

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Jennifer N. Moreno, R.D.A.
Registration No. A10452

**STIPULATION AND ORDER FOR
CONDITIONAL REGISTRATION**

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.

The Board received a complaint against Jennifer N. Moreno, R.D.A. (“Registrant”). The Board’s Complaint Committee (“Committee”) reviewed the complaint and referred it to the Attorney General for investigation. Following the investigation, the Committee served a Notice of Conference on Registrant. Registrant failed to attend the conference. The parties 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 from the Board to practice as a dental assistant in the State of Minnesota 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 as a dental assistant in any other jurisdiction and does not hold any other professional or occupational registrations.

B. Facts. This stipulation is based upon the following facts:

1. On February 8, 2005, Registrant was diagnosed with alcohol dependence and entered chemical dependency treatment.

2. Registrant enrolled in the Health Professionals Services Program (“HPSP”) three times for substance disorder, on April 21, 2005, June 1, 2006, and June 15, 2007. Registrant was discharged from the HPSP all three times for noncompliance, including screens that tested positive for alcohol and cocaine and a urine specimen with a temperature out of range for a normal human sample.

3. On May 6, 2008, the Board served Registrant with a Notice of Conference, scheduling a conference on July 25, 2008. Registrant failed to contact the Board or appear for the conference.

4. On March 13, 2009, Registrant underwent a chemical use assessment. The assessor determined Registrant met the DSM-IV criteria for substance dependence and recommended the following: abstain from the use of mood-altering substances, attend AA, attend Recovery church meetings, and submit to random urinalysis screenings.

C. Violations. Registrant admits that the facts and conduct specified above constitute violations of Minn. Stat. § 150A.08, subd. 1(4) and (8), and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Registrant and the Committee recommend that the Board issue an order as follows:

CONDITIONS

E. Within 14 days of the effective date of this order, Registrant shall enroll in the HPSP for a chemical dependency evaluation. Prior to the evaluation, Registrant shall provide HPSP with a copy of this stipulation and order. Registrant shall comply with all

recommendations made by HPSP associated with its evaluation, treatment, and monitoring. Registrant's failure to comply with HPSP recommendations shall be considered a violation of this stipulation and order.

F. Removal of Conditions. Registrant may petition to have the conditions removed from her registration at any regularly scheduled Board meeting provided her petition is received by the Board at least 30 days prior to the Board meeting. Registrant shall have the burden of proving that she has complied with the conditions and that she is qualified to practice as a registered dental assistant without conditions. Registrant's compliance with the foregoing requirements shall not create a presumption that the conditions should be removed. Upon consideration of the evidence submitted by Registrant or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this order.

G. Additional Discipline for Violation of Order. If Registrant violates this stipulation and order, the Board may impose 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 alleged violation and of the time and place of the hearing. Within five 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 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 further disciplinary action, including an additional period of suspension or revocation of Registrant's registration.

H. Other Procedures for Resolving 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 the Committee's right to initiate a proceeding against Registrant pursuant to Minn. Stat. ch. 14 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 hereinabove.

I. 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 appropriateness 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.

J. 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 § 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.

K. 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.

L. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 5, and will be reported as disciplinary action to the National Practitioner Data Bank and the American Association of Dental Examiners Clearinghouse. 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.

M. 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.

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

REGISTRANT

COMPLAINT COMMITTEE

Jennifer N. Moreno
JENNIFER N. MORENO, R.D.A.

By: Marshall Shragg
MARSHALL SHRAGG
Executive Director

Dated: 7/22/09

Dated: 8/5/09

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, the recommended disciplinary action set forth in the stipulation is hereby issued as an order of this Board, and Registrant's license is CONDITIONED effective this 25th day of September, 2009.

MINNESOTA BOARD
OF DENTISTRY

By: Joan Sheppard D.D.S.
JOAN SHEPPARD, D.D.S.
Vice President