

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

In re: Lura Pratson
License No. 014.0123559

Docket No. M2016-72/2016-486

ORDER: MOTION TO MODIFY ORDER

Appearances:

State Prosecutor, Elizabeth A. Jarvis, Esq.
Licensee: Did not appear

Board of Dental Examiners

David Baasch, DDS Chair
Sally Buell, RDH
Mimi Kevan, public member
Randall Miller, DDS
Jennie Kendall, RDH
Gerald Theberge, DDS

Presiding Officer: Michael S. Kupersmith, Administrative Law Officer

Introduction

On or about August 17, 2016, Lura Pratson applied to be licensed as a traditional dental assistant. Ms. Pratson had not previously been licensed in the State of Vermont. In her application, Ms. Pratson disclosed that she had previously been convicted of a felony. A felony conviction is considered to be unprofessional conduct, *per se*. On or about September 14, 2016, Ms. Pratson entered into a stipulation and consent order in which she agreed that the Board would issue a conditioned license. The Order, which incorporated the stipulation, was entered on September 14, 2016.

As per the stipulation, the Board's Order placed a Reprimand on Ms. Pratson's license. The Order also provided that the conditions would remain in place for a minimum of six months. Until the conditions are removed, Ms. Pratson must submit a monthly report from a professional employer stating "that she is meeting expectations of her employment and demonstrating compliance with the rules and statutes of the profession . . ." Other conditions were imposed as well.

On January 12, 2017, a letter was filed on Ms. Pratson's behalf by Margaret Janisse, DMD. The letter petitioned for early removal of the conditions on Ms. Pratson's license. Dr. Janisse stated that Ms. Pratson "has been loyal, dependable, competent and trustworthy," but that because of "scheduling changes" she was forced to let her go. Dr. Janisse explained that she was

requesting early removal of conditions so that Ms. Pratson would have a better chance of obtaining new employment. The Board set a hearing on the petition for February 8, 2017.

Ms. Pratson herself did not request early removal of conditions, but she was apparently aware that Dr. Janisse had intervened on her behalf. On February 7, she sent an email to the Docket Clerk which reads as follows:

I will not be able to attend the hearing tomorrow, however I will be typing something up for the board in my absence – should I send this doc[ument] to you to present tomorrow? [sic]

The Docket Clerk responded,

As the docket clerk, I receive filed documents and include them in your file. I cannot give you advice, present documents on your behalf, or waive filing rules.

Ms. Pratson replied,

I am sorry – I didn't mean to have you orally present it but rather to include it in the meeting for the members to be able to view/read should they wish- ? [sic]

Or is the better question to ask – How may I send a short excerpt to be viewed in my absence tomorrow at the meeting? [sic]

Thank you

The two emails constitute the sole correspondence from Ms. Pratson. She did not send any material to the docket clerk and, as noted, did not appear at the hearing. She did not request the opportunity to participate by telephone. No evidence was presented on her behalf at the hearing.

Discussion

The petition for early removal of conditions is unusual because the Licensee did not herself make the request. Ms. Pratson at some time apparently became aware of the efforts of Dr. Janisse, but did not advise the Board that she was joining in the petition.

It appears that Dr. Janisse intervened on behalf of Ms. Pratson because she believed that early removal of conditions on her license would make it easier for Mr. Pratson to obtain employment after she was forced to terminate her. However, the Board was not presented with evidence that Ms. Pratson was having any difficulty obtaining new employment because of the conditions. (It is important to note that if and when conditions are removed, the official Reprimand will remain as part of Ms. Pratson's file, as will the fact that the license was once conditioned. Removal of the conditions will not expunge the record.)

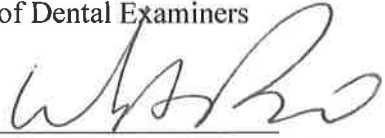
Although the Petition is denied, this order is issued without prejudice. If Ms. Pratson finds that obtaining new employment proves to be difficult because of the existence of the conditions, she may petition the Board again and present evidence in support of the renewed

petition. The Board will give due consideration to any future petition. If Ms. Pratson does obtain new employment, the Board suggests that she fulfill the conditions of the consent order before seeking removal.

ORDER

The petition for early removal of conditions is *denied* without prejudice.

Board of Dental Examiners

By: 
David Baasch DDS, Chair

Date of Entry: 2/17/17

APPEAL RIGHTS

This is a final administrative determination by the Board of Dental Examiners. A party aggrieved by a final decision by the Board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, Office of Professional Regulation, 89 Main St., Fl. 3, Montpelier, VT 05602-34025, within 30 days of the entry of this Order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the Administrative Law Officer. In cases of alleged irregularities in procedure before the Administrative Law Officer, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a. A stay may also be requested.