

**STATE OF VERMONT
BOARD OF**

In re: Tina M. Mullen

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Docket No. APP-DE-02-0701

Board members participating:

Dorothy Wootton, R.D.H.
Gertrude Hodge
Randall Miller, D.D.S.
Thomas Upsah, D.M.D.
Richard Dickinson, D.D.S.
Ray McCandless
Wesley Baker, D.M.D.

Appearances:

Petitioner, State of Vermont: Robert Backus
Respondent: Did not Respond

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on June 9, 2004 at the Redstone Building in Montpelier, Vermont. The Respondent did not attend and was not represented.

Findings of Fact

1. The Respondent was sent notice of the Charges against him/her by certified mail on March 8, 22002 her last known address.
2. Stamps on the envelope indicate the envelope was not deliverable to the addressee at that address. The return date was March 18, 2004.
3. Notice of the default hearing scheduled for this date was mailed to that same address by certified mail on March 26, 2004.
4. The Respondent has not answered the charges against her.
5. Upon hearing the State's presentation and taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the

State's specification of charges dated March 3, 2004 (copy attached) are therefore treated as the facts on which the Board's order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file and the State's presentation. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. O.P.R. rule 3.4. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby REVOKED, effective as of the date of the hearing.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: 
Randall Miller, D.D.S.,
Acting Chair

Date: June 9, 2004

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/10/04

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

IN RE:)
TINA M. MULLEN) Docket No: APP-DE-02-0701
Registration No.: 013-0001287)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Tina M. Mullen:

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, Tina M. Mullen, is registered as a dental assistant by the State of Vermont under registration number 013-0001287.

3. Respondent was originally granted registration on August 25, 1995. Respondent's registration lapsed on September 30, 2003 and the registration has not been renewed.

4. Respondent's registration is conditioned pursuant to an Findings of Fact, Conclusions of Law, and Order on Petition for Reinstatement of Registration entered on December 12, 2001. The Order requires, among other things, that the Respondent comply with all probation conditions and that the result of her random drug screens be furnished to the Board during the conditioned period. (See Attachment A).

5. Since the date of the Order, the Board has not received any documentation indicating that the Respondent has been in compliance with all probation conditions, nor has the Board received any of the required drug screen results. Therefore, the Respondent is in violation of the Order.

6. In addition, the Board has attempted to contact the Respondent via mail at the address currently on file, which is 54 Valade Park, Burlington, VT 05401. The mail was returned to the Board as undeliverable. Thus, the Respondent has not notified the Board of her change of address, as required under RBDE, Rule 3.7.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Charges

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

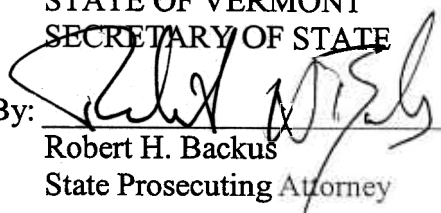
- (i) 3 V.S.A. §129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board); and
- (ii) RBDE, Rule 3.7 (It is the responsibility of the licensee or registrant to notify the Office promptly of any changes in name or address).

Relief Requested

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

Dated at Montpelier, Vermont this 3rd day of March 2004.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Robert H. Backus
State Prosecuting Attorney

de.app.mullen.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

**STATE OF VERMONT
BOARD OF DENTAL EXAMINERS**

In re Tina M. Mullen, CDA

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Docket No. APP-DE02-0701

013 - 1287

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
ON PETITION FOR REINSTATEMENT OF REGISTRATION

The Board of Dental Examiners (Board) held a hearing in the above-referenced matter on November 14, 2001, at the Office of the Secretary of State, 26 Terrace Street, Montpelier, Vermont. Board Hearing Panel Members David Averill, DDS (Chair), Gertrude Hodge, Randall Miller, DDS, Linda Retchin, RDH, Katherine Silloway, DDS, and James Wright, DDS, participated in the decision. Petitioner Tina M. Mullen, CDA, attended the hearing and represented herself. Assistant Attorney General George C. Haegele, IV, appeared for the State.

Findings of Fact

1. Petitioner Tina M. Mullen was registered by the Board as a certified dental assistant (CDA) between 1995 and 1997. Her CDA registration lapsed in 1997 because she failed to renew it.
2. Mullen suffers from depression and has been addicted to cocaine and alcohol for approximately 14 years. During that period, she relapsed several times, most recently in November 2000. She has been sober since then.
3. During her years of addiction, Mullen acquired a criminal record, including three convictions for driving while intoxicated as well as convictions for burglary, resisting arrest, retail theft, and providing false information to a police officer, among other offenses.
4. As a result of her various criminal convictions, Mullen served a total of six months in prison and will remain on parole for another five years. She must undergo random drug testing as long as she remains on parole, must not consume alcohol or drugs, and must not leave the state without permission.
5. Mullen has been in treatment for substance abuse since 1998. She has undergone intensive substance abuse counseling and vocational rehabilitation counseling. She sees a therapist regularly and attends Alcoholics Anonymous twice a week.
6. Employment is a critical part of Mullen's rehabilitation process. She has never consumed drugs or alcohol while at work, hurt a patient, or had employment-related problems. She is currently employed by a dentist as a traditional dental assistant, which has helped to bolster her self-esteem.

7. Mullen has passed the qualification examination administered by the Dental Assisting National Board (DANB), is currently certified as a CDA by the DANB, and is professionally qualified to work as a CDA.

8. Mullen acknowledges her addiction and underlying depression and is remorseful for the harm her past behavior has caused her and her family. She believes that recovery from addiction happens one day at a time and that no one who has been addicted to drugs or alcohol can ever state with certainty that he or she has completely recovered. As of the date of the hearing, Mullen stated that she had been sober for 12 months and 12 days.

Conclusions of Law

As part of the license reinstatement application, petitioners are notified that they must show (1) present possession of entry level qualifications, (2) specific rehabilitation, (3) good moral character and fitness, (4) methods of assuring public safety, and (5) that reinstatement will not be detrimental to the integrity of the profession or subversive of the public interest.

While it is true that Mullen relapsed as recently as November 2000, she has been sober since then. There is no doubt that she possesses the necessary professional qualifications to practice as a CDA. Employment in the dental field is very important to Mullen's rehabilitation. If her registration is reinstated, she is willing to abide by any conditions placed on her registration by the Board.

If her registration is reinstated, she must work under the direct supervision of her employing dentist, Board Rule 3.4(D), who must be readily available at the dental facility for consultation or intervention. In this way, public safety can be assured.

To further assure public safety, the Board will place conditions on Mullen's registration that require her to comply with the conditions of her parole, provide the results of her random drug screens to the Board's designee, notify any current or new employer of her conditioned registration, and provide a copy of this order to every employer for whom she works during her parole. These conditions will remain in effect until removed by the Board.

If the Vermont District Court modifies Mullen's conditions of parole, Mullen is responsible for petitioning the Board for modification of the conditions imposed by this order. Similarly, if the Court imposes additional or more stringent conditions on Mullen, it will be in the State's best interest to notify the Board of such modification and request amendment of this order.

Order

On the basis of the Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED by the Vermont Board of Dental Examiners that:

1. The petition for reinstatement of Tina M. Mullen's CDA registration is GRANTED.

2. The CDA registration of Tina M. Mullen is CONDITIONED as follows:

(A) Mullen shall comply with all conditions of release imposed on her by the Vermont District Court in granting her parole.

(B) Mullen shall cause the results of her random drug screens to be furnished directly by the screener to the Board's designee, Rita C. Knapp, Licensing Unit Administrator, Office of the Secretary of State, Office of Professional Regulation, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106. Telephone: 802-828-2808.

(C) Mullen shall notify any current or new employer of the conditioned status of her CDA registration.

(D) Mullen shall furnish a copy of this order to her current employer and to any new employer.

3. The conditions imposed by this order shall remain in effect until removed by the Board.

4. Mullen shall bear all costs of compliance with this order.

5. Pursuant to 3 V.S.A. § 129(a)(7) and 131(c)(2)(C), this document is a public record and may be provided to other licensing authorities.

6. This order, which was delivered orally at the hearing, took effect **November 14, 2001**.

Appeal Rights

This is a final administrative determination. A party (petitioner or the State) may appeal by filing a written notice of appeal with the Director of the Office of Professional Regulation, Office of the Secretary of State, within 30 days of the date of entry shown below. The filing of a notice of appeal does not automatically stay the Board's order.

Dated: 12/12/01

BOARD OF DENTAL EXAMINERS

By: David C. Averill
David Averill, DDS
Chair

Date of Entry: 12/12/01