

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Theresa M. LaBrasseur, R.D.A.  
Registration No. A 8522

**STIPULATION AND ORDER FOR  
STAYED SUSPENSION AND  
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 Theresa M. LaBrasseur, R.D.A. ("Registrant"). Based upon the information received, the Board's Complaint Committee ("Committee") held a disciplinary conference with Registrant. As a result, Registrant is currently subject to a Stipulation and Order for Conditional Registration adopted by the Board on March 26, 2004 ("2004 Order"). Among other things, the 2004 Order required Registrant to participate in a specified monitoring program due to her chemical dependency. However, Registrant failed to comply with the conditions stated within her 2004 Order. Therefore, 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 December 5, 2003, the Board's Complaint Committee ("Committee") held a disciplinary conference with Registrant to discuss her inability to practice dental assisting with reasonable skill and safety due to a physical, mental, emotional, or other disability. Prior to this conference, Registrant had been discharged from Health Professionals Services Program ("HPSP") on October 9, 2003, because she had a positive toxicology screen for cocaine. Following the conference, the Committee decided to resolve the matter through a stipulation and order where Registrant would be required to contact and re-enroll in HPSP.

b. On March 1, 2004, Registrant contacted HPSP prior to the Board adopting Registrant's pending stipulation and order later that month. For this reason, HPSP contacted and received approval from the Board to immediately allow Registrant to re-enroll in the program. During her intake interview, Registrant told HPSP that she had relapsed for two

months using alcohol after her last discharge from HPSP. Registrant also stated she entered inpatient treatment on February 19, 2004.

c. On March 24, 2004, Registrant was discharged from inpatient treatment. Following treatment, it was recommended that Registrant obtain two additional AA/NA female sponsors, attend at least three AA/NA meetings weekly, and see a therapist. Registrant contacted HPSP stating that she was attending AA, seeing a therapist, and not working. Registrant added that her depression was situational and her anxiety was being managed without medications.

d. On March 26, 2004, the Board adopted a Stipulation and Order for Conditional Registration ("2004 Order") that placed conditions on Registrant's dental assisting registration due to her chemical dependency. Among other things, Registrant's 2004 Order required re-enrollment with HPSP and compliance with the provisions of her HPSP Participation Agreement.

e. On April 7, 2004, HPSP received Registrant's signed Participation Agreement and Monitoring Plan with HPSP.

f. On July 14, 2004, Registrant informed HPSP that she has not seen her current therapist since April, but has managed to attend AA meetings two to three times each week. On August 9, 2004, Registrant told HPSP that she found a new therapist.

g. On October 20, 2004, HPSP reviewed Registrant's October 7, 2004, letter indicating that she was incarcerated at Polk County Jail in Wisconsin for 50 days as of October 8, 2004, due to a probation violation for a fourth DWI received in December 2003

and could be held until her court hearing in Ramsey County. Registrant also stated that she would like to continue with HPSP after she is released from jail.

h. From January 12 through March 23, 2005, HPSP attempted to contact Registrant about her jail status, missed toxicology screens, and future participation in HPSP. Registrant failed to immediately respond to HPSP.

i. On March 29, 2005, Registrant contacted HPSP stating that she failed to realize that she was to begin calling for toxicology screens after being released from jail on January 28, 2005. Registrant stated that she had a urine screen for probation on February 23, 2005, and HPSP requested a copy of the screen results. Registrant added that she has been seeing her therapist, attending AA meetings, and meeting with her sponsor.

j. On April 27, 2005, Registrant informed HPSP that she is going to have surgery on May 12, 2005, and will be unable to have toxicology screens that day or the following day.

k. On July 20, 2005, HPSP attempted to contact Registrant about missing two toxicology screens on June 27 and July 5, 2005. On July 25, 2005, HPSP sent a letter to Registrant regarding her two missed toxicology screens and her failure to contact HPSP on three occasions.

l. On August 4, 2005, HPSP notified the Committee that Registrant was discharged from the program due to two consecutive missed screens and failure to contact HPSP.

m. On September 2, 2005, the Committee sent a letter to Registrant regarding her non-compliance with HPSP and her intentions towards maintaining her dental

assisting registration. When Registrant failed to respond to the letter, the Committee referred the matter to the Minnesota Attorney General's Office for investigation ("investigation"). Based on the investigation in October 2005, Registrant was referred to HPSP.

n. On May 26, 2006, Registrant contacted HPSP in response to the Committee's May 24, 2006, referral letter to re-enroll with HPSP. During her intake interview, Registrant told HPSP that she has been sober since January 1, 2004, and all of her drug screens for probation have been negative.

o. On June 27, 2006, HPSP received Registrant's signed Participation Agreement and Monitoring Plan with HPSP for monitoring her substance disorder. Among other things, the terms of Registrant's Monitoring Plan included: 12 months of monitoring due to documented sobriety; obtain an evaluation for depression; see a therapist/counselor; AA sponsor; self-updates; and six screens.

p. On November 13, 2006, HPSP received Registrant's August 17, 2006 mental health evaluation from Marlin O. Trulsen, Ph.D., L.P. ("Trulsen") indicating a diagnosis of dysthymia for Registrant. Trulsen recommended that Registrant start individual therapy sessions on a weekly basis, and continue to attend AA meetings and be monitored by HPSP.

q. On August 15, 2007, HPSP notified the Committee that Registrant missed three toxicology screens on July 10 and 13 and August 1, 2007, and failed to respond to three voicemail messages to contact HPSP. For this reason, Registrant was discharged from HPSP on August 13, 2007.

r. Pursuant to paragraphs G. and H. of Registrant's 2004 Order, Registrant is subject to additional discipline if Registrant fails to comply with or violates her 2004 Order as determined by the Committee. Registrant is currently subject to the 2004 Order, which she agreed to and signed.

s. On September 25, 2007, the Committee served upon Registrant an Order for Temporary Suspension and Notice of Hearing Before Board to immediately suspend Registrant's registration and inform Registrant about the alleged violations and upcoming October 5, 2007 Board meeting.

t. On October 2, 2007, Registrant faxed a letter to the Board regarding her discharge from HPSP. Registrant stated that she thought she was finished with HPSP after receiving the Board's letter about not taking any further action with this matter. Thereafter, Registrant moved to a different city for a few months and did not receive any of the correspondence from HPSP. Registrant added that she is determined to resolve this matter and continue her career as a dental assistant.

u. On October 5, 2007, the Board conducted a hearing pursuant to paragraphs G.2 and G.3 of Registrant's 2004 Order. At the hearing, the Committee presented evidence of Registrant's violation of the 2004 Order showing that Registrant failed to comply with and was discharged from HPSP. Registrant appeared without legal counsel.

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 **RESCINDING** all prior Orders and placing the following:

1. Stayed Suspension. Registrant's registration to practice dental assisting in the State of Minnesota is hereby **SUSPENDED**. The suspension is **STAYED** conditioned on Registrant's compliance with all of the conditions set forth in paragraph E below. When Registrant has complied with all of the conditions in paragraph E below, Registrant may petition to have the stayed suspension removed from Registrant's registration pursuant to paragraph F of this stipulation and order.

#### **CONDITIONS**

E. Conditions of Stayed Suspension. Registrant shall comply with the following terms, conditions, and requirements.

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.

F. Removal of Stayed Suspension. Registrant may petition to have the stayed suspension 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 of the stayed suspension shall not create a presumption that the stayed suspension should be removed. Upon consideration of the evidence submitted by Registrant or obtained through Board investigation, the Board may remove, amend, or continue the stayed suspension imposed by this order.

G. 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.

H. 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.

I. 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.

J. Attendance at Board Hearing. Registrant attended a Board hearing on October 5, 2007. Present for the hearing were Board members Dean J. Singsank, D.D.S., Marguerite Rheinberger, J.D., M.P.H., M.A., Joan Sheppard, D.D.S., Kristin Heebner, J.D., Freeman Rosenblum, D.D.S., Linda Boyum, R.D.A., Candace Mensing, D.D.S., and Nadene Bunge, D.H., who presided. Assistant Attorney General Daphne A. Lundstrom represented the Committee at the hearing. Assistant Attorney General Peter Krieser was present as legal advisor to the Board. 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.

K. 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.

L. 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.

M. 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.

N. 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.

O. 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.

P. 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. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

REGISTRANT

  
THERESA M. LABRASSEUR, R.D.A.

Dated: Oct 5, 2007

COMPLAINT COMMITTEE

  
MARSHALL SHRAGG  
Executive Director

Dated: October 5<sup>th</sup>, 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, and the recommended disciplinary action set forth in the Stipulation is hereby issued as an Order of this Board effective this 5<sup>th</sup> day of October, 2007.

MINNESOTA BOARD  
OF DENTISTRY

By: Nadene Bunge  
NADENE BUNGE, D.H.  
Vice President