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
20. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
21. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

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22. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
23. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
24. Respondent voluntarily waives her right to a contested hearing before the Board of Dental Examiners and waives any right to appeal from this Stipulation and Consent Order.
25. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Dental Examiners hereby **WARNS** Respondent's license.
- B. Notwithstanding any provision above, the Respondent must continue to meet all requirements for maintaining a license, license renewal, and license reinstatement.
- C. 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).
- D. 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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 10/4/19

By: Elizabeth A. St. James
Elizabeth A. St. James
State Prosecuting Attorney

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Dated: Oct 3 2019

CHRISTINA SHATNEY
RESPONDENT

By: Christina Shatney
Christina Shatney

APPROVED AS TO FORM ONLY:

WILLIAM A. O'ROURKE, III, ESQ.
ATTORNEY FOR RESPONDENT

Dated: 10/3/19

By: William A. O'Rourke, III, Esq.
William A. O'Rourke, III, Esq.

APPROVED AND SO ORDERED:

Dated: 11/13/19

Date of Entry: 11.13.19

VERMONT BOARD OF DENTAL
EXAMINERS

By: [Signature]
Chairperson

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