

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Theresa M. LaBrasseur, R.D.A.
Registration No. A8522

**NOTICE OF REVOCATION
OF STAY OF SUSPENSION,
IMPOSITION OF SUSPENSION
AND HEARING**

TO: Theresa M. LaBrasseur, R.D.A. ("Respondent") at 18590 Big Aspen Trail, Pine City, Minnesota 55063

I.

REVOCATION OF STAY OF SUSPENSION AND IMPOSITION OF SUSPENSION

RESPONDENT IS HEREBY NOTIFIED that the Minnesota Board of Dentistry ("Board") Complaint Committee ("Committee") has revoked Respondent's stay of suspension, thereby imposing the suspension of Respondent's registration to practice dental assisting. The Committee has probable cause to believe Respondent has failed to comply with one or more of the requirements for staying the suspension outlined in the Stipulation and Order for Stayed Suspension and Conditional Registration adopted by the Board on October 5, 2007 ("2007 Order"). (A true and accurate copy of the 2007 Order is attached as Exhibit 1.)

Respondent shall not engage in any act which constitutes practicing as a registered dental assistant as defined in Minnesota Statutes section 150A.01 and shall not imply by words or conduct that Respondent is authorized to practice as a registered dental assistant. Respondent shall surrender to the Board her current dental assisting registration. Respondent shall personally deliver or mail the registration to the Minnesota Board of Dentistry, c/o Marshall Shragg, Executive Director, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414, within five days after receipt by Respondent of this Notice.

II.

HEARING

RESPONDENT IS FURTHER NOTIFIED that the Committee has initiated a hearing before the Board to present the allegations referenced in section III below. This hearing could affect Respondent's registration to practice dental assisting in the State of Minnesota, since the allegations may be grounds for additional disciplinary action including, but not limited to, continuation of the suspension or revocation of Respondent's registration. The hearing will be held on **Friday, June 27, 2008, at 8:00 a.m.** in Conference Room A on the 4th Floor, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414. If personally attending the hearing, Respondent should first check-in with the receptionist at the Board office on the 4th Floor, Suite 450, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

In presenting its allegations to the Board, the Committee will submit any affidavits served herewith and may submit additional affidavits and written and oral argument in support of its position that additional disciplinary action should be taken against Respondent. Respondent has the right to submit a response to the Committee's allegations, affidavits made on the personal knowledge of the affiant, and written argument.

Respondent must submit a response to the allegations referenced in section III below within ten days after this Notice is mailed. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minn. Stat. ch. 150A, §§ 214.10 and 214.103 to license and regulate registered dental assistants, to refer complaints against registered dental assistants to the Attorney General for investigation, and to

take disciplinary action when appropriate. This matter came before the Committee in accordance with the terms and conditions of Respondent's Stipulation and Order for Stayed Suspension and Conditional Registration adopted by the Board on October 5, 2007 ("2007 Order"), which Respondent agreed to and signed.

Pursuant to the 2007 Order, Respondent's registration was suspended, but the suspension was stayed contingent upon Respondent's compliance with all terms and conditions set forth in the 2007 Order. Pursuant to paragraphs H. and I. of Respondent's 2007 Order, the Committee is authorized to temporarily revoke the stay of the suspension, if it has probable cause to believe Respondent has failed to comply with or has violated any of the requirements for staying the suspension of Respondent's registration.

The Committee has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements for staying the suspension of Respondent's registration as described below.

III.

FINDINGS OF FACT

1. Respondent has held from the Board a registration to practice dental assisting in the State of Minnesota since November 4, 1996, and is subject to the jurisdiction of the Board with respect to the matters described herein. *See* Affidavit of Deborah A. Endly ("Endly Aff.") at ¶ 3.

2. On October 5, 2007, the Board adopted a Stipulation and Order for Stayed Suspension and Conditional Registration ("2007 Order") that placed conditions of the stayed suspension on Respondent's registration to practice dental assisting due to her chemical dependency. Among other things, Respondent's 2007 Order required re-enrollment with the

Health Professionals Services Program (“HPSP”) and compliance with the provisions of her HPSP Participation Agreement. The 2007 Order provided that violation of the terms in the order would constitute violation of a Board order for purposes of Minnesota Statutes section 150A.08, subdivision 1(13), and provide grounds for further disciplinary action. Endly Aff. at ¶ 4.

3. Respondent is currently subject to the 2007 Order. Endly Aff. at ¶ 5.

4. On October 17, 2007, Registrant contacted the HPSP pursuant to her 2007 Order. During her intake interview, Registrant told the HPSP that her sobriety date is December 31, 2003. The HPSP requested that Registrant complete a chemical dependency (“CD”) assessment due to her undocumented sobriety and previous diagnosis of alcohol dependence. Since this was her fourth enrollment, Registrant’s case history with the HPSP was reviewed showing her fourth DWI, three previous discharges, and various toxicology screen results. Endly Aff. at ¶ 6.

5. On October 30, 2007, Registrant had a CD assessment completed by Lynette Kuzel (“Kuzel”), a Rule 25 Assessor, at Pine Assessment Services in Pine City, Minnesota. Kuzel determined that Registrant’s risk status was level one. Kuzel also recommended that Registrant continue to abstain from all mood-altering chemicals, attend AA meetings, and be a law abiding citizen. Endly Aff. at ¶ 7; Exhibit A.

6. On November 15, 2007, the HPSP received Registrant’s signed Participation Agreement. Among other things, the terms of Registrant’s Monitoring Plan included: abstain from using all mood-altering chemicals unless prescribed; meet with a therapist at least twice monthly; obtain a sponsor and attend AA meetings at least twice weekly; respond to toxicology screens; and 36 months of monitoring. Endly Aff. at ¶ 8; Exhibit B.

7. On February 5, 2008, Registrant contacted the HPSP about missing two toxicology screens in January 2008. Registrant said that she has a pre-paid cellular telephone,

but she forgets to call the topline. Registrant also stated that she is not working because her car needs repair. The HPSP discussed with Registrant about her lack of communication in participating with the program. Endly Aff. at ¶ 9.

8. On February 25, 2008, the HPSP attempted to contact Registrant leaving a voicemail message about missing her third toxicology screen. The HPSP continued to monitor Registrant at the request of the Board. Endly Aff. at ¶ 10.

9. On March 25, 2008, Registrant left a voicemail message for the HPSP that she missed another toxicology screen because she was sick that day. That same day, the HPSP attempted to contact Registrant leaving a voicemail message for her to contact the HPSP about the matter. Endly Aff. at ¶ 11.

10. On March 27, 2008, the HPSP failed to receive a response from Registrant. Therefore, the HPSP discharged Registrant from the program due to having missed four unexcused toxicology screens. The HPSP notified the Committee of Registrant's fourth discharge from the program. Endly Aff. at ¶ 12; Exhibit C.

IV.

CONCLUSION

Respondent has violated statutes or rules which the Board is empowered to enforce or any disciplinary order issued by the Board, specifically her 2007 Stipulation and Order for Stayed Suspension and Conditional Registration, within the meaning of Minn. Stat. § 150A.08, subd. 1(13).

V.

ORDER AND NOTICE OF HEARING

Based upon the foregoing findings and conclusions, it is hereby ordered, and Respondent is hereby notified, as follows:

1. Respondent's registration to practice as a registered dental assistant in the State of Minnesota is hereby suspended effective immediately. Respondent shall not engage in practice as a registered dental assistant within the meaning of Minn. Stat. § 150A.06 unless and until authorized to do so by future order of the Board. While the suspension is in effect, Respondent shall not imply to former patients or other persons by word or conduct that she is authorized to practice as a registered dental assistant.

2. Respondent shall arrange through her employer dentist(s) for the transfer of responsibility for performing the duties of a registered dental assistant, if applicable.

3. A hearing before the Board regarding this matter shall be held on **Friday, June 27, 2008, at 8:00 a.m.**, or as soon thereafter as the matter can be heard, in Conference Room A on the 4th Floor, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414. If personally attending the hearing, Respondent should first check-in with the receptionist at the Board office on the 4th Floor, Suite 450, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

VI.
ISSUES

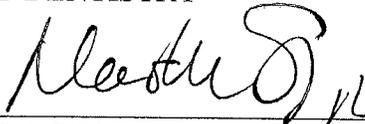
The sole issue at the hearing is:

1. Whether there is a reasonable basis to continue, modify, or lift the revocation of the stay of suspension and in the event the suspension is continued whether any further conditions or limitations on Respondent's registration are appropriate.

Evidence to be presented at the hearing shall be by affidavit only. The Committee may serve additional affidavits and documents prior to the hearing. If Respondent intends to submit any affidavits or written argument in opposition to continuing the suspension or revocation of Respondent's registration, she is requested to submit them to the Board office as soon as practical to allow for photocopying and advance distribution of her materials to the Board members.

Dated: May 22nd, 2008

COMPLAINT COMMITTEE
OF DENTISTRY

By: 
MARSHALL SHRAGG
Executive Director 