

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Quynh T. Hoang, R.D.A.  
Registration No. A 11039

**AMENDED STIPULATION AND ORDER  
FOR STAYED SUSPENSION AND  
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 Quynh T. Hoang, R.D.A. ("Registrant"). Based upon the information received, the Board's Complaint Committee ("Committee") held a disciplinary conference with Registrant. As a result, Registrant is currently subject to a Stipulation and Order for Conditional Registration adopted by the Board on March 23, 2007 ("2007 Order"). Among other things, the 2007 Order required Registrant to participate in a specified monitoring program due to her chemical dependency. However, Registrant failed to comply with the conditions stated within her 2007 Order. Therefore, the Committee and Registrant have agreed that the matter may now be resolved by this amended 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:

### **Background**

1. On March 23, 2007, the Board adopted a Stipulation and Order for Conditional Registration (“2007 Order”) that placed conditions on Registrant’s registration to practice dental assisting due to her chemical dependency. Among other things, the terms of Registrant’s 2007 Order included the following: (a) abstain from the use of alcohol and all mood-altering chemicals unless authorized by a licensed practitioner; (b) enroll and sign a Participation Agreement with the Health Professionals Services Program (“HPSP”); and (c) comply with the provisions of her HPSP Participation Agreement. The 2007 Order also provided that violation of the order shall constitute violation of a Board order for purposes of Minnesota Statutes section 150A.08, subdivision 1(13), and provide grounds for further disciplinary action. Currently, Registrant is subject to the 2007 Order.

### **Non-compliance With 2007 Order**

2. Registrant has been non-compliant with the conditions of her 2007 Order by failing to comply with all provisions of her Participation Agreement with the HPSP, as follows:

a) On May 31, 2007, Registrant signed a Participation Agreement and Monitoring Plan with the HPSP for monitoring of her substance disorder.

b) On June 9, 2008, Registrant was discharged from the HPSP for non-compliance. Registrant missed toxicology screens on August 11, 2007, October 11, 2007,

April 15, 2008, and May 28, 2008. In total, Registrant had four unexcused missed toxicology screens over a 10½ month period.

c) Registrant acknowledged missing the four toxicology screens in a June 12, 2008 letter to the Committee. Registrant stated that she had difficulty complying with the HPSP's requirements because she was pregnant at the time and she was constantly sick and tired. Registrant stated she would like to maintain her dental assisting registration to support her family and pursue additional education.

d) On June 13, 2008, the Committee sent a confidential referral letter to Registrant instructing her to contact the HPSP within ten days. The Committee's letter also informed Registrant that a conference would be held with her to discuss the violation of her 2007 Order by failing to comply with the HPSP. On June 24, 2008, Registrant contacted the HPSP for re-enrollment in the program.

e) On September 8, 2008, the HPSP received Registrant's signed Participation Agreement and Monitoring Plan for monitoring purposes.

3. On November 18, 2008, Registrant appeared before the Committee to discuss the allegations contained in the Notice of Conference and Registrant's failure to respond to the Board's request for certain documentation relative to a designated professional development audit of her cycle period July 1, 2004, to October 31, 2007. During the conference, Registrant admitted she failed to comply with the HPSP and she failed to comply with the Board's request for documentation regarding the designated professional development audit.

C. Violations. Registrant admits, pursuant to Minn. Stat. § 150A.08, subd. 1(13) and the 2007 Stipulation and Order for Conditional Registration, the facts and conduct specified above are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Registrant and the Committee recommend that the Board issue an order **RESCINDING** the 2007 Stipulation and Order for Conditional Registration and issue an Amended Order as follows:

1. Stayed Suspension. Registrant's registration to practice dental assisting in the State of Minnesota is hereby **SUSPENDED**. The suspension is **STAYED** based upon Registrant's compliance with all of the conditions described in paragraphs D.1.a.(1) to (3) below.

#### **CONDITIONS OF STAYED SUSPENSION**

a. Continued Participation in the HPSP.

1) 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.

2) Registrant shall continue to be monitored by the HPSP until the HPSP determines Registrant is qualified to practice without conditions.

3) 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.

#### **CONDITIONS**

2. Registrant's registration to practice dental assisting in the State of Minnesota shall be subject to the following conditions described in paragraphs D.2.a and b below.

a. Professional Development Requirements. By May 18, 2009, Registrant must provide to the Committee acceptable documentation as proof of having successfully completed a total of 21 additional professional development hours (including at least one different core subject category, CPR course hours, and one completed self-assessment examination) for her cycle period July 1, 2004, to October 31, 2007, as described within Minnesota Rules part 3100.5100. At the November 18, 2008, conference, Registrant provided to the Committee documentation for four (4) fundamental credit hours in the core subject category of “infection control” towards the 25-hour professional development requirement for the aforementioned cycle period. None of the professional development hours obtained by Registrant to satisfy this stipulation and order may be used by Registrant towards her current biennial professional development cycle.

b. Other Conditions.

1) 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.

2) 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.

3) In Registrant’s practice of dentistry, Registrant shall comply with the most current infection control requirements of Minn. R. 3100.6300 and 6950.1000 through 6950.1080, and with the Centers for Disease Control and Prevention, Public Health Service, United States Department of Health and Human Services, *Guidelines for Infection*

*Control in Dental Health-Care Settings – 2003*, Morbidity and Mortality Weekly Report, December 19, 2003 at 1.

4) 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 Stayed Suspension. Registrant may petition to have the stayed suspension and conditions removed from Registrant's registration at any regularly scheduled Board meeting provided that Registrant has complied with all the conditions in paragraphs in D.1 and D.2 above. Moreover, Registrant's petition must be received by the Board at least 30 days prior to the Board meeting. Registrant has the burden of proving that Registrant has complied with the conditions of this stipulation and order and that Registrant is qualified to practice without a stayed suspension. Registrant's compliance with the foregoing requirements does not create a presumption that the stayed suspension should be removed. Upon consideration of the evidence submitted by Registrant or obtained through Board investigation, the Board may remove, amend, or continue the stayed suspension 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. Attendance at Conference. Registrant attended a conference with the Committee on November 18, 2008. The following Committee members attended the conference: Linda Boyum, R.D.A.; Joan Sheppard, D.D.S.; and Kristin Heebner, J.D. Assistant Attorney General Angelina M. Barnes represented the Committee at the conference. Although Registrant was informed at the conference that she could be represented by legal counsel, Registrant has knowingly and voluntarily waived that opportunity.

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. parts 60 and 61), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank and the Healthcare Integrity and Protection 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. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

REGISTRANT

  
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QUYNH T. HOANG, R.D.A.

Dated: Jan. 21<sup>st</sup>, 2009

COMPLAINT COMMITTEE

By:   
\_\_\_\_\_  
MARSHALL SHRAGG  
Executive Director

Dated: JANUARY 27<sup>th</sup>, 2009

**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, and the recommended disciplinary action set forth in the Stipulation is hereby issued as an Order of this Board effective this 30<sup>th</sup> day of January, 2009.

MINNESOTA BOARD  
OF DENTISTRY

By: *Nadene Bunge D.H.*  
NADENE BUNGE, D.H.  
President

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