

BEFORE THE MINNESOTA
BOARD OF DENTISTRY

In the Matter of
Brandi Erickson, L.D.A.
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 October 9, 2020, 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 paragraphs 14 and 15 of the Stipulation and Order ("2020 Stipulation and Order") issued by the Board to Brandi Erickson, L.D.A. ("Licensee"), on April 17, 2020.

At the hearing, the Board Practitioner Review Committee ("Committee") presented affidavit evidence of Licensee's violations of the 2020 Stipulation and Order. Licensee did not appear. Nicholas Lienesch, Assistant Attorney General, appeared and presented oral argument on behalf of the Committee. Board members Hassan Ismail, D.D.S., Angela Rake, D.D.S., M.S., Heidi Donnelly, L.D.A., Ranier Adarve D.M.D., M.S., M.H.P.E., and Ruth Dahl did not participate in deliberations and did not vote in the matter. Alexandria Mountain, 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:

The Board is authorized pursuant to Minnesota Statutes sections 150A.01 to 150A.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.

On April 17, 2020, the Board executed the 2020 Stipulation and Order, which suspended Licensee's license but stayed the suspension so long as Licensee complied with the requirements listed in paragraph 7 of the 2020 Stipulation and Order. Paragraph 7 included a requirement that Licensee participate in the Health Professionals Services Program ("HPSP"), as described below.

Paragraph 14 of the 2020 Stipulation and Order provided that if the Committee had probable cause to believe Licensee violated any of the requirements for staying the suspension, it could immediately remove the stay and impose the suspension.

Paragraph 7.a. of the 2020 Stipulation and Order imposed the following requirements on Licensee:

a. Participation in the Health Professionals Services Program ("HPSP").

1) Within 14 days after the effective date of this Order, Licensee shall enroll in the HPSP for monitoring of her mental health. Licensee shall provide HPSP with a copy of this Stipulation and Order at the time of enrollment. Licensee must returned 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 Order.

2) Licensee shall be monitored by HPSP until HPSP determines Licensee is qualified to practice as a licensed dental assistant without conditions.

3) Licensee shall comply with all provisions of her HPSP Participation Agreement, including revisions subsequent to this Stipulation and Order. Licensee's failure to comply with her HPSP Participation Agreement shall be considered a violation of this Stipulation and Order.

Following the 2020 Stipulation and Order, Licensee enrolled in HPSP, pursuant to the terms of her Participation Agreement, which she signed on May 20, 2020.

Licensee failed to comply with her Participation Agreement as follows:

a. Licensee reported to HPSP that she attempted suicide on July 5, 2020 by taking a combination of clonazepam and promethazine.

b. Licensee submitted to a substance use assessment on July 9, 2020. The substance use assessment concluded that Licensee had Sedative, Hypnotic, or Anxiolytic Use Disorder, moderate, and made several recommendations, including intensive outpatient substance use disorder treatment.

c. On August 26, 2020, Licensee was admitted into River Ridge treatment center.

d. On September 9, 2020, River Ridge staff informed HPSP that Licensee had not reported to River Ridge since August 31, 2020, and had unexcused absences on September 1 and 4, 2020. River Ridge staff contacted Licensee on September 8 and 9, 2020, but were not able to reach Licensee. River Ridge staff informed HPSP that if Licensee did not report to the program by September 10, 2020, she would be discharged from River Ridge.

e. On September 9, 2002, HPSP staff contacted Licensee. Licensee stated that she did not have a chemical use problem.

f. On September 11, 2020, Licensee was discharged from River Ridge.

g. On September 23, 2020, HPSP staff left a voice message for Licensee, requesting a return call.

On September 25, 2020, HPSP had not received a return call from Licensee. HPSP closed Licensee's file for non-compliance.

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 150A.08, 214.10, and 214.103.

2. The Committee gave proper notice of the alleged violations to Licensee, pursuant to paragraphs 14 and 15 of the 2020 Stipulation and 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 2020 Stipulation and Order.

5. As a result of the violations set forth above and pursuant to the terms of the 2020 Stipulation and 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 2020 Stipulation and Order issued to Licensee on April 17, 2020, and the Order of Suspension issued to Licensee on

September 28, 2020, 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 12 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 12 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 12 months of sobriety. 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) Self-Report. Licensee shall submit to the Board a report from Licensee herself. The report shall be submitted at the time Licensee petitions for reinstatement of her license. The report shall provide and address:

a) Licensee's sobriety, including the date Licensee last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Order is in effect;

b) Licensee's treatment and participation in a chemical dependency rehabilitation program, including weekly attendance at a chemical dependency support group such as Alcoholics Anonymous during the 12 months preceding the petition; evidence of participation shall include, but need not be limited to, attendance sheets on a form provided by the Board that have been legibly signed or initialed and dated by a participant who attended the weekly meeting;

c) Licensee's physical and mental health status, treatment plan, medications, and compliance with treatment;

d) Licensee's work schedule;

e) Licensee's future plans in dentistry and the steps she has taken to prepare herself to return to practice as a licensed dental assistant; and

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

2) Report From Health Care Professional. Licensee shall cause to be submitted to the Board a report from any health care professional whom Licensee consults for physical health, mental health, or chemical dependency treatment while this Order is in effect. The reports shall be submitted at the time Licensee petitions for reinstatement of her license. The report shall provide and address:

- a) Verification that the health care professional has reviewed this Order and the 2019 Order;
- b) Identification of diagnoses and any plans of treatment, including medications, devised for Licensee;
- c) Licensee's progress with therapy and compliance with the treatment plan;
- d) A statement regarding Licensee's sobriety;
- e) Recommendations for additional treatment, therapy, or monitoring; and
- f) Any other information the health care professional believes would assist the Board in its ultimate review of this matter.

3) Report of Prescribed Mood-Altering Chemicals. Licensee shall cause to be submitted to the Board a report from any and all physicians, dentists, and other authorized health care professionals who have prescribed mood-altering chemicals for Licensee during the period this Order is in effect. Each report is due at the time of petition and shall provide and address:

a) The name, dosage, frequency, and purpose of the mood-altering chemicals for Licensee;

b) Confirmation that the physician, dentist, or other health care professional has been informed of Licensee's chemical dependency history; and

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

4) Chemical Dependency Evaluation. Within sixty days prior to petitioning, Licensee shall undergo a chemical dependency evaluation performed by a licensed professional. 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 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.

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

6) 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 2019 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.

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

8) 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 licensee, 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. Reinstatement Licensee's dental assisting license;
- b. Reinstatement Licensee's dental assisting license 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: 10/27/2020

STATE OF MINNESOTA
BOARD OF DENTISTRY

Christy P. Fogarty

Presiding Board Member