

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Holli A. Ellering, D.H.
License No. H4222

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

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

The Board received a complaint against Holli A. Ellering, D.H. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaint and referred it to the Attorney General for investigation. Following the investigation, the Committee and Licensee 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 dental hygiene 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 she does not hold a license to practice dental hygiene in any other jurisdiction and does not hold any other professional or occupational licenses.

B. Facts. This stipulation is based upon the following facts:

1. In March 2003, the Board received a complaint against Licensee alleging that she forged prescriptions for narcotics. The Committee reviewed the complaint and referred

it to the Attorney General for investigation. Following the investigation, the Committee held a disciplinary conference with Licensee which resulted in a letter referring Licensee back to the Health Professionals Services Program (“HPSP”) on March 26, 2004.

2. Licensee contacted HPSP on March 30, 2004. Licensee signed a Participation Agreement with HPSP for monitoring her substance abuse disorder.

3. On May 12, 2006, Licensee contacted the Board requesting a voluntary surrender of her license to practice dental hygiene in the State of Minnesota due to severe health problems and financial hardship. The Committee reviewed and accepted Licensee’s request to voluntarily surrender her license.

C. Violations. Licensee admits that pursuant to Minnesota Statutes sections 150A.08, subd. 1(8) the facts and conduct specified above are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order accepting the **VOLUNTARY SURRENDER** of Licensee’s license to practice dental hygiene in the State of Minnesota in accordance with the following terms:

1. Surrender. Effective the date of the order, Licensee’s license to practice dental hygiene 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 Marshall Shragg, Executive Director, Minnesota Board of Dentistry, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414.

2. Prohibitions. Licensee shall not engage in any act which constitutes the practice of dental hygiene as defined in Minn. Stat. § 150A.05, subd. 1a. and Minn. Rules part

3100.8700 and shall not imply to former patients or other persons by words or conduct that Licensee is licensed to practice dental hygiene.

E. Application for Relicensure. Licensee may apply to the Board for relicensure 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 the payment of all fees relating to relicensure and completing the Professional Development requirements. Minnesota Rule 3100.1850 does not apply to an application for relicensure following the issuance of a stipulation and order for voluntary surrender of license.

Along with Licensee's application for relicensure, Licensee shall have the burden of proving that she has successfully addressed the causes of the conduct described in this Order, and that she is fit to practice dental hygiene in compliance with accepted standards. Licensee must submit proof that, after the effective date of this order, she has maintained documented, uninterrupted sobriety for a period of at least one year prior to submitting her application for relicensure. Licensee must prove that she has completely abstained from ingesting, injecting, or otherwise taking any mood-altering chemicals or drugs, including alcohol, unless prescribed by a physician or dentist who has been previously informed of Licensee's drug abuse history and with whom Licensee has a formal healthcare provider/patient relationship.

In addition, if Licensee is out of practice for more than two (2) years after the effective date of this stipulation and order, she shall attain a passing score on the regional clinical examination. Licensee's compliance with the above-referenced requirements shall not create a presumption that she should be granted a license to practice dental hygiene in the State of Minnesota. Upon Licensee's application for relicensure, the burden of proof shall be upon her to

demonstrate to the Board by clear and convincing evidence that she is capable of conducting herself in a qualified and competent manner, is able to perform the duties of a dental hygienist with reasonable skill and safety, and has complied fully with the terms of the Board's order.

F. Meeting with a Complaint Committee. Licensee shall meet with a complaint committee of the Board at least 30 days prior to the Board meeting to consider Licensee's application for relicensure. The complaint committee shall review and discuss Licensee's application and fitness to resume the practice of dental hygiene. After meeting with Licensee, the complaint committee shall forward a report containing its recommendations to the Board.

G. Board Action. At any regularly scheduled Board meeting following Licensee's application for relicensure 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 dental hygiene; or
3. Deny the application for relicensure upon Licensee's failure to meet the burden of proof.

H. Judicial Relief. If Licensee violates paragraph D above, a district court of this state may, upon application of the Committee, enter an order enjoining Licensee from such practice and grant the Board costs, reasonable attorney fees, and other appropriate relief.

I. Right to an Attorney. Licensee has the right to be represented by legal counsel in this matter; 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 appropriateness 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 § 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. 5. 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

Holli A. Ellering
HOLLI A. ELLERING, D.H.
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Dated: 6-15, 2006

COMPLAINT COMMITTEE

By: Marshall Shragg
MARSHALL SHRAGG
Executive Director

Dated: JUNE 26TH, 2006


* note: personal information
(phone #, address)
redacted.

M. Shragg 6/26/06

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 dental hygiene in the State of Minnesota effective this 15th day of September, 2006.

MINNESOTA BOARD
OF DENTISTRY

By: 
MARK W. HARRIS, D.D.S.
President