

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

IN RE:)
MELISSA S. HESS) Docket No: DE27-0405
Registration No.: 014-0002103)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through Prosecuting Attorney, Robert H. Backus, and Respondent, Melissa S. Hess, 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, Melissa S. Hess, is registered as a dental assistant by the State of Vermont under registration number 014-0002103.
3. The Respondent was hired on or about May 10, 2004 as a dental assistant by Dr. Gary Lee Morris in Morrisville, Vermont.
4. The Respondent originally applied for registration as a traditional dental assistant on April 11, 2005. The Respondent was granted registration on May 16, 2005.
5. From approximately May 10, 2004 through May 16, 2005, the Respondent performed professional responsibilities at Dr. Morris' office as a dental assistant.
6. During that time, the Respondent was not registered with the State of Vermont, Board of Dental Examiners as required by RBDE, Rule 2.1.

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

STATE OF VERMONT



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

- 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).

Understandings

8. 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.
9. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
10. This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
11. The Respondent is voluntarily waiving her right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
12. Respondent agrees 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. The Board of Dental Examiners hereby imposes an **ADMINISTRATIVE PENALTY OF ONE HUNDRED TWENTY FIVE DOLLARS (\$125.00)** against the Respondent. As the facts show noncompliance with administrative duties not related to patient, client or customer care, the Board finds that the conduct stipulated to **does not constitute unprofessional conduct**, pursuant to 3 V.S.A. §129(a)(3). This penalty shall be paid within ninety (90) days of the date of entry of this Order.
- 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 for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT



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9 Baldwin Street
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05609-1107

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 9/14/05

By: Robert H. Backus

Robert H. Backus
State Prosecuting Attorney

MELISSA S. HESS
RESPONDENT

Dated: 8/25/05

By: Melissa S. Hess

Melissa S. Hess

APPROVED AND SO ORDERED: VERMONT BOARD OF DENTAL
EXAMINERS

Dated: 10/12/05

By: Thomas D. Grello

Chairperson

Date of Entry: 10/14/05

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IN RE:)
MELISSA S. HESS) Docket No: DE27-0405
Registration No.: 014-0002103)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Melissa S. Hess:

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.

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- 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).

Relief Requested

WHEREFORE, the Respondent's license should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 19th day of June 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: Robert H. Backus

Robert H. Backus
State Prosecuting Attorney

dc.hess.soc

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