

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Quynh T. Hoang, R.D.A.
Registration No. A 11039

**STIPULATION AND ORDER FOR
CONDITIONAL REGISTRATION**

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to register 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 Quynh T. Hoang, R.D.A. ("Registrant"). The Board's Complaint Committee ("Committee") reviewed the complaint(s) and referred the matter to the Attorney General for investigation. Following the investigation, the Committee held a conference with Registrant on April 26, 2006. The Committee and Registrant have agreed that the matter may now be resolved by this stipulation and order.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Registrant and the Committee as follows:

A. Jurisdiction. Registrant holds a registration 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. Registrant states that she does not hold a registration to practice dental assisting in any other jurisdiction and does not hold any other professional or occupational registrations.

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

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

1. Registrant has 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 April 8, 2005, Registrant contacted the Health Professionals Services Program ("HPSP") in response to its March 23, 2005 letter regarding a third party report alleging chemical dependency, abuse of heroin and/or cocaine, and disruptive behavior. Registrant told HPSP that she is not chemically dependent and does not want to participate in the program. Subsequently, HPSP discharged Registrant from the program due to non-compliance and informed the Board.

b. On April 26, 2005, a Board staff member contacted Registrant to convey the Committee's recommendation that Registrant contact HPSP for an evaluation. Otherwise, the Committee would refer this matter to the Attorney General's Office for investigation.

c. In June 2005, an Attorney General investigation was conducted regarding Registrant and a report was submitted to the Committee. During her interview with the Attorney General investigator, Registrant continued to deny any chemical dependency or drug abuse problems. Registrant added that she would be willing to have an evaluation with HPSP. Based upon the investigative report, the Committee sent a confidential referral letter on July 26, 2005 to Registrant instructing her to contact HPSP.

d. On August 10, 2005, Registrant contacted HPSP in response to the Committee's referral letter. During HPSP's intake assessment, Registrant stated that she had a DWI in 2003 without CD treatment, but denies any abuse problems or consequences from alcohol or other drugs. Registrant also reported to HPSP that she drinks wine about twice a month. Nonetheless, Registrant agreed with HPSP to participate in a substance abuse evaluation conducted by an evaluator at Fairview Riverside by September 2, 2005.

e. On September 8, 2005, HPSP contacted the evaluator at Fairview Riverside to learn that Registrant never contacted or scheduled a substance abuse evaluation with him. As a result, Registrant was discharged from HPSP due to non-cooperation.

f. On April 26, 2006, the Committee held a disciplinary conference with Registrant to discuss her aforementioned conduct in paragraphs 1.a.-e. At the conference, the Committee decided to allow Registrant to obtain a chemical dependency evaluation from an evaluator at Fairview Riverside and submit the evaluation report to the Committee by July 1, 2006.

g. In its June 28, 2006 letter to Registrant, the Committee granted Registrant's request for an extension to obtain the chemical dependency evaluation due to financial reasons. Registrant must obtain an evaluation and submit a report to the Committee by August 15, 2006.

h. In a July 31, 2006 fax to the Committee, Registrant requested another extension to complete the chemical dependency evaluation. Due to insurance and financial difficulties, Registrant stated that she applied and qualified for a Rule 25 chemical dependency evaluation which is scheduled for August 14 [15], 2006. In response, the

Committee granted Registrant's extension request requiring submission of the results of the evaluation by September 6, 2006.

i. On August 15, 2006, Registrant completed her Rule 25 evaluation with an assessor at Anoka County Community Corrections. On September 12, 2006, the Committee received Registrant's evaluation. The assessor's evaluation indicated the following regarding Registrant: met the criteria for an abuser; recommended an 80-hour outpatient treatment program; arrested for a second DUI in April 2006; and under house arrest required by the court.

j. On September 11, 2006, Registrant was admitted into the 80-hour outpatient treatment program at Unity Hospital. On September 12 and 13, 2006, Registrant failed to attend the treatment program due to being jailed after she failed to respond to her home monitoring. Registrant was released from jail when it was determined that the phone system failed to work properly. On September 18, 2006, Registrant failed to attend the treatment program because of traffic.

k. On October 9, 2006, Registrant admitted to the program counselor that she had a couple drinks while attending a wedding on the weekend. Registrant minimized her alcohol use to the counselor and rationalized it by saying she was under control the entire time. The counselor told Registrant that she signed the outpatient expectations of the program which indicated complete abstinence.

l. On October 11, 2006, Registrant completed the 80-hour outpatient treatment program and was discharged from the program. The program counselor recommended the following for Registrant: continue developing relapse prevention skills; change social

environment (friends); attend two AA meetings weekly; obtain an AA sponsor; and abstain from all non-prescribed mood-altering chemicals including alcohol.

C. Violations. Registrant 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 registered dental assistant), and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Registrant and the Committee recommend that the Board issue an order which places CONDITIONS on Registrant's registration as a registered dental assistant in the State of Minnesota as follows:

CONDITIONS

1. Participation in HPSP.

a. Registrant 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 Registrant by a licensed physician or dentist as part of a course of treatment.

b. Within 14 days of the issuance of this stipulation and order, Registrant shall enroll in HPSP for monitoring of her chemical dependency recovery. Registrant shall provide HPSP with a copy of this stipulation and order at the time of enrollment. Registrant 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.

c. Registrant shall be monitored by HPSP until HPSP determines Registrant is qualified to practice without conditions.

d. Registrant shall comply with all provisions of her HPSP Participation Agreement, including revisions subsequent to this order. Registrant's failure to comply with her HPSP Participation Agreement shall be considered a violation of this stipulation and order.

2. Other Conditions.

a. Registrant shall comply with the laws or rules of the Board of Dentistry. Registrant agrees that failure to comply with the Board's laws or rules shall be a violation of this stipulation and order.

b. Registrant 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 Registrant should leave Minnesota to reside or practice outside the state, Registrant 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 Registrant's discipline in Minnesota unless Registrant demonstrates that practice in another state conforms completely with this stipulation and order.

E. Removal of Conditions. Registrant may petition to have the conditions removed from Registrant's registration at any regularly scheduled Board meeting after

Registrant has complied with all the conditions of her Participation Agreement with HPSP, provided that Registrant's petition is received by the Board at least 30 days prior to the Board meeting. At the time of Registrant's petition, Registrant shall have the burden of proof proving that Registrant has complied with her Participation Agreement with HPSP and the conditions of this stipulation and order and that the Registrant is qualified to practice without conditions. Registrant's compliance with these conditions shall not create a presumption that the conditions should be removed. Upon consideration of the evidence submitted by Registrant 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 Registrant otherwise violates this stipulation and order, the Committee may fine Registrant \$100 per late report or other violation. Registrant shall pay the fine and correct the violation within five days after service on Registrant of a demand for payment and correction. If Registrant 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. Registrant 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 Registrant 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 Registrant 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, Registrant shall submit a response to the allegations. If Registrant 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 Registrant 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. Registrant 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 Registrant's practice, or suspension or revocation of Registrant's dental assisting registration.

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 Registrant pursuant to Minn. Stat. ch. 14, or (2) the Committee's and the Board's right to temporarily suspend Registrant pursuant to Minn. Stat. § 150A.08, subd. 8, based on a violation of this stipulation and order or based on conduct of

Registrant before or after the date of this stipulation which is not specifically referred to in paragraph B. above.

I. Right to an Attorney. On November 16, 2006, the Committee met to discuss the matters set forth in paragraph B. above. The Committee was comprised of Board members Linda Boyum, R.D.A., John Bengtson, D.D.S., and Mark Harris, D.D.S. Assistant Attorney General Tamar N. Gronvall, the Committee's legal counsel, was present at the meeting. Through this stipulation and order Registrant is further notified that Registrant may choose to be represented by legal counsel in this matter. Registrant has elected not to be represented by counsel.

J. Waiver of Registrant's Rights. For the purpose of this stipulation, Registrant waives all procedures and proceedings before the Board to which Registrant 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. Registrant agrees that upon the application of the Committee without notice to or an appearance by Registrant, the Board may issue an order imposing the discipline specified herein. The Committee may participate in Board deliberations and voting concerning the stipulation. Registrant 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, Registrant 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. Registrant 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. Registrant 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 Registrant's legal counsel. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

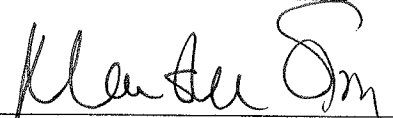
REGISTRANT



QUYNH T. HOANG, R.D.A.

Dated: 2/11, 2007

COMPLAINT COMMITTEE

By: 

MARSHALL SHRAGG
Executive Director

Dated: 2/15, 2007


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; the recommended disciplinary action set forth in the stipulation is hereby issued as an order of this Board placing CONDITIONS on Registrant's registration effective this 23rd day of March, 2007.

MINNESOTA BOARD
OF DENTISTRY

By:


MARK W. HARRIS, D.D.S.
President