

BEFORE THE MINNESOTA
BOARD OF DENTISTRY

In the Matter of
Brandi L. Erickson, LDA
License No.: A12988

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Dentistry ("Board") on January 12, 2018, convened at 2829 University Avenue Southeast, Fourth Floor, Conference Room A, Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in paragraph 16 of the Stipulation and Order ("2017 Order") issued by the Board to Brandi L. Erickson, LDA ("Licensee"), on October 13, 2017.

At the hearing, the Board Practitioner Review Committee ("Committee") presented affidavit evidence of Licensee's violations of the 2017 Order. Licensee did not appear. Jennifer Middleton, Assistant Attorney General, appeared and presented oral argument on behalf of the Committee. Board members John M. Manahan, J.D., Steven Sperling, D.D.S., Douglas Wolff, D.D.S., J.D., and Teri Youngdahl, L.D.A. did not participate in deliberations and did not vote in the matter. Tiffany Sedillos, Assistant Attorney General, was present as legal advisor to the Board.

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes sections 150A.01 to 105A.22 to license, regulate, and discipline persons who apply for, petition, or hold licenses as dentists, dental therapists, dental hygienists, and dental assistants and is further authorized

pursuant to Minnesota Statutes sections 214.10 and 214.103 to review complaints against dentists, dental therapists, dental hygienists, and dental assistant, to investigate such complaints, and to initiate appropriate disciplinary action.

2. On October 13, 2017, the Board adopted a Stipulation and Order ("2017 Order"), to which Licensee agreed and signed. The 2017 Order was based on Licensee's criminal convictions, mental health diagnoses, and discharge from the Health Professionals Services Program ("HPSP") for failing to comply with program requirements.

3. In paragraphs 15 and 16 of the 2017 Order, Licensee expressly acknowledged and agreed to several procedures the Committee may use to resolve alleged noncompliance with or violation of the 2017 Order. The 2017 Order remained in full force and effect at the time the conduct described in paragraph 5, below, occurred.

4. Licensee expressly acknowledged and agreed in paragraph 16 of the 2017 Order that in the event the Board received evidence Licensee violated the terms of the 2017 Order, she would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board may impose additional disciplinary action against Licensee's license.

5. The Board received information Licensee violated the terms of the 2017 Order and engaged in acts or omissions which would be a violation of Minnesota Statutes section 150A.08 as follows:

a. On October 13, 2017, Licensee entered into the 2017 Order with the Board that suspended Licensee's license to practice dental assisting but stayed the suspension as long as Licensee complied with certain conditions of the 2017 Order.

b. Per the 2017 Order, Licensee was required to participate in the HPSP. Licensee was required to enroll in the HPSP within 14 days after the effective date of the 2017

Order. Licensee was further required to be monitored by the HPSP until the HPSP determined that Licensee was qualified to practice as a licensed dental assistant without conditions. Lastly, Licensee was required to comply with all provisions of her HPSP Participation Agreement.

c. On October 30, 2017, Licensee contacted the HPSP and left a voicemail message. The HPSP case manager called Licensee that same day and left a message asking that Licensee contact her.

d. On November 1, 2017, the HPSP case manager left a second voicemail for Licensee requesting a return phone call.

e. On November 14, 2017, the HPSP case manager attempted to call Licensee; however, Licensee's phone was disconnected.

f. On November 21, 2017, the HPSP unsatisfactorily discharged Licensee for failing to contact the HPSP.

6. On January 2, 2018, Licensee was served with a Notice of Removal of Stay of Suspension, Imposition of Suspension, and Hearing ("Notice") and Order of Removal of Stay of Suspension by first-class mail at her last known address on file with the Board. The Notice informed Licensee of the alleged violations and of the date, time, and place of the hearing. The Notice also informed Licensee she was required to submit a response to the allegations in the Notice within seven days after the Notice was mailed.

7. The Board Practitioner Review Committee had probable cause to remove the stay of suspension.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 105A.08, 214.10, and 214.103.
2. The Committee gave proper notice of the alleged violations to Licensee, pursuant to paragraph 16 of the 2017 Order.
3. The Committee has the burden of establishing the statutory violations charged by a preponderance of the evidence.
4. The Committee proved by a preponderance of the evidence that Licensee violated Minnesota Statutes 150A.08, subdivision 1(13) and the 2017 Order.
5. As a result of the violations set forth above and pursuant to the terms of the 2017 Order, the Board has the authority to impose additional disciplinary action against Licensee's license to practice as a licensed dental assistant.

ORDER

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the 2017 Order issued to Licensee on October 13, 2017, and the Order of Suspension issued to Licensee on January 2, 2018, are hereby **RESCINDED** and shall have no future force or effect.
2. IT IS FURTHER ORDERED that Licensee's license to practice as a licensed dental assistant in the State of Minnesota is **SUSPENDED** immediately for an indefinite period of time.

3. IT IS FURTHER ORDERED that during the period of suspension Licensee shall not engage in any conduct which constitutes the practice of dental assisting as defined in Minnesota Statutes section 150A.05 subdivision 5, and shall not imply or suggest to any persons by words or conduct that Licensee is authorized to practice as a dental assistant in the State of Minnesota.

4. IT IS FURTHER ORDERED that Licensee may petition the Board to have the suspended status removed from her license at such time as she is willing to respond to the Findings of Fact set forth above and following six months from the date of this Order. Her license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the practice of dental assisting and has had stable mental health for six months immediately preceding her petition. At the time of Licensee's petition, Licensee may be directed to meet with a Committee to review her response to the Findings of Fact and provide documentation of six months of stable mental health. In petitioning for removal of the suspension, Licensee shall comply with or provide the Board with, at a minimum, the following:

- a. A response to each separate fact set forth in the Findings of Fact.
- b. Evidence of compliance with the provisions of this Order. As part of the proof of compliance, Licensee shall submit the following in support of her petition:

- 1) Mental Health Evaluation. Within sixty days prior to petitioning, Licensee shall undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee is responsible

for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

a) Verification the evaluator has reviewed a copy of this Order and the 2017 Order and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation;

b) Diagnosis and any recommended treatment plan;

c) Licensee's ability to handle stress;

d) Recommendations for additional evaluation or treatment;

and

e) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

2) Compliance With Evaluator's Recommendations. Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

3) Additional Information. Any additional information relevant to Licensee's petition reasonably requested by the Board Practitioner Review Committee.

5. IT IS FURTHER ORDERED that Licensee shall meet all reregistration requirements in effect at the time of her petition to reinstate her license, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

6. IT IS FURTHER ORDERED that Licensee's violation of this Order shall constitute the violation of a Board order for purposes of Minnesota Statutes section 150A.08, subdivision 1(13), and provide grounds for further disciplinary action.

7. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 4, above, take any of the following actions:

- a. Grant a dental assisting license to Licensee;
- b. Grant a dental assisting license to Licensee with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; or
- c. Continue the suspension of Licensee's license upon her failure to meet the burden of proof.

Dated: January 16th, 2018

STATE OF MINNESOTA
BOARD OF DENTISTRY



BRIDGETT ANDERSON, LDA, MBA
Executive Director