

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Vicky A. Goplin, L.D.A.
License No. A1124

**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 dental assistants, to refer complaints against dental assistants to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint(s) against Vicky A. Goplin, L.D.A. (“Licensee”). The Board’s Complaint Committee (“Committee”) reviewed the complaint and referred the matter to the Minnesota Attorney General’s Office for investigation. Following the investigation, the Committee held a conference with Licensee and her attorney on July 30, 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 dental assisting 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 assisting in any other jurisdiction and does not hold any other professional or occupational licenses.

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

Unprofessional Conduct and/or Inability to Practice with Reasonable Skill and Safety

1. Licensee engaged in personal conduct which brings discredit to the profession of dental assisting and may be unable to practice dental assisting with reasonable skill and safety due to a physical, mental, emotional, or other disability.

a. On August 22, 2008, Licensee self-reported to the Health Professionals Services Program (“HPSP”). During her intake interview, Licensee told the HPSP that she was prescribed Vicodin by her primary care physician beginning in July 2004 to manage ongoing knee pain after being diagnosed and treated for Sarcoma in her right leg. Licensee stated that she increased her Vicodin use from eight tablets each day to about 9-15 each day due to increased tolerance. On August 8, 2008, Licensee was arrested by the Bloomington police at a local pharmacy for altering the number of Vicodin tablets on a prescription and attempting to fill the prescription. Due to her arrest, Licensee’s dental employer suspended her from work pending the completion of an internal investigation.

b. On September 9, 2008, Licensee told the HPSP that she was given the choice of either termination or resignation from her job. Licensee decided to resign from her job and maintain her license.

c. On September 24, 2008, Licensee completed a chemical dependency comprehensive assessment at Regions Hospital as required by the HPSP. The assessor’s diagnosed opiate dependence recommending an outpatient treatment program for Licensee.

d. On October 30, 2008, the Committee received a complaint against Licensee alleging that she was falsifying prescriptions from her physician’s office to obtain Schedule II narcotics.

e. An investigation revealed the following information regarding the forging of prescriptions:

1) Licensee admitted to her medical provider that she inappropriately accessed another person's electronic medical record and printed five prescriptions for controlled substances under that patient's name. Licensee used a physician's name as the prescriber. Licensee also admitted to forging the physician's signature on at least two of the prescriptions and filling four out of the five prescriptions which had July 2008 dates.

2) Licensee admitted to Bloomington police that she photocopied an original prescription from her primary care physician for 90 tablets of hydrocodone, submitted the photocopy prescription to the pharmacy, and received the drugs on August 7, 2008. Licensee also admitted that she kept the original prescription to use at a later time.

3) On October 24, 2008, Licensee was formally charged with a felony, Controlled Substance Crime Fifth Degree-Possession, in Hennepin County, Minnesota.

4) As of December 2008, Licensee was employed as a dental assistant. Additionally, Licensee was attending a treatment program, but had not re-enrolled in the HPSP.

f. On December 30, 2008, Licensee agreed to and signed a Stipulation to Cease Practice ("2008 Stipulation to Cease") which prohibits Licensee from practicing as a licensed dental assistant in any manner in the State of Minnesota until the Board issues its Final Order.

g. On January 9, 2009, Licensee attended an Omnibus Hearing in Hennepin County District Court for her felony charge. From the hearing, Licensee received a referral to Operation de Novo, Drug Diversion ("Drug Diversion"). Licensee entered Drug Diversion from January 14, 2009 to January 13, 2010, and she agreed to refrain from the practice

of dental assisting during this period. Licensee's criminal case has been continued for one year with no entered plea or conviction. If Licensee completes the conditions of Drug Diversion, the charge against her may be dismissed. Alternatively, if Licensee fails to complete Drug Diversion, the charge against her will be prosecuted.

C. Violations. Licensee admits that the facts and conduct specified above constitute violations of Minn. Stat. §§150A.08, subd. 1(6) (unprofessional conduct) and 150A.08, subd. 1(8) (physical, mental, emotional or other disability which adversely affects ability to perform as a licensed dental assistant), and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order **RESCINDING** the 2008 Stipulation to Cease and placing **CONDITIONS** on Licensee's license as a licensed dental assistant in the State of Minnesota as follows:

CONDITIONS

1. Participation in HPSP.
 - a. Within 14 days of the issuance of this stipulation and order, Licensee shall enroll in HPSP for monitoring of her chemical dependency recovery. Licensee shall provide HPSP with a copy of this stipulation and order at the time of enrollment. Licensee must return the signed Participation Agreement to HPSP within 14 days of receiving the Participation Agreement from HPSP. Failure to meet either of these deadlines will be considered a violation of this stipulation and order.
 - b. Licensee shall be monitored by HPSP until HPSP determines Licensee is qualified to practice without conditions.
 - c. Licensee shall comply with all provisions of her HPSP Participation Agreement, including revisions subsequent to this order. Licensee's failure to

comply with her HPSP Participation Agreement shall be considered a violation of this stipulation and order.

d. Licensee shall totally abstain from ingesting, injecting, or otherwise taking or using any mood-altering chemical or drug, including, but not limited to alcohol. This prohibition does not apply to legend drugs, including controlled substances, which are prescribed for Licensee by a licensed physician or dentist as part of a course of treatment.

2. 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 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 with 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 after Licensee has complied with all the conditions of her Participation Agreement with HPSP, provided that Licensee's petition is received by the Board at least 30 days prior to the Board meeting. At

the time of Licensee's petition, Licensee shall have the burden of proof proving that Licensee has complied with her Participation Agreement with HPSP and the conditions of this stipulation and order and that the Licensee is qualified to practice without conditions. Licensee's compliance with these conditions 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 limitations on Licensee's practice, or suspension or revocation of Licensee's dental assisting 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 and her attorney attended a conference with the Committee on July 30, 2009. The following Committee members attended the conference: Linda Boyum, L.D.A.; Joan Sheppard, D.D.S.; and David Linde, D.D.S. Assistant Attorney General Angelina M. Barnes represented the Committee at the conference. Licensee was

represented by Steven J. Meshbesh in this matter, who has advised Licensee regarding this stipulation and order.

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.

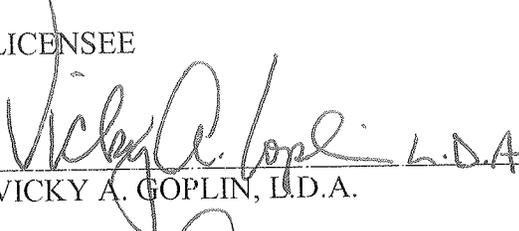
L. Record. This stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this stipulation. Any reports or 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.

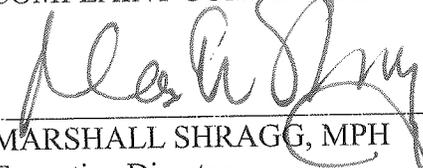
O. Service and Effective Date. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Licensee. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE


VICKY A. GOPLIN, L.D.A.

Dated: 4 September, 2009

COMPLAINT COMMITTEE


MARSHALL SHRAGG, MPH
Executive Director

Dated: September 17th, 2009

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 25th day of September, 2009.

MINNESOTA BOARD
OF DENTISTRY

By:



CANDACE MENSING, D.D.S.
President