

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Heidi R. Engebretson, D.H.
License No. H7005

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

The Minnesota Board of Dentistry (“Board”) is authorized pursuant to Minnesota Statutes chapter 150A, sections 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 including accepting a voluntary surrender of license.

Heidi R. Engebretson, D.H. (“Licensee”) desires to voluntarily surrender her license to practice dental hygiene in the State of Minnesota. The Board’s Complaint Committee (“Committee”) and Licensee agree that the matter may be resolved by this stipulation and order accepting voluntary surrender of Licensee’s license.

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. Licensee is a dental hygienist, licensed in the State of Minnesota.
2. Licensee has engaged in personal conduct which brings discredit to the profession of dental hygiene and may be unable to practice dental hygiene with reasonable skill and safety due to a physical, mental, emotional, or other disability.

- a. On February 6 and March 12, 2007, Licensee completed mental and chemical health assessments, respectively, at Wenden Recovery Services (“Wenden”) in Rochester, Minnesota, at the request of the court system and child protection. The evaluator’s diagnoses for Licensee were major depressive disorder and abuse of alcohol, cannabis, and cocaine. The evaluator’s recommendations for Licensee included the following: complete a psychiatric evaluation; a physical examination; attend psychotherapy; attend support/training program for parenting twice weekly; attend grief recovery group or one-on-one counseling for relationship issues; abstain from all alcohol and mood-altering chemicals; and enter an outpatient chemical dependency (“CD”) treatment program.

- b. On March 26, 2007, Licensee entered an outpatient CD treatment program at Wenden as recommended by the evaluator. On May 21, 2007, Licensee was discharged from the program with the recommendation to attend ten sessions of aftercare. During this period, Licensee also received treatment for her depression at the Rapid Access Clinic and started meeting twice monthly with a therapist.

- c. On July 9, 2007, Licensee reported herself to the Health Professionals Services Program (“HPSP”). During her intake interview, Licensee told the HPSP about her history of depression and therapy since 1993. Licensee also told the HPSP about her monthly use of cannabis and cocaine, which increased to twice monthly after her baby was born. At the time of the HPSP intake interview in July 2007, Licensee was attending aftercare sessions

at Wenden, a parenting support program, an occasional AA meeting with no sponsor, and participating in random urinary analysis screens at work. Licensee was also employed as a pharmacy technician.

d. On September 13, 2007, the HPSP received Licensee's signed Participation Agreement for monitoring her psychiatric and substance disorders.

e. On November 13 and 14, 2007, the HPSP left Licensee voicemail messages regarding her missed toxicology screen for October 19, 2007. On November 15, 2007, the HPSP sent a letter to Licensee requesting a response from her about the missed screen. On November 16, 2007, Licensee left a voicemail message with the HPSP explaining she had been working night shifts and requesting a call back.

f. On November 28 and 29, 2007, the HPSP left Licensee voicemail messages regarding two missed toxicology screens for October 19 and November 14, 2007.

g. On December 4, 2007, Licensee contacted the HPSP stating that the missed October 19 screen was an error, since she had previously received clearance for this date due to being on vacation. As for the November 14 missed screen, Licensee was unsure about providing a screen for that date, stating that she forgets to call the topline due to working third shifts. The HPSP reminded Licensee that if she were to miss two more unexcused toxicology screens in the next 12 months she would be discharged from the program.

h. On December 24, 2007, the HPSP sent a letter to Licensee indicating that she had two unexcused missed toxicology screens on November 14 and 30, 2007.

i. On December 28, 2007, Licensee missed another toxicology screen. Licensee also failed to submit her quarterly self-report to the HPSP.

j. On January 23, 2008, Licensee was discharged from the HPSP due to non-compliance including three missed toxicology screens and failure to submit quarterly reports. The HPSP informed the Committee about Licensee's discharge from the program.

k. On February 29, 2008, the Committee sent a confidential referral letter to Licensee requesting that she contact the HPSP within 14 days of receiving the Committee's letter to participate in this program. Licensee failed to contact the HPSP as required by the Committee's letter.

l. On April 10, 2008, the Committee sent another letter to Licensee requesting a written explanation for Licensee's discharge from the HPSP, an explanation regarding her intentions for her dental hygiene license, and Licensee's current employment information. Licensee was directed to submit a written response by April 25, 2008.

m. On May 23, 2008, the Board office received Licensee's response, dated May 6, 2008, to the Committee's previous letters. Licensee stated that she decided not to contact the HPSP because she had not been working as a dental hygienist since March 2007. Moreover, Licensee indicated that the HPSP is not a patient-friendly program and the program requirements are inappropriate. Licensee stated she is currently unemployed and looking for work, but that she would like to maintain her dental hygiene license and continue to look for a position in a local dental office.

n. In its July 16, 2008, letter to Licensee, the Committee acknowledged receipt of her recent letter and informed Licensee that her dental hygiene license expired on May 31, 2008, due to her failure to renew her license.

o. Licensee is ineligible to practice dental hygiene until she has complied with the applicable requirements for reinstatement of her dental hygiene license, which

includes a renewal application and all applicable fees for Licensee's biennial cycle March 2008 to 2010, and the required documentation for a professional development audit of Licensee's cycle period July 1, 2003, to March 31, 2008.

p. At the October 21, 2008 conference with the Committee, Licensee admitted that she failed to comply with the HPSP and she has not complied with all the requirements for reinstatement of her dental hygiene license.

q. On February 25, 2009, Licensee contacted the Board requesting a voluntary surrender of her license to practice dental hygiene in the State of Minnesota.

C. Violations. Licensee admits that pursuant to Minnesota Statutes sections 150A.08, subd. 1(6) and (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 this 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 Southeast, Suite 450, Minneapolis, Minnesota 55414.

2. Prohibitions. Licensee shall not engage in any act which constitutes the practice of dental hygiene as defined in Minnesota Statutes section 150A.05, subd. 1a. and

Minnesota 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. Requirements for Relicensure.

1. Relicensure Application. 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.

2. Documented Sobriety and Chemical Dependency Evaluation. In addition to the reinstatement requirements contained in the applicable statutes and rules in effect at the time of Licensee's application, 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 shall comply with the following requirements including, but not limited to:

a) 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.

b) Within 60 days prior to submission of a relicensure application to the Board, Licensee shall undergo a chemical dependency evaluation performed by an addictionologist or chemical dependency assessor. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and pre-approval by Board staff for purposes of this evaluation. Licensee is responsible for all costs associated with this evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement

verifying the evaluator has reviewed this stipulation and order and any medical, mental health, and chemical dependency treatment records deemed pertinent by the evaluator or the Board prior to the evaluation. Licensee shall comply with any recommendations for additional evaluation and treatment made by the evaluator.

c) Licensee must provide any additional documented proof 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.

3. Regional Clinical Examination. Moreover, if Licensee is out of practice for more than two (2) years after the effective date of this stipulation and order, Licensee shall take and successfully attain a passing score on the regional clinical examination specified in Minnesota Rules part 3100.1200, item C.

4. 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. When applying for relicensure, the burden of proof shall be upon Licensee 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 60 days prior to the Board meeting to consider Licensee's application for relicensure. The Complaint Committee shall review and discuss with Licensee

her application and supporting evidence. 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. Through this stipulation and order, Licensee is further notified that Licensee may choose to be represented by legal counsel in this matter. Licensee has elected not to be represented by counsel. The Committee involved with this matter is comprised of Board members Linda Boyum, R.D.A., Joan Sheppard, D.D.S., and Kristin Heebner, J.D. Assistant Attorney General Careen H. Martin is representing the Committee.

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 Minnesota Statutes chapter 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 Minnesota Statutes chapter 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. 5. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes chapter 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. 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

 By:
HEIDI R. ENGBRETSON, D.H.

Dated: 3-21-09, 2009

COMPLAINT COMMITTEE


MARSHALL SHRAGG
Executive Director

Dated: 3/27, 2009

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 27th day of March, 2009.

MINNESOTA BOARD
OF DENTISTRY

By: Candace Mensing D.D.S.
CANDACE MENSING, D.D.S.
President