BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Miranda L. Mastin, L.D.A.
License No. A13884

STIPULATION AND ORDER ACCEPTING VOLUNTARY SURRENDER OF LICENSE

STIPULATION

Miranda L. Mastin, L.D.A. ("Licensee") and the Minnesota Board of Dentistry's Complaint Committee ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to license and regulate licensed dental assistants and to take disciplinary action when appropriate, including accepting a voluntary surrender of license.

2. Licensee holds a license from the Board to practice dental assisting in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

II.

BACKGROUND

3. On January 7, 2013, the Committee received correspondence from the Health Professionals Services Program ("HPSP") indicating that Licensee had been discharged from the program. Following a thorough review of all available information, the Committee, composed of Board members Candace Mensing, D.D.S., Nancy Kearn, D.H., and Neal Benjamin, D.D.S., determined that the matter could be resolved by mail with this Stipulation and Order.

4. Through this Stipulation and Order, Licensee is further notified that Licensee

may choose to be represented by legal counsel in this matter. Geoffrey S. Karls, Assistant Attorney General, represents the Committee in this matter.

III.

FACTS

5. The parties agree this Stipulation and Order is based upon the following facts:

a. Licensee is a dental assistant who is licensed in the State of Minnesota.

b. On January 7, 2013, the Health Professionals Services Program informed the Board that Licensee had been discharged from the program due to her voluntary withdrawal from the program. According to her November 2011 chemical dependency assessment, Licensee has been diagnosed with alcohol dependence.

c. Prior to her discharge, Licensee informed the Board that she no longer worked in the State of Minnesota and did not want to participate in the HPSP. On January 4, 2013, Licensee told the HPSP that she intends to surrender her license to the Board.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minn. Stat. §150A.08, subd. 1(6) and (8), Minn. R. 3100.6200 A, and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. The Board hereby accepts the **VOLUNTARY SURRENDER** of Licensee's license to practice dental assisting in the State of Minnesota in accordance with the following terms:

a. 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.

b. Prohibitions. Licensee shall not engage in any act that constitutes the practice of dental assisting as defined in Minn. Stat. § 150A.10, subd. 2. and Minn. R. 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.

Requirements for License Reinstatement

8. The requirements for reinstatement of Licensee's license are as follows:

a. Reinstatement Application. Licensee may apply to the Board for reinstatement 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 reinstatement and completing the Professional Development requirements.

b. 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 Stipulation and 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:

1) 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 reinstatement.

2) Within 60 days prior to submission of a reinstatement 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.

3) 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.

c. Mental Health Evaluation. Within 60 days prior to submission of a reinstatement application to the Board, Licensee shall undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for

purposes of this evaluation. Licensee is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

1) Verification the evaluator has reviewed a copy of this Stipulation and Order;

2) Diagnosis and any recommended treatment plan;

3) Licensee's ability to handle stress;

4) Recommendations for additional evaluation or treatment; and

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

Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

d. Physical Evaluation. Within 60 days prior to submission of a reinstatement application to the Board, Licensee shall undergo a physical examination with a physician. Licensee is responsible for the cost of the examination. The results of the examination, including a history and physical from Licensee's physician, shall be sent directly to the Board and must include a statement verifying the physician has reviewed this Stipulation and Order and any evaluation or investigative records deemed pertinent by the Board or the evaluator prior to the examination. The report shall provide and address:

1) Identification of diagnoses and any plans of treatment, including any medications, devised for Licensee; and

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

e. License Examination(s). 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.

f. Burden of Proof. 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 reinstatement, 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.

g. 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 reinstatement. The Complaint Committee shall review and discuss with Licensee his application and supporting evidence. After meeting with Licensee, the Complaint Committee shall forward a report containing its recommendations to the Board.

h. Board Action. At any regularly scheduled Board meeting following Licensee's application for reinstatement 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 reinstatement upon Licensee's failure to meet the burden of proof.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. If Licensee fails to comply with or violates this Stipulation and Order or it is determined Licensee has further violated Minnesota Statutes chapter 150A or Minnesota Rules chapter 3100, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within seven days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with the Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through the procedures of Minnesota Statutes Section 214.103, subdivision 6.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Order. The Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing

before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this order is in effect.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 150A.08, subdivision 8, based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

10. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

11. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the

investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

12. This Stipulation and Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

13. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

14. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed this Stipulation and Order. Licensee is aware this Stipulation and Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

15. Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

16. This Stipulation and Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

17. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

18. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

LICENSEE

MIRANDA L. MASTIN, L.D.A.

Dated: 2/12/13, 2013

By:

COMPLAINT COMMITTEE

MARSHALL SHRAGG, MPH
Executive Director

Dated: February 19th, 2013

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 1st day of March, 2013.

MINNESOTA BOARD
OF DENTISTRY

By: Nancy Kearn DH
NANCY KEARN, D.H.
President