

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
Public Health Hearing Office**

Donna Dimeo, Dental Hygienist  
License No.: 004963

Petition No.: 2007-0305-013-001

**MEMORANDUM OF DECISION**

*Procedural Background*

On June 13, 2007, the Department of Public Health ("the Department") filed a Motion for Summary Suspension and issued a Statement of Charges against Donna Dimeo, licensed dental hygienist ("respondent"), seeking disciplinary action against her license due to her alleged violations of the Connecticut General Statutes ("the Statutes"). Rec. Exh. A.

On June 18, 2007, the undersigned was appointed by the Commissioner of the Department to be the Hearing Officer and to rule on all motions, and to recommend findings of fact and conclusions of law. On June 18, 2007, the Motion for Summary Suspension was granted.

A Notice of Hearing on the Statement of Charges was mailed to respondent via certified mail, return receipt requested on June 18, 2007, and served by State Marshal on June 20, 2007. Rec. Exhs. 1, 2.

Respondent was informed that she was required to file an Answer to the Statement of Charges. Rec. Exh. 1. Respondent did not file an Answer to the Statement of Charges.

An administrative hearing was held on June 28, 2007, in accordance with Connecticut General Statutes Chapter 54 and Regulations §§19a-9-1 *et seq.* Respondent did not appear and was not represented by an attorney; Attorney Leslie Scoville represented the Department. Both parties were given the opportunity to present evidence and argument on all issues and to conduct cross-examination.

During the hearing, the Department made an oral Motion to Deem the Allegations Admitted. The Motion was granted.

This Memorandum of Decision is based entirely on the record and sets forth this Hearing Officer's findings of fact, conclusions of law and order. To the extent the findings of fact

actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc. v. S&H Computer Systems, Inc.*, 605 F. Supp. 816 (M.D. Tenn 1985).

***Allegations***

1. In paragraphs 1 and 5 of the Charges, the Department alleges that respondent is, and has been at all times referenced in the Charges, the holder of Connecticut dental hygienist license number 004963.

***Count One***

2. In paragraph 2 of the Charges, the Department alleges that from September 2006 through about February 2007, respondent worked as a dental hygienist at the dental office of Maureen O'Donnell Sharnick, D.M.D. in Shelton ("the Shelton office").
3. In paragraph 3 of the Charges, the Department alleges that while working at the Shelton office, respondent took one blank prescription form, wrote a prescription and/or filled the prescription for Ultram.

***Count Two***

4. In paragraph 6 of the Charges, the Department alleges that from about November 2006 through about December 2006, respondent worked as a dental hygienist at the office of Dr. Peter Ferrara in Westport. A second dental office of Marilyn Geni was located at the same address as Dr. Ferrara's office. (Dr. Geni's office is hereinafter referred to as "the Westport office").
5. In paragraph 7 of the Charges, the Department alleges that respondent took blank prescription forms from the Westport office. Respondent wrote prescriptions for Ultram and filled the prescriptions.
6. In paragraphs 4 and 8 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to §20-126o, including but not limited to:
  - a. §20-126o(2);
  - b. §20-126o(3); and/or,
  - c. §20-126o(7).

***Findings of Fact***

1. Respondent is, and has been at all times referenced in the Charges, the holder of dental hygienist license number 004963. Rec. Exh. 1, attachment B.
2. The Department provided respondent adequate, reasonable, and actual notice of the hearing in this matter by sending notice via certified mail and first class mail, and by

personally serving the Summary Suspension Order, the Charges, and Notice of Hearing on respondent by State Marshal. Rec. Exhs. 1, 2.

3. Respondent did not file an Answer to the allegations contained in the Statement of Charges. Tr.6/28/07, p. 5.
4. All of the factual allegations contained in the Statement of Charges are deemed admitted and true. Tr., pp. 5, 6.

***Discussion and Conclusions of Law***

Section 20-126o provides, in pertinent part:

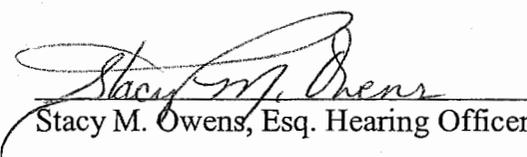
(a) The Department of Public Health may take any of the actions set forth in section 19a-17 for any of the following causes: . . . (2) illegal conduct; (3) negligent, incompetent or wrongful conduct in professional activities; . . . (7) engaging in fraud or material deception in the course of professions activities . . . .

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Swiller v. Comm'r of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981).

In accordance with §19a-9-20 of the Regulations, a hearing shall proceed, "at the time and place specified in the notice of hearing, notwithstanding any failure of the respondent to file an answer within the time provided. If no answer has been timely filed, the allegations shall be deemed admitted." In this particular case, respondent failed to file an Answer to the Charges and failed to appear for the hearing on June 28, 2007 to contest the allegations. As such, the allegations were deemed admitted, thereby establishing grounds for taking disciplinary action against her license pursuant to §§ 20-126o(2), (3), and/or (7).

***Order***

Based upon the record in this case, the above findings of fact and conclusions of law, and pursuant to Conn. Gen. Stats. §§ 19a-17 and 20-20-126o, it is hereby ordered in the case of Donna Dimeo, petition number 2007-0305-013-001, respondent's dental hygienist license number 004963 is revoked.

  
Stacy M. Owens, Esq. Hearing Officer

9/11/07  
Date

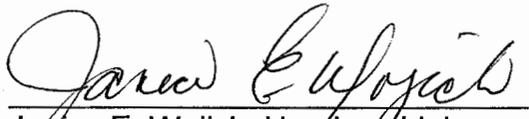
**CERTIFICATION**

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 11<sup>th</sup> day of September, 2007, certified mail return receipt requested and first class mail to:

Donna Dimeo  
151 First Avenue  
Stratford CT 06615

*and Interdepartmental Mail to:*

Stanley K. Peck, Section Chief  
Legal Office, MS#12LEG  
Department of Public Health  
410 Capitol Avenue  
P. O. Box 340308  
Hartford CT 061343-0308

  
Janice E. Wojick, Hearings Liaison