

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Laura A. Howard, D.H.
License No. H5964

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Dentistry ("Board") on October 5, 2007, convened at 2829 University Avenue S.E., Fourth Floor, Conference Room A, Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in paragraphs G and H of the Stipulation and Order for Conditional License ("June 2007 Order") issued by the Board to Laura A. Howard, D.H. ("Respondent"), on June 15, 2007. At the hearing, the Board's Complaint Committee presented by affidavit evidence of Respondent's violations of the June 2007 Order. Respondent did not appear. Daphne A. Lundstrom, Assistant Attorney General, appeared and presented oral argument on behalf of the Board Complaint Committee. Board members Nadene Bunge, D.H., Candace Mensing, D.D.S, and Freeman Rosenblum, D.D.S, did not participate in deliberations and did not vote in the matter. Mary Liesch, Complaint Unit Supervisor for the Board, did not participate in the deliberations. Peter J. Krieser, Assistant Attorney General, was present as legal advisor to the Board.

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes chapter 150A to license, regulate, and discipline dental hygienists and is further authorized pursuant to Minnesota Statutes

sections 214.10 and 214.103 (2006) to review complaints against dental hygienists, to refer such complaints to the Attorney General's Office, and to initiate appropriate disciplinary action.

2. Respondent agreed to and signed the June 2007 Order. In paragraphs G and H of the June 2007 Order, Respondent expressly acknowledged and agreed to several procedures the Board's Complaint Committee may use to resolve alleged noncompliance with or violation of the June 2007 Order. The June 2007 Order remained in full force and effect at the time the conduct described in paragraph 5 below occurred.

3. Respondent expressly acknowledged and agreed in paragraphs G and H of the June 2007 Order that if Respondent violates the June 2007 Order, the Board's Complaint Committee may seek additional disciplinary action.

4. Respondent expressly acknowledged and agreed in paragraphs G and H of the June 2007 Order that in the event the Board received evidence that Respondent violated the terms of the June 2007 Order, Minnesota Statutes chapter 150A, or Minnesota Rules chapter 3100, she would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board may impose additional disciplinary action against Respondent's license.

5. The Board received information that Respondent violated the terms of the June 2007 Order and engaged in acts or omissions which would be a violation of Minnesota Statutes chapter 150A (2006) as follows:

a. The June 2007 Order required Respondent to enroll in the Health Professionals Services Program ("HPSP") by June 29, 2007.

b. On July 18, 2007, after being informed of Respondent's failure to contact HPSP, the Board Complaint Committee sent a confidential referral letter to Respondent

requesting that she contact HPSP by July 27, 2007. In addition, the Board Complaint Committee's letter requested that Respondent provide current contact information to the Board.

c. On August 2, 2007, Respondent was discharged from HPSP due to her failure to contact HPSP by the Board Complaint Committee's designated deadline date.

d. To date, Respondent has failed to comply with and has violated the June 2007 Order.

6. On September 25, 2007, Respondent was served with an Order for Temporary Suspension and Notice of Hearing Before Board by first-class mail and certified mail at 8300 Comstock Way East, Inver Grove Heights, MN 55076, her last known address on file with the Board. The Notice informed Respondent of the alleged violations and of the date, time, and place of the hearing. The Notice also informed Respondent she was required to submit a response to the allegations in the Notice within seven days after the Notice was mailed. Respondent failed to submit a response or attend the hearing.

CONCLUSIONS

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes chapter 150A and Minnesota Statutes sections 214.10 and 214.103 (2006).

2. The Board's Complaint Committee gave proper notice of the alleged violations to Respondent, pursuant to paragraphs G and H of the June 2007 Order.

3. Under paragraphs G and H of the June 2007 Order, the allegations contained in the Notice are deemed admitted because of Respondent's failure to submit a written response.

4. As a result of Respondent's failure to respond to the Notice, the Board's Complaint Committee has met its burden of proof.

5. The Board's Complaint Committee has proved by a preponderance of the evidence that Respondent has violated the June 2007 Order.

6. As a result of the violations set forth above and pursuant to the terms of the June 2007 Order, the Board has the authority to impose additional disciplinary action against Respondent's license to practice as a dental hygienist.

ORDER

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the June 2007 Order issued to Respondent on June 15, 2007, is hereby **RESCINDED** and shall have no future force or effect.

2. IT IS FURTHER ORDERED that the license of Respondent as a dental hygienist in the State of Minnesota is **SUSPENDED** immediately for an indefinite period of time.

3. IT IS FURTHER ORDERED that during the period of suspension Respondent shall not engage in any conduct that constitutes the practice of dental hygiene as defined in Minnesota Statutes section 150A.01 (2006) and shall not imply to any person by words or conduct that Respondent is authorized to practice dental hygiene in the State of Minnesota.

4. IT IS FURTHER ORDERED that Respondent surrender to the Board her original license and current renewal certificate. Respondent shall personally deliver or mail the license and certificate to the Minnesota Board of Dentistry, c/o Marshall Shragg, Executive Director, Suite 450, 2829 University Avenue S.E., Minneapolis, Minnesota 55414, within five days of the date of this Order.

5. IT IS FURTHER ORDERED that Respondent may petition the Board to have the suspended status removed from her license at such time as she is willing to respond to the Findings of Fact set forth above and following 12 months from the date of this Order. Respondent's license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the practice of dental hygiene, is successfully participating in a program of chemical dependency rehabilitation, and has been sober and free from mood-altering chemicals during the 12 months immediately preceding her petition. At the time of Respondent's petition, Respondent shall meet with a Board Complaint Committee to review her response to the Findings of Fact and provide documentation of 12 months of uninterrupted sobriety. In petitioning for removal of the suspension, Respondent shall comply with or provide the Board with, at a minimum, the following:

- a. A response to each separate fact contained in the Findings of Fact.
- b. Evidence of compliance with the provisions of this Order. As part of the

proof of compliance, Respondent shall submit the following in support of her petition:

- 1) A report from Respondent. This report shall provide and address:
 - a) Respondent's sobriety, including the date she last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Order is in effect;
 - b) Respondent's treatment and weekly participation in a chemical dependency support group such as Alcoholics Anonymous during the 12 months preceding the petition. Evidence of participation shall include, but need not be limited to,

attendance sheets which have been signed or initialed and dated by a participant who has attended the weekly meeting;

- c) Respondent's ability to handle stress;
- d) Respondent's employment, if any;
- e) Respondent's future plans for her practice as a dental

hygienist and the steps she has taken to prepare herself to return to practice;

f) Evidence Respondent has maintained the knowledge, skills, and ability to practice dental hygiene safely; and

g) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

2) Within 60 days prior to petitioning, Respondent must undergo a chemical dependency evaluation performed by a chemical dependency treatment professional. Respondent must submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. Respondent is responsible for the costs of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Order and the June 2007 Order prior to the evaluation.

3) Respondent must comply with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

4) During the petitioning process, the Board may direct Respondent, without prior notice, to submit to laboratory hair, blood, and urine screenings to determine the presence or absence of alcohol or drugs. Respondent shall arrange with her employer for release from work for purposes of fulfilling the requirements of the laboratory screening. The Board

may contact Respondent by telephone, letter, or through personal contact by an agent to direct her to submit to the tests within two hours after she is contacted by the Board. The hair, blood, and urine screens shall be: (1) observed in their drawing; (2) handled through legal chain-of-custody methods; and (3) paid for by Respondent. The results of the screens shall be reported directly to the Board. The biological fluid testing shall take place at Hennepin County Medical Center, 701 Park Avenue South, Minneapolis, Minnesota 55415. If Respondent is farther than 30 miles from Hennepin County Medical Center and the blood and urine testing is to be completed through the mail, the drug screening tests used must be those obtained from Hennepin County Medical Center. All blood and urine tests processed through the mail must be directed to the attention of the toxicology supervisor at Hennepin County Medical Center.

5) At any time while this Order is in effect and at the request of the Board, Respondent shall complete and sign health records waivers and chemical dependency waivers supplied by the Board to allow representatives of the Board to discuss Respondent's case with and to obtain written evaluations and reports and copies of all of Respondent's health and chemical dependency records from her physician, therapist, chemical dependency counselor, or others from whom Respondent has sought or obtained support or assistance.

6) Any additional information relevant to Respondent's petition reasonably requested by the Board Complaint Committee.

6. IT IS FURTHER ORDERED that Respondent shall meet all relicensure requirements in effect at the time of her petition, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education/professional development requirements.

7. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute violation of a Board order for purposes of Minnesota Statutes section 150A.06, subdivision 1(13), and provide grounds for further disciplinary action.

8. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement of her license and her meeting with a Board Complaint Committee, take any of the following actions:

- a. Issue a dental hygiene license to Respondent.
- b. Issue a dental hygiene license to Respondent with limitations placed upon the scope of Respondent's practice and/or conditional upon further reports to the Board.
- c. Continue the suspension of Respondent's license upon Respondent's failure to meet the burden of proof.

Dated: November 14, 2007

MINNESOTA BOARD
OF DENTISTRY



MARK HARRIS, D.D.S.
President

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