

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Carol Jean Austin, D.D.S.
License Number: D8383

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

STIPULATION

Carol Jean Austin, D.D.S. ("Licensee") and the Minnesota Board of Dentistry's Practitioner Review Committee ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

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.

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

The Committee, composed of Board members Douglas Wolff, D.D.S. and Ruth Dahl, determined this matter could be settled with a Stipulation and Order. Nicholas Lienesch, Assistant Attorney General, represents the Committee.

Licensee is represented by Theodore Waldeck, Waldeck Law Firm, PA, 121 South Eighth Street, 1400 TCF Tower, Minneapolis, MN 55402.

III.
FACTS

The parties agree this Stipulation and Order is based upon the following:

- a. Licensee is a dentist who is licensed in the State of Minnesota.
- b. The Board received a complaint alleging that Licensee is experiencing a level of cognitive impairment that is affecting her practice. The Board has not received any complaints from patients about Licensee pertaining to this matter. Licensee does not admit to the allegations in the complaint, but because she intends to retire from the practice of dentistry, agrees to resolve this matter through a voluntary surrender of her license.

IV.

Licensee acknowledges the conduct described in section III. above, if applicable, constitutes a violation of Minnesota Statutes section 150A.08, subdivision 1(8). Licensee agrees to the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree that the following resolution will resolve the issues related to the conduct alleged and the Board will require compliance with the following terms:

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. Within ten days of the date the Order is adopted by the Board, Licensee shall surrender to the Board her original license and current renewal certificate by delivering them personally or by first class mail to Bridgett Anderson,

Executive Director, Minnesota Board of Dentistry, 2829 University Avenue Southeast, Suite 450, Minneapolis, Minnesota 55414.

b. Prohibitions. Effective the date of this Order, 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. Within 30 days after the effective date of this Order, Licensee shall notify her patients that she 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. Within 30 days after the date of this Order, Licensee shall provide the Board with written verification that she has complied with this paragraph.

d. Licensee agrees that she will not re-apply for a license to practice dentistry in the State of Minnesota.

VI.

ADDITIONAL INFORMATION

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.

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.

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.

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

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. The Board may approve the Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

This Stipulation and Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VII.

DATA PRACTICES NOTICES

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.

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

Carol Jean Austin, D.D.S. By:
CAROL JEAN AUSTIN, D.D.S.

PRACTITIONER REVIEW COMMITTEE

Bridgett Anderson
BRIDGETT ANDERSON, L.D.A., M.B.A.
Executive Director

Dated: September 6, 2018

Dated: 9/18, 2018

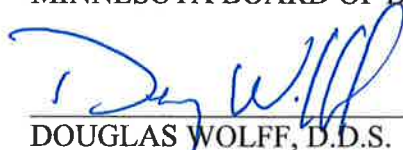
ORDER

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 28th day of September, 2018.

MINNESOTA BOARD OF DENTISTRY

By:


DOUGLAS WOLFF, D.D.S.
Board President