BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Kristina L. (Randall) Gambill, L.D.A.
License No. A13498

STIPULATION AND ORDER FOR CONDITIONAL LICENSE

STIPULATION

Kristina L. (Randall) Gambill, L.D.A. ("Licensee") and the Minnesota Board of Dentistry's Licensure and Credentials Committee ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. 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 dental assistants and to take disciplinary action.

2. Licensee holds a license from the Board to practice dental assisting 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.

CONFERENCE

3. On March 28, 2014, Licensee appeared before the Committee, composed of Board member Joan Sheppard, D.D.S., to discuss allegations made in a Notice of Conference dated March 17, 2014. Sara P. Boeshans, Assistant Attorney General, represented the Committee at the conference.

4. Although Licensee was informed that she could be represented by legal counsel, Licensee knowingly and voluntarily waived that opportunity.

III.

FACTS

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

a. Licensee failed to properly submit to and verify with the Board her correct and current mailing address pursuant to Minnesota Statutes section 150A.09, subdivision 3. Accordingly, Licensee failed to receive the renewal notice sent by the Board prior to the expiration of her license. Licensee's license to practice dental assisting was terminated on January 1, 2014, due to her failure to renew.

b. Licensee continued to practice as a licensed dental assistant from January 1 to February 27, 2014, without authorization. Licensee performed delegated duties on patients beyond the scope of practice for an unlicensed dental assistant.

c. Licensee must complete the application requirements for reinstatement of her dental assistant license pursuant to Minnesota Rules 3100.1850.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 150A.08, subdivision 1(6), Minnesota Rules 3100.6200 A and 3100.6200 F, and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. The Board shall reinstate Licensee's license to practice dental assisting in the State of Minnesota at such time as Licensee has completed all applicable requirements outlined within Minnesota Rules part 3100.1850.

CONDITIONS

8. The Board places the following **CONDITIONS** on Licensee's license:

a. Jurisprudence Examination. Within 90 days from the effective date of this Order, Licensee shall take and pass the Minnesota jurisprudence examination. Licensee may take the jurisprudence examination as many times as necessary to pass the examination within the 90-day period, however, Licensee may take the examination only once each day. At the end of the examination session, Licensee will receive a printed score report from Prometric. Licensee must submit to the Board either an original printed score report or a notarized copy of the score report as proof of having passed the jurisprudence examination. Licensee is responsible for locating a testing center, registering for the jurisprudence examination, and paying for the examination fee through the Board's contracted testing agency, Prometric Incorporated. [A link for Prometric can be found on the Board's website under Licensing.]

b. Dental Assistant Licensure Report. Within six months from the effective date of this Order, Licensee shall submit a written report focusing on her protocol for maintaining her dental assisting license, the importance of licensure for a dental assistant, and the significance of practicing dentistry without a license. Licensee's report shall also describe her protocol for maintaining a correct and current mailing address with the Board and outline the

requirements for properly displaying her licenses and renewal certificates in each dental office. Licensee's report shall be typewritten in her own words, double-spaced, and at least two pages in length but no more than three pages. Licensee's report shall be subject to approval by the Committee.

c. Civil Penalty. Within nine months from the effective date of this Order, Licensee shall pay to the Board a civil penalty in the amount of $250. The civil penalty shall be paid by cashier's check or money order made payable to the Minnesota Board of Dentistry and shall be delivered personally or by mail to the Minnesota Board of Dentistry, c/o Marshall Shragg, Executive Director, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414.

d. Community Service. Within nine months of the effective date of this Order, Licensee shall complete twenty (20) hours of unpaid community service at any voluntary dental access clinic, e.g. Neighborhood Involvement Program (NIP) Community Clinic, Union Gospel Dental Clinic, or other voluntary dental access clinic located in Licensee's community. **Prior to Licensee volunteering, each clinic must be approved in advance by the Committee**. Licensee shall submit to the Committee evidence of successfully completing 20 hours of service.

For this Order, Licensee shall arrange with the organization for forfeiture of all recognition for these dental services, including any letters of commendation, plaques, and advertising or marketing related to the individual provider or the practice. Violation of the recognition provision, whether intentional or not, will result in that treatment not being recognized by the Committee as meeting the requirement for community service. Moreover, none of the community service provided under this requirement may be used to satisfy the professional development requirements of Minnesota Rules 3100.5100, subpart 2.

Removal of Conditions

9. Licensee may petition to have the conditions removed from Licensee's license at any regularly scheduled Board meeting no sooner than one year after the effective date of this Stipulation and Order 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 dental assisting 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 Stipulation and Order.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. 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.

11. In Licensee's practice of dentistry, Licensee shall comply with the most current infection control requirements of Minnesota Rules 3100.6300 and 6950.1000 to 6950.1080, and with the Centers for Disease Control and Prevention, Public Health Service, and the United States Department of Health and Human Services.

12. 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, or appearances at conferences. Minnesota Rules 3100.6350 shall be applicable to such requests.

13. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Order are timely filed by those preparing the payment, report, evaluation, or documentation. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Order.

Imposition of Fine

14. 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 Minnesota Statutes section 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.

Noncompliance or Violation With Stipulation and Order

15. If Licensee fails to comply with or violates this Stipulation and Order or it is determined Licensee has further violated Minnesota Statutes chapter 150A or Minnesota Rules chapter 3100, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. 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(s) alleged

by the Committee. In addition, the notice shall designate the time and place of the hearing. Within seven days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with the Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through the procedures of Minnesota Statutes section 214.103, subdivision 6.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Order. The Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this order is in effect.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 150A.08, subdivision 8, based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

16. Within ten days of execution of this Stipulation and Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice as a dental professional or holds any other professional or occupational license or registration.

17. If while residing or practicing in Minnesota, Licensee should become employed at any other dental clinic or facility or move, Licensee shall notify the Board in writing of the new address and telephone number within ten days.

18. In the event Licensee should leave Minnesota to reside or to practice outside of the state, Licensee shall notify the Board in writing of the new address and telephone number within ten 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. If Licensee leaves the state, the terms of this order continue to apply unless waived in writing.

19. 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.

20. 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.

21. 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.

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

23. 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.

24. 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.

25. 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.

VIII.

DATA PRACTICES NOTICES

26. 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.

27. 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	LICENSURE/CREDENTIAL COMMITTEE
Kristina L. Gambill By:	
KRISTINA L. (RANDALL) GAMBILL, L.D.A.	MARSHALL SHRAGG, MPH Executive Director
Dated: April 14, 2014	Dated: April 18TH, 2014

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 2nd day of May, 2014.

MINNESOTA BOARD OF DENTISTRY

By: _____
TERI YOUNGDAHL, L.D.A.
President