

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Jeffery K. Somrock, D.D.S.
License No. D10390

**STIPULATION AND ORDER
ACCEPTING VOLUNTARY
SURRENDER OF LICENSE**

STIPULATION

Jeffery K. Somrock, D.D.S. ("Licensee"), and the Minnesota Board of Dentistry's Complaint Committee ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minnesota Statutes chapter 150A, section 214.10 and section 214.103, to license and regulate dentists and to take disciplinary action when appropriate, including accepting a voluntary surrender of license.

2. Licensee holds a license from the Board to practice dentistry in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

II.

BACKGROUND

3. The Complaint Committee, composed of Candace Mensing, D.D.S., Nancy Kearns, D.H., and Neal Benjamin, D.D.S., determined this matter could be settled with a Stipulation and Order. Greg Schaefer, Assistant Attorney General, represents the Committee.

4. Licensee retained John M. Degnan, Briggs & Morgan, P.A., 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402-2157.

III.

FACTS

5. Licensee provided substandard dental care to some patients. For purposes of this Stipulation and Order, Licensee is unable to practice dentistry with reasonable skill and safety due to a disability.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 150A.08, subdivision 1(8).

V.

DISCIPLINARY ACTION

7. The Board hereby accepts the **VOLUNTARY SURRENDER** of Licensee's license to practice dentistry in the State of Minnesota in accordance with the following terms:

a. Surrender. Effective the date of this Order, Licensee's license to practice dentistry in the State of Minnesota is terminated. Licensee has surrendered to the Board his original license and current renewal certificate by sending them to the Minnesota Board of Dentistry.

b. Prohibitions. Licensee shall not engage in any act that constitutes the practice of dentistry as defined in Minnesota Statutes section 150A.05 and shall not imply to former patients or other persons by words or conduct that Licensee is licensed to practice dentistry.

c. Transfer of Patient Records. If applicable, within 30 days after the effective date of this Order, Licensee shall notify his patients that he is no longer practicing and they may request that their patient records be provided to them or their new treating dentists. Licensee shall comply with record requests within 15 days of receipt. If applicable, within 30 days after the date of this Order, Licensee shall provide the Board with written verification that he has complied with this paragraph.

Requirements for License Reinstatement

8. The requirements for reinstatement of Licensee's license are as follows:

a. Reinstatement Application. Licensee may apply to the Board for reinstatement at any regularly scheduled Board meeting no earlier than one year after the effective date of the Board's Order. Licensee must comply fully with the applicable statutes and rules in effect at the time of Licensee's application, including paying all fees related to reinstatement and completing the Professional Development requirements.

b. License Examination(s). Moreover, if Licensee is out of practice for more than two (2) years after the effective date of this Stipulation and Order, Licensee shall take and successfully attain a passing score on the regional clinical examination specified in Minnesota Rules 3100.1100, subpart 2.

c. Burden of Proof. Licensee's compliance with the above-referenced requirements shall not create a presumption that he should be granted a license to practice dentistry in the State of Minnesota. When applying for reinstatement, the burden of proof shall be upon Licensee to demonstrate to the Board by clear and convincing evidence that he is capable of conducting himself in a qualified and competent manner, is able to perform the duties of a dentist with reasonable skill and safety, and has complied fully with the terms of the Board's Order.

d. Meeting with a Complaint Committee. Licensee shall meet with a Complaint Committee of the Board at least 60 days prior to the Board meeting to consider Licensee's application for reinstatement. The Complaint Committee shall review and discuss with Licensee his application and supporting evidence. After meeting with Licensee, the Complaint Committee shall forward a report containing its recommendations to the Board.

e. Board Action. At any regularly scheduled Board meeting following Licensee's application for reinstatement and meeting with a Complaint Committee, the Board may take any of the following actions:

- 1) Reissue a license to Licensee;
- 2) Reissue a license to Licensee with limitations and/or conditions placed upon the scope of Licensee's practice of dentistry; or
- 3) Deny the application for reinstatement upon Licensee's failure to meet the burden of proof.

VI.

ADDITIONAL INFORMATION

9. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

10. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

11. This Stipulation and Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

12. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

13. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed this Stipulation and Order. Licensee is aware this Stipulation and Order must be approved by the Board before it goes into effect.

VII.

DATA PRACTICES NOTICES

14. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by federal law or consistent with Board policy. While this Stipulation and Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional and, as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

8. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

LICENSEE

COMPLAINT COMMITTEE

Jeffery K. Somrock
JEFFERY K. SOMROCK, D.D.S.

By: Marshall Shragg
MARSHALL SHRAGG, MPH
Executive Director

Dated: 1/29/14

Dated: January 31st, 2014

ORDER

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

The Board approves and adopts the terms of the Stipulation, orders the recommended action set forth in the Stipulation, and accepts the **VOLUNTARY SURRENDER** of Licensee's license to practice dentistry in the State of Minnesota effective this 7th day of February, 2014.

MINNESOTA BOARD OF DENTISTRY

By: Terese M. Youngdahl

TERESE M. YOUNGDAHL, L.D.A.
President