BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Linda K. Grandaw, L.D.A.
License No. A4140

STIPULATION AND ORDER FOR CONDITIONAL LICENSE

STIPULATION

Linda K. Grandaw, L.D.A. ("Licensee") and the Minnesota Board of Dentistry's Complaint 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 Minn. Stat. Ch. 150A, § 214.10, and § 214.103 to license and regulate licensed dental assistants and to take disciplinary action when appropriate.

2. 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 and Order.

II.

CONFERENCE

3. On June 14, 2012, Licensee and her attorney, Gregory W. Deckert, appeared before the Committee, composed of Board members Joan Sheppard, D.D.S., Teri Youngdahl, L.D.A., and Paul Walker, D.D.S., to discuss allegations made in a Notice of Conference dated May 23, 2012. Geoffrey S. Karls, Assistant Attorney General, represented the Committee at the conference.

4. Licensee was advised by Committee representatives that she may choose to be represented by legal counsel in this matter. Licensee retained Gregory W. Deckert, Deckert & Van Loh, P.A., Maple Grove Business Lofts, 12912 - 63rd Avenue North, Maple Grove, Minnesota.

III.

FACTS

5. The parties agree this Stipulation and Order is based upon the following information. Licensee does not make any specific admission of these facts but concedes that, if proven, the allegations would provide a factual basis to support the claimed violations:

a. The Committee has concluded 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. Examples include the following:

1) Licensee is employed at a dental office in Richfield, Minnesota. The Committee has received complaints alleging:

a) Licensee typically frequents a bar across the street from the practice for lunch. On more than one occasion, Licensee has been observed drinking a beer during lunch, returning to work, and assisting her employer in direct patient care.

b) At times, Licensee smells of alcohol while at work, and attempts to conceal this smell by wearing a mask.

c) Licensee's hands shake while working.

d) On one occasion, Licensee left a patient on nitrous oxide inhalation analgesia unattended when she was supposed to be monitoring the patient.

2) During the investigation, Licensee told the investigator that she has been diagnosed with vertigo which causes her to zig-zag while walking. Licensee also stated that she is diabetic, which causes her breath to smell like alcohol.

3) On March 29, 2012, the Committee sent a confidential referral letter to Licensee instructing her to contact the Health Professionals Services Program ("HPSP") within seven business days. On March 31 and April 1, 2012, Licensee left voicemail messages with Board staff. Licensee sounded impaired on these messages. On April 5, 2012, a Board staff member contacted Licensee about her voicemail messages and the Board's letter requiring her to contact the HPSP. Licensee told the Board staff member that she did not know if she was going to contact HPSP.

4) On April 10, 2012, the HPSP discharged Licensee due to her failure to contact the program by the Board's specified deadline date.

5) On April 20, 2012, Licensee contacted the HPSP stating that she was reported to the Board for going to work with alcohol on her breath. Before any additional information could be obtained from her, Licensee ended the interview by hanging up the telephone. Later that same day, Licensee again contacted the HPSP asking about getting a lawyer to sue the Board for believing false accusations. She then hung up the telephone. On April 23, 2012, Licensee left a slowly spoken voicemail message with the HPSP about being appalled by the accusations, getting a lawyer, and being "really upset."

6) On May 9, 2012, after receiving a voicemail message from her, the Board staff member contacted Licensee about her confusion with monitoring and what information is needed for this process. The Board staff member directed Licensee to contact the HPSP, who would perform an intake interview and describe the program requirements, including

certain evaluations. During the telephone call, Licensee had difficulty remembering who she was speaking to and repeatedly indicated that she did not know what to do. On that same date, the Board staff member faxed the HPSP another confidential referral regarding Licensee.

IV.

LAWS

6. The Committee concludes that the conduct alleged in section III. above constitutes a violation of Minn. Stat. § 150A.08, subd. 1(6) and (8), Minn. R. 3100.6200 A, and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The Board is imposing the following disciplinary action and its compliance with the following terms:

CONDITIONS

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

a. Participation in HPSP.

1) Within 14 days after the effective date of this Order, Licensee shall enroll in HPSP in the State of Minnesota for monitoring and to undergo comprehensive evaluations of her substance disorder and/or other health-related disorders, including diabetes and vertigo. 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 Order.

2) Licensee shall be monitored by HPSP until HPSP determines Licensee is qualified to practice without conditions.

3) 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 Order.

4) 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.

Removal of Conditions

8. The conditions upon Licensee's license shall be administratively removed upon Licensee's satisfactory completion of the disciplinary action contained within this Stipulation and Order. The Board's Executive Director will send written notification to the Licensee regarding the removal of the conditions from Licensee's license to practice dental assisting.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. 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.

10. In Licensee's practice of dentistry, Licensee shall comply with the most current infection control requirements of Minnesota Rules parts 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.

11. 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 part 3100.6350 shall be applicable to such requests.

12. 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 and 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

13. 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

14. 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 contest 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

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

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

22. 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 the 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.

23. 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.

24. 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

25. 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.

26. 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	COMPLAINT COMMITTEE
Linda K Grandaw	By:
LINDA K. GRANDAW, L.D.A.	MARSHALL SHRAGG, MPH Executive Director
Dated: Aug 10, 2012	Dated: August 21st, 2012

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 21st day of September, 2012.

MINNESOTA BOARD
OF DENTISTRY

By: Neal Benjamin DDS
NEAL BENJAMIN, D.D.S.
President