

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Connie M. Kotz, L.D.A.  
License No. A3826

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

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minnesota Statutes chapter 150A, sections 214.10 and 214.103 to license and regulate licensed dental assistants, to refer complaints against licensed dental assistants to the Attorney General for investigation, and to take disciplinary action when appropriate including accepting a voluntary surrender of license.

Connie M. Kotz, L.D.A. ("Licensee") desires to voluntarily surrender her license to practice dental assisting in the State of Minnesota. The Board's Complaint Committee ("Committee") and Licensee agree that the matter may be resolved by this stipulation and order accepting voluntary surrender of Licensee's license.

**STIPULATION**

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

A. Jurisdiction. 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. Licensee states that she does not hold a license to practice dental assisting 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. In December 2011, the Board received a complaint against Licensee alleging that she inappropriately administered nitrous oxide inhalation analgesia to herself while employed at a dental practice. The Committee reviewed the complaint and referred it to the Attorney General for investigation. Additionally, the Committee asked Licensee to contact the Health Professionals Services Program ("HPSP") to participate in this program. After contacting the HPSP, Licensee was later discharged from the program due to non-cooperation since she failed to submit a signed Participation Agreement by the deadline date.

2. Based upon the February 8, 2012, investigative report received from the Attorney General, Licensee engaged in improper and unauthorized use of a legend drug or controlled substance, including nitrous oxide inhalation analgesia and prescription narcotics.

3. On February 27, 2012, Licensee sent a letter to the Committee stating that she no longer wished to maintain her dental assisting license. Therefore, the Committee and Licensee agree that the matter may be resolved without the necessity and expense of further proceedings by entering into this stipulation and order accepting voluntary surrender of Licensee's license.

C. Violations. Licensee admits that pursuant to Minnesota Statutes, section 150A.08, subdivision 1(8) (physical, mental, emotional or other disability which adversely affects ability to perform as a licensed dental assistant) that the facts and conduct specified above 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 dental assisting in the State of Minnesota in accordance with the following terms:

1. Surrender. Effective the date of this Order, Licensee's license to practice dental assisting 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 her 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 Southeast, Suite 450, Minneapolis, Minnesota 55414.

2. Prohibitions. Licensee shall not engage in any act which constitutes the practice of dental assisting as defined in Minnesota Statutes section 150A.10, subd. 2. and Minnesota Rules part 3100.8500 and shall not imply to former patients or other persons by words or conduct that Licensee is licensed to practice dental assisting.

E. Requirements for Relicensure.

1. Relicensure Application. Licensee may apply to the Board for relicensure at any regularly scheduled Board meeting no earlier than one year after 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 relicensure and completing the Professional Development requirements.

2. 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 Order, and that she is fit to practice dental assisting in compliance with accepted standards. Licensee shall comply with the following requirements including, but not limited to:

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

b) Within 60 days prior to submission of a relicensure 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.

c) 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.

3. License Examinations. Moreover, if Licensee is out of practice for 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 part 3100.1300, item C.

4. Licensee's compliance with the above-referenced requirements shall not create a presumption that she should be granted a license to practice dental assisting in the State of Minnesota. When applying for relicensure, 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 assistant with reasonable skill and safety, and has complied fully with the terms of the Board's order.

F. Meeting with a Complaint Committee. Licensee shall meet with a Complaint Committee of the Board at least 60 days prior to the Board meeting to consider Licensee's application for relicensure. The Complaint Committee shall review and discuss with Licensee her application and supporting evidence. After meeting with Licensee, the Complaint 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 of dental assisting; 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. Right to an Attorney. Through this stipulation and order, Licensee is further notified that Licensee may choose to be represented by legal counsel in this matter. Licensee has elected not to be represented by counsel. The Committee involved with this matter is comprised of Board members Joan Sheppard, D.D.S., David Linde, D.D.S., and Teri Youngdahl, L.D.A. Assistant Attorney General Geoffrey S. Karls is representing the Committee.

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.

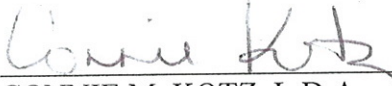
M. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 5. All documents in the record shall

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. 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. 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.

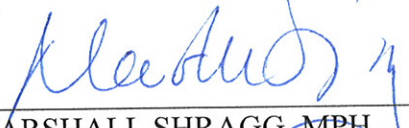
O. Service. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Licensee. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE

  
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CONNIE M. KOTZ, L.D.A.  
Licensee

By:

COMPLAINT COMMITTEE

  
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MARSHALL SHRAGG, MPH  
Executive Director

Dated: May 15, 2012

Dated: MAY 23<sup>RD</sup>, 2012

## 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 action set forth in the stipulation, and accepts the **VOLUNTARY SURRENDER** of Licensee's license to practice dental assisting in the State of Minnesota effective this 22 day of June, 2012.

MINNESOTA BOARD  
OF DENTISTRY

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