

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

In the Matter of)
Nicole Parenteau, RDA)
License No. DA03751)
Expired October 31, 2021)
_____)

Docket No. DEN-2019-0143

FINAL DECISION AND ORDER BY DEFAULT

On August 16, 2021, the Board of Registration in Dentistry (“Board”) issued and duly served on Nicole Parenteau (“Respondent”) an Order to Show Cause (“Show Cause Order”)¹ related to a complaint filed regarding Respondent’s license. In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order (“Answer”) was to be submitted within 21 days of receipt of the Show Cause Order.² The Show Cause Order also notified Respondent of the right to request a hearing on the allegations,³ and that any hearing request (“Request for Hearing”) was to be submitted within 21 days of receipt of the Show Cause Order.⁴ Respondent was further notified that failure to submit an Answer within 21 days “shall result in the entry of default in the captioned matter” and, if defaulted, “the Board may enter a Final Decision and Order that assumes the truth of the allegations in the [Show Cause Order] and may revoke, suspend, or take other disciplinary action against [Respondent’s] license...including any right to renew [Respondent’s] license.” A copy of the Show Cause Order is attached to this Final Decision and Order by Default and is incorporated herein by reference.

The Board has afforded Respondent an opportunity for a full and fair hearing on the allegations in the Show Cause Order as required by M.G.L. c. 30A, § 10, and

¹ Pursuant to 801 CMR 1.01(6)(a).

² In accordance with 801 CMR 1.01(6)(d)(2).

³ Pursuant to M.G.L. c. 112, § 61.

⁴ Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

sufficient notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as required by M.G.L. c. 30A, § 11(1).

As authorized by M.G.L. c. 30A, § 10(2), the Board may make informal disposition of any adjudicatory proceeding by default. Upon default, the allegations of the complaint against Respondent are accepted as true. *Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943 (1990).

Based on the foregoing, the allegations in the Show Cause Order are deemed to be true and Respondent has waived the right to be heard. In accordance with the Board's authority and statutory mandate, the Board orders as follows:

ORDER

Based on its Final Decision by Default, the Board **REVOKES** the Respondent's license to practice as a dental assistant in Massachusetts, License No. DA03751 indefinitely. The Board further revokes the Respondent's right to renew her license. If Respondent renews her license to practice as a dental assistant in Massachusetts before the Effective Date of this Final Decision and Order by Default, the Board Revokes said license.

Respondent is hereby ordered to return any dental assistant license issued to her by the Board, whether current or expired, to the Board's office at 250 Washington Street, Boston, Massachusetts 02108, by hand or by certified mail, within ten (10) days of the Effective Date set forth below.

Respondent shall not practice as a dental assistant in Massachusetts on or after the Effective Date of this Order. "Practice as a dental assistant" includes, but is not limited to, seeking and accepting a paid or voluntary position as a dental assistant or performing responsibilities or duties within the scope of dental assisting or in any way representing herself as a dental assistant in Massachusetts. The Board shall refer any evidence of unlicensed practice to appropriate law enforcement authorities for prosecution as provided by M.G.L. c. 112, §§ 52 and 65.

The Board may choose to reinstate Respondent's license if the Board determines in its sole discretion that reinstatement is in the best interests of the public health, safety and welfare.

Respondent may petition the Board in writing for reinstatement when she can provide documentation **satisfactory to the Board** demonstrating her ability to practice dental assisting in a safe and competent manner. Respondent's written petition for reinstatement shall include all documentation required by 234 CMR 4.16, in addition to the following requirements:

1. Verification the Respondent has taken Board pre-approved continuing education in risk management (4 hours) and ethics (1 hour).
 - a. the continuing education must be taken as a lecture or live webinar, and
 - b. must be pre-approved by the probation department coordinator before registering for or taking the continuing education.
2. Within thirty-days of submitting a petition for reinstatement, Respondent shall take and pass the Board's Ethics and Jurisprudence exam for Dental Assistants.

The Board may condition its approval of Respondent's petition for reinstatement upon the Respondent entering into a Consent Agreement for Probation or Stayed Probation of Respondent's dental assisting license for a period of time with such restrictions and requirements that the Board may at that time and in its sole discretion determine are reasonably necessary to protect the public health, safety, and welfare.

On September 7, 2022, in accordance with the Board's authority and statutory mandate, the Board voted to adopt the within Final Decision and Order by Default and revoke the respondent's dental assistant license, DA03751:

In Favor: Stacy Haluch, Dr. Patricia Wu, Dr. Richard Miller, Dr. Thomas Trowbrdige, Jacyn Stultz, Dr. Michael Scialabba, Jennifer McKeon

Opposed:

Abstained:

Recused:

Absent: Ailish Wilkie, Dr. Seema Jacob

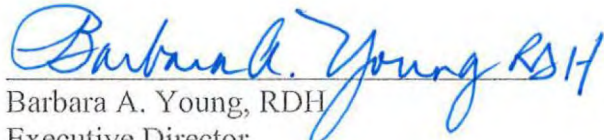
EFFECTIVE DATE OF ORDER

This Final Decision and Order by Default becomes effective upon the tenth (10th) day from the date issued (see "Date Issued" below).

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order by Default to the Supreme Judicial Court pursuant to M.G.L. c. 112, § 64. Respondent must file any appeal within thirty (30) days of receipt of this notice of Final Decision and Order by Default.

Board of Registration in Dentistry,

A handwritten signature in blue ink that reads "Barbara A. Young RDH". The signature is written in a cursive style and is positioned above the printed name and title.

Barbara A. Young, RDH
Executive Director
Board of Registration in Dentistry

Date Issued:

Notified:

By first-class and certified mail no. 7019 0140 0000 7222 9105

Nicole Parenteau, RDA

36 Knight St.

Woonsocket, RI 02895

By inter-office mail

Patricia Blackburn, Esq.

Prosecuting Counsel

Department of Public Health

250 Washington Street

Boston, MA 02108

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

_____)
Board of Registration in Dentistry)

Petitioner)

v.)

_____)
NICOLE PARENTEAU,)

DA License No.: DA03751)

License Expires 10/31/2021)

Respondent)
_____)

Docket No. DEN-2019-0143

ORDER TO SHOW CAUSE

NICOLE PARENTEAU, you are hereby ordered to appear and show cause why the Massachusetts Board of Registration in Dentistry ("Board") should not suspend, revoke, or otherwise take action against your license to practice as a Dental Assistant ("DA") in the Commonwealth of Massachusetts, License No. DA03751 or your right to renew such license, pursuant to Massachusetts General Law (G.L.), Chapter 112, § 61, and Code of Massachusetts Regulation (CMR) Title 234, § 2.00 *et. seq.*, based upon the following facts and allegations:

1. On or about May 19, 2015, the Board issued to you a license to engage in the practice of dentistry as a DA in the Commonwealth of Massachusetts, License No. DA03751 ("License"). Your license will expire on October 31, 2021, unless otherwise renewed.
2. From on or about 2014 until on or about November of 2018, you worked as DA for Lakewood Park Orthodontics located in Natick, Massachusetts.
3. On or about October 31, 2017, your License expired.
4. On or about November 27, 2018, you submitted a License Reactivation Application ("Application") with the Board.
5. As part of the Application process, you were required to submit proof that you completed twelve (12) Continuing Education Units ("CEU") during the 2015-2017 licensure cycle (i.e., between November 1, 2015 and October 31, 2017).
6. You did not submit proof that you completed twelve (12) CEUs during the 2015-2017 licensure cycle.

7. On at least one (1) occasion between November 1, 2017 through November 2018, you practiced dental assisting without a valid license.
8. On or about August 26, 2019, your License was reactivated.

Grounds for Discipline¹

- A. Your conduct, as alleged in paragraphs 1 through 8, as well as other evidence that may be adduced at hearing, warrants disciplinary action by the Board against your license to practice as an DA and/or your right to renew your license pursuant to G.L. c. 112, § 52, by practicing dental assisting after your dental assistant license expired.
- B. Your conduct, as alleged in paragraphs 1 through 8, as well as other evidence that may be adduced at hearing, warrants disciplinary action by the Board against your license to practice as a DA and/or your right to renew your license pursuant to G.L. c. 112 § 51A and 234 CMR 8.02(4) for failing to complete 12 CEUs in the 24 months immediately preceding October 31, 2017.
- C. Your conduct, as alleged in paragraphs 1 through 8, as well as other evidence that may be adduced at hearing, warrants disciplinary action by the Board against your license to practice as an DA and/or your right to renew your license pursuant to G.L. c. 112, § 61, for committing deceit, malpractice, gross misconduct in the practice of the profession, or any offense against the laws of the Commonwealth relating thereto.
- D. Your conduct, as alleged in paragraphs 1 through 8, as well as other evidence that may be adduced at hearing, also constitutes unprofessional conduct and conduct that undermines public confidence in the integrity of the dentistry profession as defined in *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); *see also*, *Kvitka v. Board of Registration in Medicine*, 407 Mass. 140, cert. denied, 498 U.S. 823 (1990); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982).

You have a right to an adjudicatory hearing (“hearing”) on the allegations contained in the Order to Show Cause before the Board determines whether to suspend, revoke, or impose discipline against your license. G.L. c. 112, §61. Your right to a hearing may be claimed by submitting a written request for a hearing *within twenty-one days of receipt of this Order to Show*

¹ It is well-settled administrative law that due process requires that “notice must be given that is reasonably calculated to apprise an interested party of the proceeding and to afford him an opportunity to present his case;” due process does not require Prosecuting Counsel to provide a detailed description of evidence they intend to introduce at a disciplinary hearing. *Langlitz v. Board of Registration of Chiropractors*, 396 Mass. 374, 376-377 (1985). *See Lapointe v. License Board of Worcester*, 389 Mass. 454, 458 (1983) (“[d]ue process requires notice of the grounds on which the board might act rather than the evidentiary support for those grounds”). Thus, notice pleadings do not require Prosecuting Counsel to match factual allegations to grounds for discipline. Similarly, factual allegations are not necessarily an exhaustive characterization of the evidence to be adduced at a hearing.

Cause. You must also submit an Answer to this Order to Show Cause in accordance with 801 CMR 1.01 (6)(d) *within twenty-one days of receipt of this Order to Show Cause.* The Board will give you prior written notice of the time and place of the hearing following receipt of a written request for a hearing.

Hearings shall be conducted in accordance with the State Administrative Procedure Act, G.L. c. 30A, §§10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03, under which you are granted certain rights including, but not limited to, the rights: to a hearing, to secure legal counsel or another representative to represent your interests, to call and examine witnesses, to cross-examine witnesses who testify against you, to testify on your own behalf, to introduce evidence, and to make arguments in support of your position.

The Board will make an audio recording of any hearing conducted in the captioned matter. In the event that you wish to appeal a final decision of the Board, it is incumbent on you to supply a reviewing court with a "proper record" of the proceeding, which may include a written transcript. *New Bedford Gas and Light Co. v. Board of Assessors of Dartmouth*, 368 Mass. 745, 749-750 (1975). Upon request, the Board will make available a copy of the audio recording of the proceeding at your own expense. Pursuant to 801 CMR 1.01 (10)(i)(1), upon motion, you "may be allowed to provide a public stenographer to transcribe the proceedings at [your] own expense upon terms offered by the Presiding Officer." Those terms may include a requirement that any copy of the transcript produced must be sent promptly upon completion and on an ongoing basis directly to the Presiding Officer by the stenographer or transcription service. The transcript will be made available to the Prosecutor representing the Board. Please note that the administrative record of the proceedings, including but not limited to, the written transcript of the hearing is a public record and subject to the provisions of G.L. c. 4, §7 and G.L. c. 66, §10.

Your failure to submit an Answer to the Order to Show Cause within twenty-one days of receipt of the Order to Show Cause *shall result in the entry of default* in the above-captioned matter. Your failure to submit a written request for a hearing within twenty-one days of receipt of this Order to Show Cause *shall constitute a waiver of the right to a hearing* on the allegations herein and on any Board disciplinary action.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or failure to otherwise defend this action shall result in the entry of default.

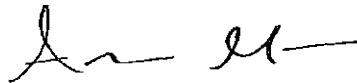
If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your license to practice as a Dental Assistant in the Commonwealth of Massachusetts, including any right to renew your license.

Your Answer to the Order to Show Cause and your written request for a hearing must be filed with Andrew Mazzuchelli, Esq., Prosecuting Counsel, at the following address:

Andrew Mazzuchelli, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel
250 Washington Street, 2nd floor
Boston, MA 02108-4619

You or your representative may examine Board records relative to this case prior to the date of the hearing during regular business hours at the office of the Prosecutor. If you elect to undertake such an examination, please contact Prosecuting Counsel in advance at (781) 343-3571 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION IN DENTISTRY,



By:

Andrew Mazzuchelli, Esq.
BBO #699870
Prosecuting Counsel
Department of Public Health
andrew.p.mazzuchelli@mass.gov

Date: August 16, 2021

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause, and this Certificate of Service were served upon the Respondent, Nicole Parenteau, at her addresses of record with the Board:

By First Class and Certified Mail

No.: 7019 0140 0000 7217 4740

Nicole Parenteau
36 Knight Street
Woonsocket, RI 029895

and by e-mail: [Redacted]

this 16th day of August 2021



Andrew Mazzuchelli, Esq.
Prosecuting Counsel
andrew.p.mazzuchelli@mass.gov