

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

_____)
Board of Registration in Dentistry)
Petitioner)

v.)

_____)
PARMENIDE DUPONT,)
DA License No.: DA03927)
License Expired 10/31/2019)
Respondent)
_____)

Docket No. DEN-2018-0208

FINAL DECISION AND ORDER BY DEFAULT

On December 3, 2021, the Board of Registration in Dentistry ("Board") issued and duly served on Parmenide Dupont ("Respondent"), an Order to Show Cause ("Show Cause Order") related to a complaint filed regarding Respondent's license.¹ In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order 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

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, s. 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.

Parmenide Dupont

DA03927

DEN-2018-0208

Final Decision and Order

result in the entry of default in the above-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.” Copies of the Show Cause Order are attached to this Final Decision and Order by Default and are incorporated herein by reference.

As of the date of this Final Decision and Order by Default, Respondent has failed to file either an Answer or a Request for Hearing.

The Board has afforded Respondent an opportunity for a full and fair hearing on the allegations in the Show Cause Order as required by G.L. c. 30A, § 10, and sufficient notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as required by G.L. c. 30A, § 11(1). The Board has also notified Respondent of the obligation under 801 CMR 1.01(6)(d) to file an Answer to the Show Cause Order within 21 days of its receipt and of the consequences of failing to file an Answer or otherwise respond.

As authorized by 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 Board enters a default in the above-captioned matter and, consequently, the allegations in the Show Cause Order are deemed to be true and

Parmenide Dupont
DA03927
DEN-2018-0208
Final Decision and Order

Respondent has waived the right to be heard. In accordance with the Board's authority and statutory mandate, the Board orders as follows:

ORDER

On May 4, 2022, in accordance with the Board's authority and statutory mandate, the Board voted to issue this Final Decision and Order by Default and impose a Reprimand on Respondent's Dental Assistant license, DA03927.

In Favor: Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob, Ms. Jacyn Stultz, Ms. Jennifer McKeon

Opposed: None

Abstained: None

Recused: None

Absent: Ms. Stacy Haluch, RDH; Ms. Ailish Wilkie

EFFECTIVE DATE OF ORDER

The Final Decision and Order by Default shall be effective 10 days from the Date Issued.

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order to the Supreme Judicial Court, pursuant to M.G.L. c. 112, § 64 and M.G.L. c. 30A, §§ 14 and 15, within thirty (30) days of receipt of notice of this Final Decision and Order by Default.

BOARD OF REGISTRATION

Parmenide Dupont
DA03927
DEN-2018-0208
Final Decision and Order

IN DENTISTRY

Barbara A. Young, RDH (jr)

Barbara A. Young, RDH

Executive Director

Date Issued:

9/13/2022

Notice to:

BY FIRST CLASS & CERTIFIED MAIL NO. 7021 0350 000144926734

RETURN RECEIPT REQUESTED

Parmenide Dupont
4 Stockton St.
Dorchester Center, MA 02124

Parmenide Dupont
DA03927
DEN-2018-0208
Final Decision and Order

Certificate of Service

I hereby certify that a copy of the foregoing *Final Decision and Order by Default* was served upon the Respondent, Parmenide Dupont, at her address of record with the Board by first class and certified mail no. 7021 0350 0001 4492 6734, return receipt requested:

Parmenide Dupont
4 Stockton Street
Dorchester Center, MA 02124

By e-mail: Redacted

By hand:

Patricia Blackburn
Acting Chief Prosecutor
Massachusetts Department of Public Health
Office of the General Counsel
250 Washington Street
Boston, MA 02108

This 13th day of September, 2022.

s/
Michael Egan
Board Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

_____)
Board of Registration in Dentistry)

Petitioner)

v.)

_____)
PARMENIDE DUPONT,)

DA License No.: DA03927)

License Expired 10/31/2019)

Respondent)

Docket No. DEN-2018-0208

ORDER TO SHOW CAUSE

PARMENIDE DUPONT, 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. DA03927 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 28, 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. DA03927 ("License"). Your license expired on October 31, 2019, and has not been renewed as of the date of issuance of this Order to Show Cause ("OTSC").
2. From on or about July 6, 2017 until on or about July 27, 2018, you worked as DA for Dr. Irays Santamaria located in Boston, Massachusetts.
3. On or about October 31, 2017, your License expired.
4. On or about May 29, 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. The CEU's that you submitted with your Application were taken after the 2015-2017 licensure cycle, with the exception of two (2)¹ of them.
7. On at least one (1) occasion between November 1, 2017 through July 27, 2018, you practiced dental assisting without a valid license.
8. On or about October 30, 2018, your License was reactivated.
9. You failed to provide responses of any kind to the Board's multiple inquiries and information requests that were sent on or about the following dates:
 - a. February 14, 2019 notification of commencement of complaint sent to your Address of Record ("AOR");
 - b. December 9, 2020 notification of complaint and Consent Agreement sent to your AOR and two (2) E-mail Addresses of Record ("EAOR");
 - c. February 5, 2021 notification of complaint sent and Consent Agreement sent to your two (2) EAOR's;
 - d. March 10, 2021 voice message left at your Phone Number of Record ("PNR");
 - e. March 17, 2021 notification of complaint and Consent Agreement sent your AOR;
 - f. July 12, 2021 notification of complaint and request to contact Board Counsel sent with high importance to your two (2) EAOR's; and
 - g. July 12, 2021 voice message left at your PNR.

¹ Infection Control, (5/10/2017; 1 Credit); Basic Life Support (6/1/2017; 3 Credits).

Grounds for Discipline²

- A. Your conduct, as alleged in paragraphs 1 through 9, 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, § 52 and 234 CMR 4.14(6), by practicing dental assisting after your dental assistant license expired.
- B. Your conduct, as alleged in paragraphs 1 through 9, 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 § 51 ½ 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 9, 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 234 CMR 9.03(1)(r) by failing to provide a written response to the Board's complaint.
- D. Your conduct, as alleged in paragraphs 1 through 9, 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, § 61, for committing deceit, malpractice, gross misconduct in the practice of the profession, or any offense against the laws of the Commonwealth relating thereto.
- E. Your conduct, as alleged in paragraphs 1 through 9, 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*

² 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.

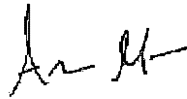
If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your license to practice as a Dental Assistant in the Commonwealth of Massachusetts, including 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: December 3, 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, Parmenide Dupont, at her addresses of record with the Board:

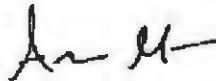
By First Class and Certified Mail

No.: 7019 0700 0000 3087 5555

Parmenide Dupont
4 Stockton Street
Dorchester Center, MA 02124

and by e-mail: Redacted

this 3rd Day of December 2021



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