

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Chastity Michelle Fuller, R.D.A.
Registration No. A 8796

**STIPULATION AND ORDER FOR
CONDITIONAL REGISTRATION**

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to register and regulate dental assistants, to refer complaints against dental assistants to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint(s) against Chastity Michelle Fuller, R.D.A. ("Registrant"). The Board's Complaint Committee ("Committee") reviewed the complaint(s) and referred the matter to the Attorney General for investigation. Following the investigation, the Committee scheduled two disciplinary conferences with Registrant on December 16, 2004, and March 31, 2005. However, Registrant failed to confirm her attendance, be present at the conferences, and submit her written response to each allegation prior to either of the two scheduled conferences. Moreover, Registrant has failed to submit her renewal application for her 2005 Registration for Dental Assisting to the Board. On May 17, 2005, the Committee determined that Registrant's registration to practice dental assisting may be reinstated subject to certain conditions set forth below. Therefore, the Committee and Registrant have agreed that the matter may now be resolved by this stipulation and order.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Registrant and the Committee as follows:

A. Jurisdiction. Registrant holds a registration to practice dental assisting in the State of Minnesota from the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this stipulation. Registrant states that she does not hold a registration to practice dental assisting in any other jurisdiction and does not hold any other professional or occupational registrations.

B. Facts. This stipulation is based upon the following facts:

Unprofessional Conduct and/or Inability to Practice with Reasonable Skill and Safety

1. Registrant has engaged in personal conduct which brings discredit to the profession of dental assisting and may be unable to practice dental assisting with reasonable skill and safety due to a physical, mental, emotional, or other disability.

a. Registrant was employed by the University of Minnesota ("University") in the School of Dentistry's Oral and Maxillofacial Surgery Clinic ("clinic") as a registered dental assistant from October 4, 1999 until June 10, 2004. On or about April 16, 2004, Registrant admitted to one of the clinic supervisors that she had stolen narcotics from the clinic. She also stated she was addicted to pain medication.

b. On or about April 19, 2004, prior to her termination from the University, Registrant took a medical leave from her employment at the University for in-patient drug treatment. Registrant later informed the University that she expected to receive a release from her physician to return to work, effective June 3, 2004. In response, the University

informed Registrant that she would be placed on paid administrative leave pending the completion of the University's disciplinary investigation.

c. On May 5, 2004, Registrant was interviewed by an officer from the University Police Department. During this interview, Registrant admitted to the officer that she had misappropriated drugs from the University's clinic.

d. On June 8, 2004, the University conducted a disciplinary investigation interview with Registrant. During this interview, Registrant admitted to the University the following while working at the clinic that she:

(1) On a number of occasions over a period of several years had stolen narcotics, Vicodin (hydrocodone) tablets and oral Valium, belonging to the clinic for her own use;

(2) On two occasions had stolen prescription narcotics, Percocet (acetaminophen oxycodone), belonging to a coworker which the coworker had kept in her workplace locker;

(3) On more than one occasion had ingested the stolen narcotics while practicing dental assisting in the clinic; and

(4) On a number of occasions, Registrant manipulated the clinic's drug ordering system to obtain misappropriated narcotics, Vicodin, at the University's expense for her own use by placing unauthorized orders with one of the clinic's outside medical supply firms. Registrant then arranged for such shipments to be delivered when clinic patient activity was most busy, enabling her to remove the additional narcotics and accompanying packing slips without detection.

(5) Following the disciplinary investigation, the University terminated Registrant's employment due to stealing narcotics, ordering narcotics under the University's name for her own personal use, and for chemical dependency issues including working under the influence of narcotics.

e. After receiving the University's report regarding Registrant, the Committee confidentially referred Registrant to the Health Professionals Services Program ("HPSP") by letter on July 28, 2004. However, Registrant failed to contact HPSP within 14 days as indicated in the letter and she was discharged from HPSP on August 25, 2004.

f. On April 29, 2005, Registrant contacted a Board staff member following her failure to cooperate with the Board as described in paragraphs 2.a and 2.b. below. Registrant verbally stated to the Board staff member the following information:

(1) The allegations listed in the Notice of Conference are true;

(2) Her date of sobriety is April 16, 2004 with continued sobriety at this time;

(3) She informed her supervisor at the University of Minnesota of her addiction to pain medication before entering in-patient treatment on April 16, 2004;

(4) She completed in-patient chemical dependency treatment at St. Joseph Hospital in St. Paul, Minnesota from April 16 to April 30, 2004, and has completed aftercare treatment;

(5) She attended a number of AA meetings, but is not longer attending;

(6) She admitted to receiving both of the Notices of Conferences, but could not deal with the matter at that time due to divorce and child custody issues;

(7) She thought it was voluntary to report to HPSP, but would report to HPSP if directed by the Committee;

(8) She failed to renew her dental assisting registration due to financial concerns, but is interested in reinstatement of registration; and

(9) She has not engaged in the practice of dental assisting since in-patient treatment in April 2004.

g. On May 10, 2005, Registrant provided a discharge summary to the Committee from her in-patient chemical dependency treatment at St. Joseph Hospital in April 2004. Registrant's discharge summary indicated the following recommendations and referrals: abstain from all mood-altering chemicals; complete an outpatient chemical dependency program; develop effective relapse intervention skills; build a sober support system within a sober community; develop effective problem-solving skills; obtain and utilize an abstinence-based support group sponsor; and attend an abstinence-based self-help group meeting at a minimum of once a week.

h. On May 16, 2005, Registrant submitted to the Committee her written response to the allegations within the Notice of Conference as described in paragraphs 1.a. through 1.e. above. In Registrant's response, she stated that all of the allegations in the Notice of Conference are true. In addition, Registrant sought treatment for her drug addiction and has remained sober since treatment.

Failure to Cooperate

2. Registrant failed to cooperate with the Board, its agents, or those working on behalf of the Board, as follows:

a. On November 8, 2004, the Committee sent a Notice of Conference to Registrant regarding a disciplinary conference scheduled for December 16, 2004, to discuss the allegations described in paragraphs 1.a. through 1.e above. However, Registrant failed to confirm her attendance and be present at this scheduled conference. Registrant also failed to submit to the Committee her written response to each allegation prior to the conference. From the certified mail receipt with Registrant's signature, the Committee confirmed Registrant's receipt of its notice.

b. After receiving information relating to a new address for Registrant, the Committee sent a second Notice of Conference to her on February 2, 2005, regarding another disciplinary conference scheduled for March 31, 2005, to discuss the same allegations. However, Registrant again failed to confirm her attendance, be present at this second conference, and submit her written response to each allegation prior to the conference. From another certified mail receipt with Registrant's signature, the Committee confirmed Registrant's receipt of its second notice.

C. Violations. Registrant admits that the facts and conduct specified above constitute violations of Minn. Stat. §150A.08, subd. 1(5) (improper unauthorized use of a legend drug, chemical or controlled substance); Minn. Stat. §150A.08, subd. 1(6) and Minn. R. 3100.6200 J and 3100.6350 (failure to cooperate with the board) and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Registrant and the Committee recommend that the Board issue an order which places CONDITIONS on Registrant's registration as a dental assistant in the State of Minnesota as follows:

CONDITIONS

1. Renewal of Registration. Once the Registrant has entered into a Participation Agreement with Health Professionals Services Program ("HPSP"), as specified below, she may obtain an Application for Renewal of Dental Assisting Registration for 2005 from administrative staff at the Board office.

a. Registrant must submit the completed renewal application along with her payment for the applicable fees. Registrant's applicable fees includes the pro-rated biennial renewal fee (\$103) plus the late penalty (\$17.50) for a total payment of \$120.50. Payment shall be made by personal check, cashier's check, or money order made payable to the Minnesota Board of Dentistry.

b. Once the completed renewal application and required payment are received and processed by Board administrative staff, Registrant is eligible to actively practice dental assisting.

2. Participation in HPSP.

a. Registrant shall totally abstain from ingesting, injecting, or otherwise taking or using any mood-altering chemical or drug, including, but not limited to alcohol. This prohibition does not apply to legend drugs, including controlled substances, which are prescribed for Registrant by a licensed physician or dentist as part of a course of treatment.

b. Within 14 days of the issuance of this stipulation and order, Registrant shall enroll in HPSP for monitoring of her chemical dependency recovery. Registrant shall provide HPSP with a copy of this stipulation and order at the time of enrollment. Registrant must return the signed Participation Agreement to HPSP within 14 days of receiving the Participation Agreement from HPSP. Failure to meet either of these deadlines will be considered a violation of this stipulation and order.

c. Registrant shall be monitored by HPSP until HPSP determines Registrant is qualified to practice without conditions.

d. Registrant shall comply with all provisions of her HPSP Participation Agreement, including revisions subsequent to this order. Registrant's failure to comply with her HPSP Participation Agreement shall be considered a violation of this stipulation and order.

3. Other Conditions.

a. Registrant shall comply with the laws or rules of the Board of Dentistry. Registrant agrees that failure to comply with the Board's laws or rules shall be a violation of this stipulation and order.

b. Registrant shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this stipulation and order, including requests for explanations, documents, office inspections, and/or appearances at conferences. Minn. R. 3100.6350 shall be applicable to such requests.

c. In the event Registrant should leave Minnesota to reside or practice outside the state, Registrant shall notify the Board in writing of the new location

within five days. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Registrant's discipline in Minnesota unless Registrant demonstrates that practice in another state conforms completely with this stipulation and order.

E. Removal of Conditions. Registrant may petition to have the conditions removed from Registrant's registration at any regularly scheduled Board meeting after Registrant has complied with all the conditions of her Participation Agreement with HPSP, provided that Registrant's petition is received by the Board at least 30 days prior to the Board meeting. At the time of Registrant's petition, Registrant shall have the burden of proof proving that Registrant has complied with her Participation Agreement with HPSP and the conditions of this stipulation and order and that the Registrant is qualified to practice without conditions. Registrant's compliance with these conditions shall not create a presumption that the conditions should be removed. Upon consideration of the evidence submitted by Registrant or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this order.

F. Fine for Violation of Order. If information or a report required by this stipulation and order is not submitted to the Board by the due date, or if Registrant otherwise violates this stipulation and order, the Committee may fine Registrant \$100 per late report or other violation. Registrant shall pay the fine and correct the violation within five days after service on Registrant of a demand for payment and correction. If Registrant fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Registrant waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by writ of certiorari under Minn. Stat. § 480A.06, by application

to the Board, or otherwise. Neither the imposition of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

G. Additional Discipline for Violation of Order. If Registrant violates this stipulation and order, Minn. Stat. ch. 150A, or Minn. R. ch. 3100, the Board may impose additional discipline pursuant to the following procedure:

1. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Registrant a notice of the violation alleged by the Committee and of the time and place of the hearing. Within seven days after the notice is mailed, Registrant shall submit a response to the allegations. If Registrant does not submit a timely response to the Board, the allegations may be deemed admitted.

2. At the hearing before the Board, the Committee and Registrant may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this stipulation and order. Registrant waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

3. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Registrant's practice, or suspension or revocation of Registrant's dental assisting registration.

H. Other Procedures for Resolution of Alleged Violations. Violation of this stipulation and order shall be considered a violation of Minn. Stat. § 150A.08, subd. 1(13). The Committee shall have the right to attempt to resolve an alleged violation of the stipulation and

order through the procedures of Minn. Stat. § 214.103, subd. 6. Nothing herein shall limit (1) the Committee's right to initiate a proceeding against Registrant pursuant to Minn. Stat. ch. 14, or (2) the Committee's and the Board's right to temporarily suspend Registrant pursuant to Minn. Stat. § 150A.08, subd. 8, based on a violation of this stipulation and order or based on conduct of Registrant before or after the date of this stipulation which is not specifically referred to in paragraph B. above.

I. Right to an Attorney. On May 17, 2005, the Committee met to discuss the matters set forth in paragraph B. above. The Committee was comprised of Board members Linda Boyum, R.D.A., John Bengtson, D.D.S., and Mark Harris, D.D.S. Assistant Attorney General Tamar Gronvall, the Committee's legal counsel, was present at the meeting. Through this stipulation and order Registrant is further notified that Registrant may choose to be represented by legal counsel in this matter. Registrant has elected not to be represented by counsel.

J. Waiver of Registrant's Rights. For the purpose of this stipulation, Registrant waives all procedures and proceedings before the Board to which Registrant may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the facts contained in this stipulation and order and to dispute the adequateness of discipline in a contested proceeding pursuant to Minn. Stat. ch. 14. Registrant agrees that upon the application of the Committee without notice to or an appearance by Registrant, the Board may issue an order imposing the discipline specified herein. The Committee may participate in Board deliberations and voting concerning the stipulation.

Registrant waives the right to any judicial review of the order by appeal, writ of certiorari, or otherwise.

K. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this stipulation or a lesser remedy than specified herein, this stipulation and order shall be null and void and shall not be used for any purpose by either party hereto. If this stipulation is not approved and a contested case proceeding is initiated pursuant to Minn. Stat. ch. 14 and section 150A.08, Registrant agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation and the record.

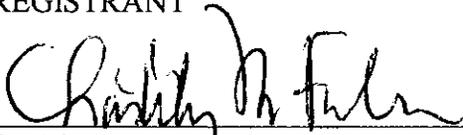
L. Record. This stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

M. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. part 60), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank.

N. Entire Agreement. Registrant has read, understood, and agreed to this stipulation and is freely and voluntarily signing it. This stipulation contains the entire agreement between the parties hereto. Registrant is not relying on any other agreement or representations of any kind, verbal or otherwise.

O. Service and Effective Date. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Registrant's legal counsel. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

REGISTRANT

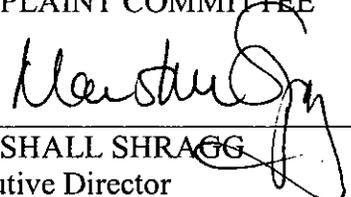


CHASTITY MICHELLE FULLER, R.D.A.

By:

Dated: June 8, 2005

COMPLAINT COMMITTEE



MARSHALL SHRAGG
Executive Director

Dated: JUNE 8th, 2005

ORDER

Upon consideration of the foregoing stipulation and based upon all the files, records, and proceedings herein,

The terms of the stipulation are approved and adopted; the recommended disciplinary action set forth in the stipulation is hereby issued as an order of this Board placing CONDITIONS on Registrant's registration effective this 17th day of June, 2005.

MINNESOTA BOARD
OF DENTISTRY

By: Linda R. Boyum
LINDA BOYUM, R.D.A.
PRESIDENT