

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Quynh T. Hoang, R.D.A.  
Registration No. A11039

**NOTICE OF REVOCATION  
OF STAY OF SUSPENSION,  
IMPOSITION OF SUSPENSION  
AND HEARING**

TO: Quynh T. Hoang, R.D.A. ("Respondent") at 11012 Nassau Circle NE, Blaine, Minnesota 55449

**I.**

**REVOCATION OF STAY OF SUSPENSION AND IMPOSITION OF SUSPENSION**

RESPONDENT IS HEREBY NOTIFIED that the Minnesota Board of Dentistry ("Board") Complaint Committee ("Committee") has revoked Respondent's stay of suspension, thereby imposing the suspension of Respondent's registration to practice dental assisting. The Committee has probable cause to believe Respondent has failed to comply with one or more of the requirements for staying the suspension outlined in the Stipulation and Order for Stayed Suspension and Conditional Registration adopted by the Board on January 30, 2009 ("2009 Order"). (A true and accurate copy of the 2009 Order is attached as Exhibit 1.)

Respondent shall not engage in any act which constitutes practicing as a registered dental assistant as defined in Minnesota Statutes section 150A.01 and shall not imply by words or conduct that Respondent is authorized to practice as a registered dental assistant. Respondent shall surrender to the Board her current dental assisting registration. Respondent shall personally deliver or mail the registration to the Minnesota Board of Dentistry, c/o Marshall Shragg, Executive Director, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414, within five days after receipt by Respondent of this Notice.

## II.

### HEARING

RESPONDENT IS FURTHER NOTIFIED that the Committee has initiated a hearing before the Board to present the allegations referenced in section III below. This hearing could affect Respondent's registration to practice dental assisting in the State of Minnesota, since the allegations may be grounds for additional disciplinary action including, but not limited to, continuation of the suspension or revocation of Respondent's registration. The hearing will be held on **Friday, June 26, 2009, at 3:00 p.m.** in Conference Room A on the 4<sup>th</sup> Floor, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414. If personally attending the hearing, Respondent should first check-in with the receptionist at the Board office located on the 4<sup>th</sup> Floor, Suite 450, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

In presenting its allegations to the Board, the Committee will submit any affidavits served herewith and may submit additional affidavits and written and oral argument in support of its position that additional disciplinary action should be taken against Respondent. Respondent has the right to submit a response to the Committee's allegations, affidavits made on the personal knowledge of the affiant, and written argument.

**Respondent must submit a response to the allegations referenced in section III below within ten days after this Notice is mailed. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.**

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

take disciplinary action when appropriate. This matter came before the Committee in accordance with the terms and conditions of Respondent's Stipulation and Order for Stayed Suspension and Conditional Registration adopted by the Board on January 30, 2009 ("2009 Order"), which Respondent agreed to and signed.

Pursuant to the 2009 Order, Respondent's registration was suspended, but the suspension was stayed contingent upon Respondent's compliance with all terms and conditions set forth in the 2009 Order. Pursuant to paragraphs G. and H. of Respondent's 2009 Order, the Committee is authorized to temporarily revoke the stay of the suspension, if it has probable cause to believe Respondent has failed to comply with or has violated any of the requirements for staying the suspension of Respondent's registration.

The Committee has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements for staying the suspension of Respondent's registration as described below.

### III.

#### FINDINGS OF FACT

1. Respondent has held a registration to practice dental assisting in the State of Minnesota since November 17, 2003, and is subject to the jurisdiction of the Board with respect to the matters described herein. *See* Affidavit of Deborah A. Endly ("Endly Aff.") at ¶ 3.

2. On September 8, 2008, the Health Professionals Services Program ("HPSP") received Respondent's signed Participation Agreement for monitoring her substance disorder. Among other things, the terms of Respondent's Monitoring Plan included: report prior to making any employment changes; abstain from using all mood-altering chemicals unless prescribed; meet with a therapist at least twice monthly; obtain a sponsor and attend AA

meetings at least twice weekly; respond to toxicology screens; and 24 months of monitoring. Endly Aff. at ¶ 4; Exhibit A.

3. On November 18, 2008, Respondent appeared before the Committee to discuss the allegations contained in the Notice of Conference and Respondent's failure to respond to the Board's request for certain documentation relative to a designated professional development audit. During the conference, Respondent admitted that she failed to comply with the HPSP and the Board's professional development audit. Endly Aff. at ¶ 5.

4. On January 30, 2009, the Board adopted an Amended Stipulation and Order for Stayed Suspension and Conditional Registration ("2009 Order") that placed conditions of the stayed suspension on Respondent's registration to practice dental assisting due to her chemical dependency. Among other things, Respondent's 2009 Order required continued participation with the HPSP and compliance with the provisions of her HPSP Participation Agreement. The 2009 Order provided that violation of the terms in the order would constitute violation of a Board order for purposes of Minnesota Statutes section 150A.08, subdivision 1(13), and provide grounds for further disciplinary action. Endly Aff. at ¶ 6.

5. Respondent is currently subject to the 2009 Order. Endly Aff. at ¶ 7.

6. Respondent was excused from screens from April 2 to April 4, 2009, to attend a bachelorette party in Las Vegas. Endly Aff. at ¶ 8.

7. On April 7, 2009, Respondent provided a late collected urine specimen and tested positive for benzoylecgonine, cocaine metabolite, at 0.20 mg/L. Endly Aff. at ¶ 9.

8. On April 9, 2009, the HPSP received a report from On Assignment, Respondent's current temporary employment agency, indicating that Respondent accepted a permanent employment position at a dental facility located in Blaine, Minnesota on March 16, 2009. Based

upon Respondent's monitoring plan, Respondent must inform the HPSP of any new employment prior to making the actual employment change. Respondent failed to inform the HPSP of her employment change. Respondent submitted a quarterly update to the HPSP on April 8, 2009, indicating on the update that she had not had an employment change. Endly Aff. at ¶ 10.

9. On April 13, 2009, the HPSP contacted Respondent regarding her employment change and her positive toxicology screen result for cocaine metabolite on April 7, 2009. Respondent admitted to the HPSP that she has been working at the dental facility located in Blaine, Minnesota since mid-March adding that she only worked intermittently. As for the positive screen, Respondent denied any use of cocaine to the HPSP. Endly Aff. at ¶ 11.

10. On April 13, 2009, the HPSP discharged Respondent from the program due to her non-compliance with changing employment, specimen collection by 6:00 p.m., and the positive toxicology screen. The HPSP notified the Committee of Respondent's discharge from the program. Endly Aff. at ¶ 12; Exhibit B.

#### IV.

#### CONCLUSION

Respondent has violated statutes or rules which the Board is empowered to enforce or any disciplinary order issued by the Board, specifically her 2009 Amended Stipulation and Order for Stayed Suspension and Conditional Registration, within the meaning of Minn. Stat. § 150A.08, subd. 1(13).

#### V.

#### ORDER AND NOTICE OF HEARING

Based upon the foregoing findings and conclusions, it is hereby ordered, and Respondent is hereby notified, as follows:

1. Respondent's registration to practice as a registered dental assistant in the State of Minnesota is hereby suspended effective immediately. Respondent shall not engage in practice as a registered dental assistant within the meaning of Minn. Stat. § 150A.06 unless and until authorized to do so by future order of the Board. While the suspension is in effect, Respondent shall not imply to former patients or other persons by word or conduct that she is authorized to practice as a registered dental assistant.

2. Respondent shall arrange through her employer dentist(s) for the transfer of responsibility for performing the duties of a registered dental assistant, if applicable.

3. A hearing before the Board regarding this matter shall be held on **Friday, June 26, 2009, at 3:00 p.m.** in Conference Room A on the 4th Floor, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414. If personally attending the hearing, Respondent should first check-in with the receptionist at the Board office located on the 4<sup>th</sup> Floor, Suite 450, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

## VI.

### ISSUES

The sole issue at the hearing is:

1. Whether there is a reasonable basis to continue, modify, or lift the revocation of the stay of suspension and in the event the suspension is continued whether any further conditions or limitations on Respondent's registration are appropriate.

Evidence to be presented at the hearing shall be by affidavit only. The Committee may serve additional affidavits and documents prior to the hearing. If Respondent intends to submit any affidavits or written argument in opposition to continuing the suspension or revocation of

Respondent's registration, she is requested to submit them to the Board office as soon as practical to allow for photocopying and advance distribution of her materials to the Board members.

Dated: JUNE 19, 2009

COMPLAINT COMMITTEE  
OF DENTISTRY

By:

  
MARSHALL SHRAGG, MPH  
Executive Director

AG: #2451357-v1