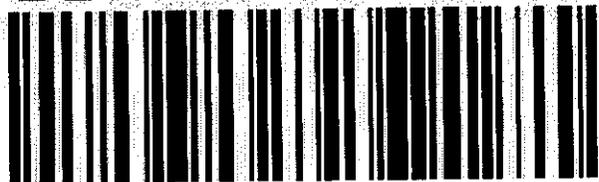


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

Administrative Action

PAULETTE GAYLE, RDA  
License No. DP 3788

FINAL ORDER  
OF DISCIPLINE

CERTIFIED TRUE COPY

REGISTERED DENTAL ASSISTANT  
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Dentistry following review of information resulting in the filing of a Provisional Order of Discipline on February 14, 2005 as to Paulette Gayle ("respondent"). That order asserted that respondent's registration as a registered dental assistant should be rescinded. Respondent was issued the registration in March 2001. The Board was subsequently notified by the licensing examination body that there had been a scoring error with regard to respondent's test and that she had not passed the licensing examination. Despite repeated notices that she was required to take and pass the licensing examination, respondent had failed to do so and had failed to return her registration to the Board. The Provisional Order sought to rescind respondent's registration and to require an appearance before the Board prior to resuming active practice. The Provisional Order directed respondent to submit to the Board any information that would support a modification or dismissal of the Board's preliminary order.

On February 15, 2005, Board staff mailed, by both regular and certified mail, return receipt requested, respondent at her address of record, a copy of the Provisional Order. The certified mailing was returned to the Board office as "unclaimed." The letter containing the Provisional Order sent by regular mail was not returned to the Board office. On March 28, 2005, prior to the

Board's finalization of the matter, Deputy Attorney General Joseph Donofrio wrote a letter to the Board and with a copy to respondent, noting that respondent had failed to reply. He asked the Board to rescind her registration.

The Board at its meeting on April 6, 2005, had the opportunity to review the Provisional Order and supporting documents and the March 28, 2005 letter from counsel. As respondent has not submitted any information or materials to the Board for its consideration, the Board will proceed to finalization of this matter.

#### FINDINGS OF FACT

1. Paulette Gayle is a registered dental assistant in the State of New Jersey and has been a registered dental assistant since March 9, 2001.

2. On June 28, 2002, the Board was informed by the Dental Assisting National Board ("DANB") that there was an error in scoring concerning the General Chair-side portion of the Certified Dental Assistant examination. An applicant must pass the Certified Dental Assistant examination in order to be registered as a dental assistant in the state of New Jersey. As a result of that error in scoring, two New Jersey applicants, who had previously been issued a passing score, were determined to have failed the exam. DANB advised the Board that respondent was one of the New Jersey applicants whose test results changed from pass to fail after the discovery of a scoring error.

3. On May 10, 2002, DANB notified respondent in writing that there was an error in scoring and that she had actually failed the General Chair-side portion of the Certified Dental Assistant examination. DANB also informed respondent that as a result of the error in scoring, she was required to retake the General Chair-side portion. She was informed that she needed to contact DANB in order to arrange to retake the exam. Board records also indicate that the Executive Director of DANB spoke with respondent by telephone and informed her that she had

actually failed the General Chair-side portion of the examination, and as a result, would have to retake this portion of the exam.

4. Respondent failed to contact DANB in order to register to retake the General Chair-side portion of the exam. As a result, the Board sent respondent a letter dated December 11, 2002. That letter again informed respondent that she had failed the General Chair-side examination administered by DANB and that successful completion is a condition of licensure for registered dental assistants in New Jersey. The letter also informed respondent that her continued registration as a registered dental assistant was in jeopardy unless she registered to retake the examination. The Board advised respondent that she had thirty days to contact DANB and arrange to take the next available reexamination and failure to do so would result in rescission of her registration. Respondent was also instructed to notify the Board office, in writing, of her intentions by the close of business on January 10, 2003. The letter was sent via regular and certified mail. The certified mailing was received by respondent as evidenced by the signed green postcard. The regular mail was not returned.

5. Respondent failed to contact DANB to register to retake the examination. Respondent also failed to notify the Board in writing by January 10, 2003 regarding her intentions.

6. As a result of her failure to respond to the letter of December 11, 2002, the Board sent respondent a letter dated January 24, 2003. That letter informed respondent that her failure to contact the Board office within seven days of receipt of the letter would result in the matter being referred to the Board for review and appropriate action at the February 5, 2003 Board meeting. The letter was sent via certified mail. That letter was returned to the Board office marked as "unclaimed".

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\* The January 24, 2003 certified letter was returned "unclaimed," and there is no evidence in the record that the letter was sent by regular mail. The Board notes that while respondent may not have received the letter, the Board's rules require that its licensees keep a current address on file and contemplate that service of Board initiated process at a licensee's address of record is

7. On October 22, 2003, Board staff contacted respondent by telephone and informed her that she need to write a letter to the Board indicating her intention with regard to retaking the General Chair-side portion of the DANB examination. As a result, respondent faxed a letter to the Board dated October 23, 2003. In the letter, respondent indicated she was not aware of how serious the matter was as it related to her license. She further indicated she believed she could retake the exam whenever she chose, but now realized this was not accurate. Respondent concluded by stating that she would retake the test in December.

8. As of the date of the Provisional Order of Discipline, respondent had failed to register to retake the General Chair-side portion of the DANB examination and had failed to contact the Board concerning her intentions. However, respondent submitted an application to renew her registration as a registered dental assistant for the January 1, 2005 to December 31, 2006 renewal period. Since the filing of the Provisional Order of Discipline in February 2005, respondent has not provided the Board with any further information regarding her taking the DANB examination.

#### DISCUSSION

The Provisional Order of Discipline entered on February 14, 2005 was served upon respondent by certified and regular mail to her address of record with the Board under cover letter dated February 15, 2005. The certified letter was returned "unclaimed;" the regular mail was not returned. The Board finds respondent was served with the Provisional Order of Discipline. N.J.A.C. 13:30-8.12.

The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal

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adequate notice to the licensee. N.J.A.C. 13:30-8.12.

setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons for such modification or dismissal. Respondent failed to provide a response requesting a modification or dismissal of the order. Respondent failed to contact the Board regarding the matter after the March 28, 2005 letter from the Board's counsel. In the absence of any response, the Board has determined that further proceedings are not necessary and that no material discrepancies have been raised.

#### CONCLUSIONS OF LAW

The above findings of fact provide grounds for disciplinary action against respondent's registration pursuant to N.J.S.A. 45:12-21(h) in that respondent has violated or failed to comply with the provisions of an act or regulation administered by the Board. Specifically, respondent has failed to meet the requirements for registration as a dental assistant pursuant to N.J.S.A. 13:30-2.2. Additionally, the Board's findings of fact provide grounds for disciplinary action against respondent for professional or occupational misconduct pursuant to N.J.S.A. 45:1-21(e) and N.J.A.C. 13:45C-1.2 in that respondent failed to respond to the Board's letter dated December 11, 2002. The Board has concluded that the record does not provide proof that respondent received its letter of January 24, 2003 and has modified its preliminary findings accordingly.

ACCORDINGLY, IT IS on this 21<sup>st</sup> day of September, 2005,

ORDERED that:

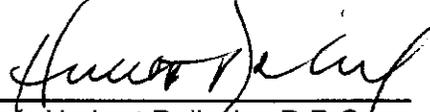
1. Paulette Gayle's registration as a dental assistant in the State of New Jersey is hereby rescinded.

2. Prior to resuming practice in New Jersey as a registered dental assistant, respondent shall be required to appear before the Board (or a committee of the Board) to demonstrate eligibility for registration and to respond to Board questions regarding her suitability

for registration or licensure as a dental auxiliary. Respondent shall not perform any tasks reserved for dental assistants unless and until registered. Performance of duties so reserved shall constitute unlicensed practice.

3. The Board reserves the right to place restrictions on respondent should any future application for registration or licensure be granted.

NEW JERSEY STATE BOARD OF DENTISTRY

By   
Herbert Dolinsky, D.D.S.,  
Board President