

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Dawn Rice, D.H.
License No. H7476

**STIPULATION AND ORDER
FOR SUSPENSION**

STIPULATION

Dawn Rice, D.H. ("Licensee") and the Minnesota Board of Dentistry's Practitioner Review 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 hygienists and to take disciplinary action when appropriate.

2. Licensee holds a license from the Board to practice as a dental hygienist 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. The Committee is composed of Board members Douglas Wolff, D.D.S., Teri Youngdahl, L.D.A., Steven W. Sperling, D.D.S., and Ruth Dahl. Nicholas Lienesch, Assistant Attorney General, represented the Committee in this matter.

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

III.

FACTS

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

a. On October 14, 2016, the Board executed a Stipulation and Order (“2016 Stipulation and Order”), which suspended Licensee’s license but stayed the suspension so long as Licensee complied with certain requirements listed in the 2016 Stipulation and Order, including a requirement that Licensee participate in the Health Professionals Services Program (“HPSP”). The 2016 Stipulation and Order also provided that if the Committee had probable cause to believe Licensee violated any of the requirements for staying the suspension, it could immediately remove the stay and impose the suspension.

b. Following the 2016 Stipulation and Order, Licensee enrolled in HPSP, pursuant to the terms of her Participation Agreement, which she signed on November 4, 2016. Licensee’s HPSP Participation Agreement required her to agree to the terms and conditions of Licensee’s HPSP Monitoring Plan. Licensee’s HPSP Monitoring Plan included a requirement that Licensee keep a current address and phone number on file with HPSP and to permit her treatment providers and HPSP to exchange information related to Licensee’s health conditions.

c. Licensee’s HPSP case manager left voicemail messages for Licensee on March 8, March 14, and March 19, 2018, asking for an update on Licensee’s progress in an outpatient treatment program where Licensee was enrolled. Licensee’s case manager also sent a letter, dated March 22, 2018, requesting that Licensee sign updated authorizations allowing her

treatment providers to share treatment information with HPSP. Licensee failed to respond to any such inquiries.

d. On April 4, 2018, Licensee was discharged from HPSP for failing to respond to HPSP's inquiries.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above would constitute a violation of Minnesota Statutes section 150A.08, subdivision 1(13), and would justify 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 hereby orders that the 2016 Stipulation and Order shall have no future force or effect, and places an **INDEFINITE SUSPENSION** upon Licensee's license to practice dentistry in the State of Minnesota in accordance with the following terms:

a. Surrender. Effective the date this Order is adopted by the Board, Licensee's license to practice as a dental hygienist in the State of Minnesota is suspended for a period of no less than 12 months. Within ten days of the effective date of this Order, Licensee shall surrender to the Board her original license and current renewal certificate by delivering them personally or by first class mail to Bridgett Anderson, Executive Director, Minnesota Board of Dentistry, 2829 University Avenue Southeast, Suite 450, Minneapolis, Minnesota 55414.

b. Prohibitions. Effective the date this Order is adopted by the Board, Licensee shall not engage in any act that constitutes the practice of dentistry or dental hygiene as defined in Minnesota Statutes section 150A.10 and Minnesota Rules 3100.8700 and shall not imply to former patients or other persons by words or conduct that Licensee is licensed to practice as a dental hygienist.

Requirements for License Reinstatement

8. The requirements for reinstatement of Licensee's license are as follows:

a. Reinstatement Application. Licensee may apply to the Board for reinstatement at any regularly scheduled Board meeting no sooner than 12 months from 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 reinstatement and completing the Professional Development requirements.

b. 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 Stipulation and Order, and that she is fit to practice as a dental hygienist in compliance with accepted standards. Licensee shall comply with the following requirements including, but not limited to:

1) Licensee must submit proof that, after the effective date of this Order, she has maintained documented, uninterrupted sobriety for a period of at least 12 months prior to submitting her application for reinstatement.

2) Within 60 days prior to submission of a reinstatement 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.

3) 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.

c. License Examination(s). Should Licensee apply for reinstatement more than two (2) years after the effective date of this Stipulation and Order, Licensee shall take and successfully attain a passing score on both of the examinations specified in Minnesota Rules 3100.1200.

d. Burden of Proof. Licensee's compliance with the above-referenced requirements shall not create a presumption that she should be granted a license to practice as a dental hygienist in the State of Minnesota. When applying for reinstatement, 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.

e. Meeting with Committee. Licensee shall meet with the Practitioner Review Committee at least 60 days prior to the Board meeting to consider Licensee's application for reinstatement. The Complaint shall review and discuss with Licensee her application and supporting evidence. After meeting with Licensee, the Committee shall forward a report containing its recommendations to the Board.

9. At any regularly scheduled Board meeting following Licensee's application for reinstatement and meeting with the Committee, the Board may take any of the following actions:

- a. Reissue a license to Licensee;
- b. Reissue a license to Licensee with limitations and/or conditions placed upon the scope of Licensee's practice; or
- c. Deny the application for reinstatement upon Licensee's failure to meet the burden of proof.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. 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 214.077, based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

11. 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.

12. 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.

13. 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.

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

15. 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.

16. 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.

17. 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.

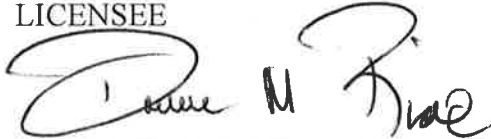
DATA PRACTICES NOTICES

18. 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.

19. 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



DAWN RICE, D.H.

By:

COMPLAINT COMMITTEE



BRIDGETT ANDERSON, L.D.A., M.B.A.
Executive Director

Dated: 6/1, 2018

Dated: 6/25, 2018


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 13th day of July, 2018.

MINNESOTA BOARD OF DENTISTRY

By:


DOUGLAS WOLFF, J.D., D.D.S.
Board President