

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

IN RE:)
LISA M. FRIGON) Docket No: DE03-0701
License No. 013-0001298)

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through Prosecuting Attorney, Robert H. Backus, and Respondent, Lisa M. Frigon, who stipulate and agree as follows:

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) The Respondent, Lisa M. Frigon, is licensed as a dental assistant holding license number 013-0001298, issued by the State of Vermont. This license was originally issued on or about September 15, 1997.
- 3) The Respondent's license is currently suspended pursuant to a Specification of Charges, Stipulation and Consent Order entered by the Board on or about December 12, 2001. Copy attached.
- 4) The Respondent has recently expressed her desire to return to practice as a dental assistant. In support of her reinstatement, the Respondent has provided a letter from her psychiatrist dated July 10, 2006 and a letter from her mental health counselor dated July 1, 2006. Both treating professionals recommend her return to practice.
- 5) The Respondent agrees that the conditions below are necessary for her to return to the practice.

Understandings

- 6) The Respondent understands that the Board of Dental Examiners must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.

STATE OF VERMONT



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

- 7) The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 8) The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- 9) The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- 10) The Respondent is voluntarily waiving her right to a contested hearing before the Board of Dental Examiners and waives any right to appeal from this Stipulation and Consent Order.
- 11) The Respondent agrees that the Order set forth immediately below may be entered by the Board of Dental Examiners.

ORDER

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

A. The Board of Dental Examiners hereby **CONDITIONS** Respondent's dental assistant registration for a minimum period of **TWO (2) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a minimum of two (2) years of supervised practice in which she works forty (40) hours every two (2) weeks as a dental assistant. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. At the end of two years the Respondent may petition the Board to have these conditions removed from her license.

(2) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue individual substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Board of ~~Pharmacy~~ that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the treating professional. Francis Kalibat, Debra Sargent and any ~~treatment providers~~ approved by them are approved.

Dental Examiners *RAJ* *LP*

(3) Notification to Treating Professional

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order. This condition shall be met within fifteen days of the entry of this order.

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(4) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on the treating professional's letterhead. The first report is due commencing the month after the date of reinstatement and subsequent reports are due quarterly thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Board of Pharmacy, either orally or in writing, at any time during the conditioned period.

(5) Notification to Employers.

During the conditioned period, Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a dental assistant and inform them of Respondent's conditional license status.

Within ten (10) days of the commencement of employment as a dental assistant, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

(6) Reports from Employers.

Within one (1) month of the date of commencement of employment as a dental assistant, and quarterly thereafter for the period the conditions are in place, Respondent shall cause every employer Respondent has worked for as a dental assistant during the quarter to submit to the Board an evaluation of Respondent's performance and attendance during that quarter. This report shall be submitted in writing on forms issued by the Board.

(7) Miscellaneous.

If Respondent violates the terms of this Consent Order in any respect, the Office of Professional Regulation, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(8) Respondent must fulfill all other requirements of licensure before she may resume practice.

B. 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).

C. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

STATE OF VERMONT



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

Dated:

8/9/06

By:

Robert H. Backus
State Prosecuting Attorney

LISA M. FRIGON
RESPONDENT

Dated:

8/9/06

By:

Lisa M. Frigon
Lisa M. Frigon

APPROVED AND SO ORDERED:
VERMONT BOARD OF DENTAL EXAMINERS

Dated:

8/9/06

By:

Thomas J. O'Connell
Chairperson

Date of Entry:

8/10/06

de.frigon.reinstate.stip

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Prosecuting Attorney
Office of
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**STATE OF VERMONT
BOARD OF DENTAL EXAMINERS**

IN RE:	)	
Lisa M. Frigon	)	Docket No. DE03-0701
License No.: 13-1298	)	

SPECIFICATION OF CHARGES, STIPULATION AND CONSENT ORDER

SPECIFICATION OF CHARGES

1. The Vermont Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by certified dental assistants pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §§862 to 867; the Administrative Rules of the Board and of the Office of Professional Regulation
2. Respondent Lisa M. Frigon, of Barre, Vermont, is a certified dental assistant holding registration number 13-1298, issued by the State of Vermont. This registration was originally issued on about September 15, 1997 and it is currently active.
3. Respondent was employed by Northern Vermont Oral Surgery, of Berlin, Vermont, from about September 1998 to about July 2001.
4. While in the course of her work, Respondent diverted, without authorization, regulated medication(s), including but not necessarily limited to fentanyl, at times during about December 2000.
5. Respondent diverted, without authorization, regulated medication(s), including but not necessarily limited to barbiturates, from a person to whom they were actually prescribed (to wit, her mother-in-law), at a times including about December 2000.

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6. While in the course of her work, Respondent diverted, without authorization regulated medication(s), including but not necessarily limited to fentanyl, at times during about June 2001.
7. Respondent then and there diverted said medication(s) intended for her own personal use.
8. Respondent ingested said medication(s).
9. The above act(s), omission(s) and/or circumstance(s), alone or in combination, violate: Board Rule 3.8 (4) (addiction to narcotics, habitual drunkenness or rendering professional services to a patient while intoxicated or under the influence of drugs); Board Rule 3.8 (5) (immoral conduct in professional practice); Board Rule 3.8 (16) (practicing in a manner so as to endanger the health or safety of the public); 3 VSA § 129a(a)(5) (practicing the profession when medically or psychologically unfit to do so), and; 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

Wherefore, Respondent's license should be disciplined.

STIPULATION

NOW COME the State of Vermont through its Attorney General, William H. Sorrell, and Lisa M. Frigon, who stipulate and agree as follows:

1. The Vermont Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by certified dental assistants pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §§862 to 867; the Administrative Rules of the Board and of the Office of Professional Regulation.

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2. Respondent Lisa M. Frigon, of Barre, Vermont, is a certified dental assistant holding registration number 13-1298, issued by the State of Vermont. This registration was originally issued on about September 15, 1997 and it is currently active.
3. Respondent was employed by Northern Vermont Oral Surgery, of Berlin, Vermont, from about September 1998 to about July 2001.
4. While in the course of her work, Respondent does not admit, but will not contest that she diverted, without authorization, regulated medications, including but not necessarily limited to fentanyl, at times including about December 2000.
5. Respondent does not admit, but will not contest that she diverted, without authorization, regulated medication(s), including but not necessarily limited to barbiturates, from a person to whom they were actually prescribed (her mother-in-law), at times including about December 2000.
6. While in the course of her work, Respondent does not admit, but will not contest that she diverted, without authorization, regulated medication(s), including but not necessarily limited to fentanyl, at times during about June 2001.
7. Respondent does not admit, but will not contest that she then and there diverted said medication(s) intended for her own personal use.
8. Respondent does not admit, but will not contest that she ingested said medication(s).
9. Respondent does not admit, but will not contest the conclusions of unprofessional conduct as set forth below in the Board's Order.
10. Respondent agrees that the Board may enter the Order set forth below.

10. Respondent understands that the Board must review and accept the terms of this Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
11. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. 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.
12. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
13. Respondent waives her right to a contested hearing before the Board on any pending charges.
14. Respondent has read and reviewed this entire document and agrees it contains the entire agreement between the parties.
15. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this agreement.

ORDER

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

A. The Vermont Board of Dental Examiners concludes that the acts, omissions and/or circumstances above constitute unprofessional conduct and violate: The above act(s), omission(s) and/or circumstance(s), alone or in combination, violate: Board Rule 3.8 (4) (addiction to narcotics, habitual drunkenness or rendering professional services to a patient while intoxicated or under the influence of drugs);

Board Rule 3.8 (5) (immoral conduct in professional practice); Board Rule 3.8 (16) (practicing in a manner so as to endanger the health or safety of the public); 3 VSA § 129a(a)(5) (practicing the profession when medically or psychologically unfit to do so), and; 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

B. Respondent's license is **SUSPENDED**.

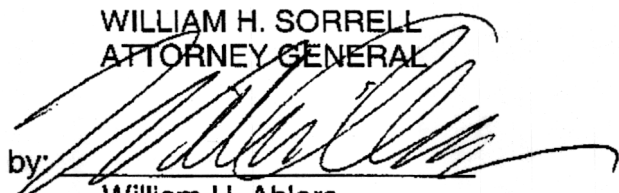
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7).

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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 12/9/01

by: 

William H. Ahlers
Assistant Attorney General

LISA M. FRIGON
RESPONDENT

Dated: 12/7/01

by: 

Lisa M. Frigon

APPROVED AND SO ORDERED:

BOARD OF DENTAL EXAMINERS

Dated: 12/12/01

by: 

Chairperson

Date of entry: 12/12/01

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