

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Norman V. Eid, D.D.S.  
License No. D9269

**STIPULATION AND ORDER  
FOR CONDITIONAL LICENSE**

The Minnesota Board of Dentistry (“Board”) is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to license and regulate dentists, to refer complaints against dentists to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint(s) against Norman V. Eid, D.D.S. (“Licensee”). The Board’s Complaint Committee (“Committee”) reviewed the complaint(s) and referred the matter to the Minnesota Attorney General’s Office for investigation. Thereafter, the Committee held a conference with Licensee on November 20, 2009. The Committee and Licensee have agreed that the matter may now be resolved by this stipulation and order.

**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED by and between Licensee and the Committee as follows:

A. Jurisdiction. Licensee holds a license to practice dentistry in the State of Minnesota from the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this stipulation. Licensee states that Licensee does not hold a license to practice dentistry in any other jurisdiction and does not hold any other professional or occupational licenses.

B. Facts. This Stipulation is based on the following Committee findings:

**Background**

1. In 2007, the Committee received complaints against Licensee, which it referred to the Minnesota Attorney General's Office for investigation and received investigative reports dated April 29 and August 4, 2008. After reviewing the investigative reports, the Committee directed that Licensee submit to a multidisciplinary evaluation at Resurrection Health Care ("Resurrection") located in Chicago, Illinois pursuant to Minnesota Statutes section 150A.08, subdivision 5 (2008).

2. On April 15, 2009, the Committee received a preliminary evaluation report from Resurrection dated March 16, 2009, recommending that Licensee cease practicing dentistry and enroll in a specialty treatment program for disruptive behavior.

3. On April 30, 2009, Licensee agreed to and signed the Stipulation to Cease Practicing Dentistry ("2009 Stipulation to Cease") which prohibited Licensee from practicing dentistry in any manner in the State of Minnesota until the Board issues its Final Order.

4. On August 26, 2009, the Committee agreed to Licensee's request to rescind the 2009 Stipulation to Cease and issued an Agreement to Rescind Stipulation to Cease Practicing Dentistry ("2009 Agreement to Rescind"). The 2009 Agreement to Rescind required Licensee to enroll in a monitoring program approved by the Board and follow restrictions requested by the monitoring program. Licensee's 2009 Agreement to Rescind is not the Board's Final Order in this matter. In June 2009, the Committee received a subsequent complaint against Licensee to which Licensee provided a response to the Committee.

## **Unprofessional Conduct and Impairment**

5. Licensee has engaged in personal conduct which brings discredit to the profession of dentistry and is contrary to the best interests of the public. Additionally, Licensee may be unable to practice dentistry with reasonable skill and safety due to a physical, mental, emotional, or other disability. Examples include the following:

a. On May 11, 2009, Licensee entered the Professional Enhancement Program (“PEP”) at Pine Grove Recovery Center located in Hattiesburg, Mississippi. Licensee was discharged from the program on July 10, 2009. Among other things, Licensee’s discharge diagnosis from PEP included the following: occupational problems; and narcissistic personality disorder with obsessive-compulsive and personality features.

b. According to the PEP discharge summary, Licensee admitted “most” of the allegations that he had not used adequate pain medication, limited his patients’ access to services, was disrespectful of nurses and staff, and attempted to control others and his work environment.

c. PEP’s discharge recommendation for Licensee included a scheduled appointment with an individual therapist on July 13, 2009. In addition, PEP’s recommendations for Licensee’s continued aftercare for at least a two-year period included the following:

1) Follow all guidelines and recommendations of the Board;

2) Return to work in a Board-approved group practice setting that will provide accountability for professional services and includes:

a) Workplace monitor;

b) Random chart reviews;

- c) Limited administrative duties; and
  - d) Patient satisfaction surveys.
- 3) Part-time clinical faculty position would also be an option; and
  - 4) Participate in PEP Care monitoring.

Furthermore, PEP recommended that Licensee return in four months for a 5-day PEP reevaluation.

d. During his employment at two correctional facilities, Licensee engaged in disruptive and unprofessional conduct with patients and coworkers. Examples include the following:

1) Licensee threatened to file Board complaints against clinical coworkers as a form of retaliation, in violation of the facility harassment policy;

2) Licensee made disparaging comments about clinical coworkers;  
and

3) Licensee failed to maintain clinically appropriate communication with patients, including yelling at patients, belittling patients, and using inappropriate names for patients.

e. During his employment at the correctional facility, Licensee's hands were observed shaking while treating patients on more than one occasion.

### **Improper Pain Management**

6. Licensee failed to provide appropriate dental care when he failed to properly prescribe or administer pain management medication, topical anesthesia, and local anesthesia, as follows:

a. For patient 1, Licensee prescribed 30 tablets of ibuprofen 600 mg after extracting tooth #15 and uncovering the bone on tooth #16 on December 4, 2006. Licensee's prescription for ibuprofen failed to manage patient 1's postoperative pain. On December 5, 2006, patient 1 saw a physician who prescribed Vicodin and Augmentin for the patient's postoperative pain.

b. For patient 3, Licensee administered local anesthesia to surgically extract tooth #18 on September 18, 2007. However, Licensee initiated treatment before patient 3 was anesthetized.

c. For patient 4, Licensee administered local anesthesia to place a restoration for a large facial abrasion on tooth #19 on September 17, 2007. However, patient 4 was not anesthetized that day and Licensee dismissed the patient. Patient 4 returned the next day to complete the treatment.

d. During the investigation, Licensee told the investigator that in the past he had not always used topical anesthesia before administering local anesthesia on a patient. Licensee stated that he selectively used topical anesthesia on patients who were highly anxious. However, since 2007, Licensee states he does use topical anesthesia in all cases before administering local anesthesia.

### **Substandard Infection Control**

7. Licensee failed to maintain adequate safety and sanitary conditions for a dental office. Licensee also failed to comply with the most current infection control recommendations and guidelines of the Centers for Disease Control (CDC), as described below:

a. Licensee failed to remove his contaminated gloves before reaching into drawers to retrieve instruments or materials.

b. Licensee failed to consistently wear gloves and thoroughly remove contaminated debris while cleaning and disinfecting the clinical surfaces in an operatory room.

▪ C. Violations. The Committee concludes that the practices described above constitute violations of Minn. Stat. §150A.08, subd. 1(6), (8) and (10) and Minn. R. 3100.6200 A, 3100.6200 B, 3100.6200 K, and 3100.6300, and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order which places **CONDITIONS** on Licensee's license to practice dentistry in the State of Minnesota as follows:

### **CONDITIONS**

Licensee's license shall be subject to the following conditions:

1. Professional Enhancement Program. Licensee must continue his participation in the Professional Enhancement Program ("PEP") for behavioral monitoring. When the PEP determines that Licensee is qualified to practice without any monitoring conditions, Licensee shall cause the PEP to provide to the Committee a written report of its determination to discontinue monitoring. While being monitored by the PEP, Licensee must follow all current and subsequent treatment recommendations and complete all reevaluations. Failure to follow all treatment recommendations and complete reevaluations shall be a violation of this Order. Licensee shall bear the costs of all reevaluations, the preparation of reports, and compliance with any treatment recommendations. Furthermore, Licensee shall sign all necessary releases allowing the Committee access to all mental health evaluations, monitoring, and other records from any treating licensed practitioner. Licensee shall allow the Committee or its designee to communicate with all of Licensee's licensed practitioners.

2. Coursework. Licensee shall successfully complete the coursework described below. **All coursework must be approved in advance by the Committee.** Licensee is responsible for locating, registering for, and paying for all coursework taken pursuant to this stipulation and order. None of the coursework taken pursuant to this stipulation and order may be used by Licensee to satisfy any of the continuing dental education/professional development requirements of Minn. R. 3100.5100, subpart 2. The coursework is as follows:

a. Local Anesthetic. Within six months of the effective date of this Order, Licensee shall personally attend and successfully complete a comprehensive local anesthesia course relating to the practice of dentistry and administering local anesthesia to patients including administrative techniques and use of topical medications.

b. Infection Control. Within one year of the effective date of this Order, Licensee shall personally attend and successfully complete one full-day course of instruction in infection control based upon the Centers for Disease Control and Prevention Guidelines for Infection Control in Dental Health-Care Settings.

3. Coursework Reports. Within 30 days after completing each of the courses listed above, Licensee shall submit to the Committee:

- a. proof of Licensee's attendance and completion of the course;
- b. copies of all materials used and/or distributed in the courses; and
- c. a summary report of what Licensee learned in the course and specific information addressing how Licensee will incorporate this recently gained knowledge into Licensee's practice.

d. Licensee's reports shall be typewritten in License's own words, double-spaced, at least two pages in length but no more than three pages, and shall list references used to prepare the report.

e. All coursework reports submitted by Licensee are subject to review and approval by the Committee.

4. Other Conditions.

a. Licensee shall comply with the laws or rules of the Board of Dentistry. Licensee agrees that failure to comply with the Board's laws or rules shall be a violation of this stipulation and order.

b. Licensee shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this stipulation and order, including requests for explanations, documents, office inspections, and/or appearances at conferences. Minn. R. 3100.6350 shall be applicable to such requests.

c. In Licensee's practice of dentistry, Licensee shall comply with the most current infection control requirements of Minn. R. 3100.6300 and 6950.1000 through 6950.1080, and with Centers for Disease Control and Prevention, Public Health Service, United States Department of Health and Human Service.

d. If the Board receives a complaint alleging additional misconduct or deems it necessary to evaluate Licensee's compliance with this stipulation and order, the Board's authorized representatives shall have the right to inspect Licensee's dental office(s) during normal office hours without prior notification and to select and temporarily remove original patient records for duplication. Licensee shall fully and timely cooperate with such inspections of Licensee's office and patient records.

e. In the event Licensee should leave Minnesota to reside or practice outside the state, Licensee shall notify the Board in writing of the new location within five days. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Licensee's discipline in Minnesota unless Licensee demonstrates that practice in another state conforms completely to this stipulation and order.

E. Removal of Conditions. Licensee may petition to have the conditions removed from Licensee's license at any regularly scheduled Board meeting provided that Licensee's petition is received by the Board at least 30 days prior to the Board meeting. Licensee shall have the burden of proving that Licensee has complied with the conditions and that Licensee is qualified to practice dentistry without conditions. Licensee's compliance with the foregoing requirements shall not create a presumption that the conditions should be removed. Upon consideration of the evidence submitted by Licensee or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this order.

F. Fine for Violation of Order. If information or a report required by this stipulation and order is not submitted to the Board by the due date, or if Licensee otherwise violates this stipulation and order, the Committee may fine Licensee \$100 per late report or other violation. Licensee shall pay the fine and correct the violation within five days after service on Licensee of a demand for payment and correction. If Licensee fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Licensee waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by writ of certiorari under Minn. Stat. § 480A.06, by application to the Board, or otherwise. Neither the imposition of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

G. Additional Discipline for Violation of Order. If Licensee violates this stipulation and order, Minn. Stat. ch. 150A, or Minn. R. ch. 3100, the Board may impose additional discipline pursuant to the following procedure:

1. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Within seven days after the notice is mailed, Licensee shall submit a response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

2. At the hearing before the Board, the Committee and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this stipulation and order. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

3. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or a limitation on Licensee's practice, or suspension or revocation of Licensee's license.

H. Other Procedures for Resolution of Alleged Violations. Violation of this stipulation and order shall be considered a violation of Minn. Stat. § 150A.08, subd. 1(13). The Committee shall have the right to attempt to resolve an alleged violation of the stipulation and order through the procedures of Minn. Stat. § 214.103, subd. 6. Nothing herein shall limit (1) the Committee's right to initiate a proceeding against Licensee pursuant to Minn. Stat. ch. 14, or (2) the Committee's and the Board's right to temporarily suspend Licensee pursuant to Minn.

Stat. § 150A.08, subd. 8, based on a violation of this stipulation and order or based on conduct of Licensee before or after the date of this stipulation which is not specifically referred to in paragraph B. above.

I. Attendance at Conference. Licensee attended a conference with the Committee on November 20, 2009. The following Committee members attended the conference: Candace Mensing, D.D.S.; Freeman Rosenblum, D.D.S.; and Nancy Kearn, D.H. Assistant Attorney General Daphne A. Lundstrom represented the Committee at the conference. Although Licensee was informed at the conference that he could be represented by legal counsel, Licensee has knowingly and voluntarily waived that opportunity.

J. Waiver of Licensee's Rights. For the purpose of this stipulation, Licensee waives all procedures and proceedings before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the facts contained in this stipulation and order and to dispute the adequateness of discipline in a contested proceeding pursuant to Minn. Stat. ch. 14. Licensee agrees that upon the application of the Committee without notice to or an appearance by Licensee, the Board may issue an order imposing the discipline specified herein. The Committee may participate in Board deliberations and voting concerning the stipulation. Licensee waives the right to any judicial review of the order by appeal, writ of certiorari, or otherwise.

K. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this stipulation or a lesser remedy than specified herein, this stipulation and order shall be null and void and shall not be used for any purpose by either party hereto. If this stipulation is not approved and a contested case proceeding is initiated pursuant to Minn. Stat. ch. 14 and section 150A.08, Licensee agrees not to object to the Board's initiation of the

proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation and the record.

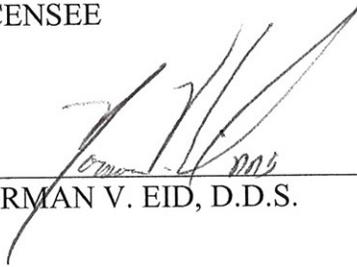
L. Record. This stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

M. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. parts 60 and 61), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

N. Entire Agreement. Licensee has read, understood, and agreed to this stipulation and is freely and voluntarily signing it. This stipulation contains the entire agreement between the parties hereto. Licensee is not relying on any other agreement or representations of any kind, verbal or otherwise.

O. Service and Effective Date. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Licensee. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE

  
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NORMAN V. EID, D.D.S.

COMPLAINT COMMITTEE

By:   
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MARSHALL SHRAGG, MPH  
Executive Director

Dated: January 12<sup>th</sup>, 2010

Dated: JANUARY 13<sup>th</sup>, 2010

**ORDER**

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

The terms of the Stipulation are approved and adopted, and the recommended disciplinary action set forth in the Stipulation is hereby issued as an Order of this Board effective this 19<sup>th</sup> day of FEBRUARY, 2010.

MINNESOTA BOARD  
OF DENTISTRY

By: Joan Sheppard D.D.S.  
JOAN SHEPPARD, D.D.S.  
President