

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Jack C. Hoppe, D.D.S.
License No. D6974

**STIPULATION AND
ORDER FOR VOLUNTARY
SURRENDER OF LICENSE**

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

The Board received a complaint against Jack C. Hoppe, D.D.S. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaint, records related to the complaint, and Licensee's written response. Following a conference with Licensee, the parties agreed that the matter may 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 dentistry 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 he does not hold a license to practice dentistry in any other jurisdiction and does not hold any other professional or occupational licenses.

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

1. On February 5, 1993, the Board issued a stipulation and order ("1993 order") to Licensee, in part, for allowing his unregistered dental assistant to perform tasks outside

her scope of practice. On December 18, 1994, the Board issued an unconditional license to Licensee after he complied with the terms of the 1993 order.

2. On May 17, 2002, Licensee allowed his unregistered dental assistant to recement the crown of a patient who presented to Licensee's office on an emergency basis. (Licensee had recemented the same crown in April 2000 also on an emergency basis. At that time, Licensee had recommended the patient return for placement of a dowel and a new crown.)

3. During the conference with the Committee and in his written response, Licensee admitted he had allowed his unregistered dental assistant to recement the patient's crown. Licensee stated he did so because he had scheduled patients waiting to be seen, and the patient was insistent the crown be recemented. Licensee also acknowledged he failed to sign the patient's medical history form or complete a diagnosis or treatment plan because of time constraints.

4. Licensee stated he intends to retire from the practice of dentistry at the end of 2002.

C. Violations. Licensee admits that the facts and conduct specified above constitute violations of Minn. Stat. § 150A.08, subd. 1(6) and (11); and Minn. R. 3100.6200B, 3100.8100, and 3100.9600, and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order accepting the **VOLUNTARY SURRENDER** of Licensee's license to practice dentistry in the State of Minnesota in accordance with the following terms:

Surrender. Effective December 31, 2002, Licensee's license to practice dentistry in the State of Minnesota is terminated. Within ten days of the date the order is adopted by the Board, Licensee shall surrender to the Board his original license and current renewal

certificate by delivering them personally or by first-class mail to Marshall Shragg, Executive Director, Minnesota Board of Dentistry, 2829 University Avenue SE, Suite 450, Minneapolis, Minnesota 55414.

2. Prohibitions. Licensee shall not engage in any act which constitutes the practice of dentistry as defined in Minnesota Statutes section 150A.05 and shall not imply to former patients or other persons by words or conduct that Licensee is licensed to practice dentistry.

3. Transfer of Patient Records. No later than 30 days after the date of this order, Licensee shall notify his patients he has closed his practice and they may request that their patient records be provided to them or their new treating dentists. Licensee shall comply with record requests within 15 days of receipt. Within 30 days after the date of this order, Licensee shall provide the Board with written verification he has complied with this paragraph.

E. Application for Relicensure. Licensee may apply to the Board for relicensure at any regularly scheduled Board meeting. 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 relicensure. Minnesota Rules 3100.1850 does not apply to an application for relicensure following the issuance of a stipulation and order for voluntary surrender of license.

F. Meeting With a Complaint Committee. Licensee shall meet with a Complaint Committee of the Board at least 30 days prior to the Board meeting to consider Licensee's application for relicensure. The Committee shall review with Licensee his application and supporting evidence. After meeting with Licensee, the Committee shall forward a report containing its recommendations to the Board.

G. Board Action. At any regularly scheduled Board meeting following Licensee's application for relicensure and meeting with a Complaint Committee, the Board may take any of the following actions:

1. Reissue a license to Licensee;
2. Reissue a license to Licensee with limitations and/or conditions placed upon the scope of Licensee's practice; or
3. Deny the application for relicensure upon Licensee's failure to meet the burden of proof.

H. Judicial Relief. If Licensee violates paragraph D above, a district court of this state may, upon application of the Committee, enter an order enjoining Licensee from such practice and grant the Board costs, reasonable attorney fees, and other appropriate relief.

I. Attendance at Conference. Licensee attended a conference with the Committee on October 24, 2002. The following Committee members attended the conference: Susan Gross, D.D.S., Annie Stone Thelen, D.D.S., and Linda Boyum, R.D.A. The Committee was represented by Ruth E. Flynn, Assistant Attorney General. Although Licensee was informed in the notice of conference that he could be represented by legal counsel, Licensee has knowingly and voluntarily waived that opportunity.

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 appropriateness of discipline in a contested proceeding pursuant to Minnesota Statutes chapter 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 Minnesota Statutes chapter 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.

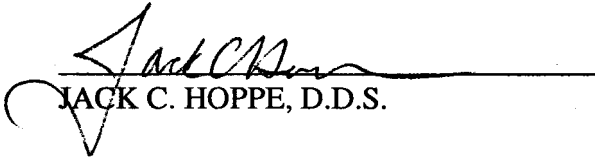
L. Record. This stipulation, related investigative reports, and other documents shall constitute the entire record of the proceedings herein upon which the order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this stipulation. Any reports or 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, Minnesota Statutes chapter 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. part 60), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner 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.

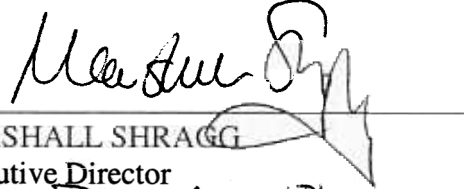
O. Service. If approved by the Board, a copy of this stipulation and order shall be served personally or by first-class mail on Licensee or Licensee's attorney. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE


JACK C. HOPPE, D.D.S.

Dated: NOV 29, 2002

COMPLAINT COMMITTEE

By: 
MARSHALL SHRAGG
Executive Director

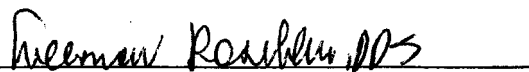
Dated: DECEMBER 4TH
msg NOVEMBER 2002, 2002

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ORDER

Upon consideration of the foregoing stipulation and based upon all the files, records and proceedings herein, the Board approves and adopts the terms of the stipulation, orders the recommended disciplinary action set forth in the stipulation, and accepts the **VOLUNTARY SURRENDER** of Licensee's license to practice dentistry in the State of Minnesota effective this 13 day of December, 2002.

MINNESOTA BOARD
OF DENTISTRY

By: 
FREEMAN ROSENBLUM, D.D.S.
President