

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Craig M. Mrosak, D.D.S.  
License No. D 8781

**FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Dentistry ("Board") on June 17, 2005 convened at 2829 University Avenue S.E., Fourth Floor, Conference Room A, Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in paragraph G.2 and G.3 of the Stipulation and Order for Stayed Suspension ("2003 Order") issued by the Board to Dr. Craig M. Mrosak, D.D.S. ("Respondent") on June 13, 2003. At the hearing, the Complaint Committee presented by affidavit evidence of Respondent's violations of the 2003 Order. Respondent appeared before the Board without legal counsel and presented oral argument. Tamar N. Gronvall, Assistant Attorney General, appeared and presented oral argument on behalf of the Complaint Committee. Board members Linda Boyum, R.D.A. and John Bengston, D.D.S. did not participate in deliberations and did not vote in the matter. Present for the hearing were Dean J. Singsank D.D.S, Marguerite Rheinberger J.D. J.D.M.P.H. M.A., Freeman Rosenblum D.D.S, Gerald McCoy Ed.D., Ronald King D.D.S, Mark W. Harris D.D.S, and Nadene Bunge, D.H., who presided. Peter Krieser, Assistant Attorney General, was present as legal advisor to the Board.

## **FINDINGS OF FACT**

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes sections 150A et seq. (2004) to license, regulate, and discipline persons who apply for, petition, or hold licenses as dentists and is further authorized pursuant to Minnesota Statutes sections 214.10 and 214.103 (2004) to review complaints against dentists, to refer such complaints to the Attorney General's Office, and to initiate appropriate disciplinary action.

2. Respondent agreed to and signed the 2003 Order issued by the Board on June 13, 2003. In paragraphs E, H, J, and N of the 2003 Order, Respondent expressly acknowledged and agreed to several procedures the Board Review Panel may use to resolve alleged noncompliance with or violation of the 2003 Order. The 2003 Order remained in full force and effect at the time the conduct described in paragraph 5 below occurred.

3. Respondent expressly acknowledged and agreed in paragraph G of the 2003 Order that if Respondent violates the 2003 Order, the Board Review Panel may seek additional disciplinary action.

4. Respondent expressly acknowledged and agreed in paragraphs G and H of the 2003 Order that in the event the Board received evidence that Respondent violated the terms of the 2003 Order, he would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board may impose additional disciplinary action against Respondent's license.

5. The Board received information Respondent violated the terms of the 2003 Order and engaged in acts or omissions which would be a violation of Minnesota Statutes section 150A.08 subd. 1(13) (2004) as follows:

a. Respondent has failed to complete two of the following required conditions as indicated within paragraph E. of Respondent's 2003 Order. Specifically, Respondent has failed to complete the following courses by the designated deadlines:

- i. The patient management and ethics course by September 13, 2004; and as outlined in paragraph E.4.c.,
- ii. The prosthodontic course by June 13, 2005; and as outlined in paragraph E.4.d.,

Endly Affid. at ¶ 6.

b. Relative to paragraph E.4.c. of Respondent's 2003 Order, the patient management and ethics course, the Committee has received a number of pertinent correspondences from Respondent, Muriel J. Bebeau, Ph.D., and Gary R. Schoener, MEq. Licensed Psychologist. However, none of the received correspondence indicates that Respondent has successfully completed the patient management and ethics course as of May 2005. Endly Affid. at ¶¶ 7, 7.a. thru 7.p., Exhibits A thru P.

6. The Complaint Committee had probable cause to revoke the stay of suspension.

7. On June 13, 2005, Respondent was served with a Notice of Temporary Revocation of Stay of Suspension, Imposition of Suspension and Hearing by courier at 50<sup>th</sup> Avenue North, Plymouth, Minnesota, his last known address on file with the Board. The Notice

informed Respondent of the alleged violations and of the date, time, and place of the hearing. The Notice also informed Respondent that he was required to submit a response to the allegations in the Notice within ten days after the Notice was mailed. Respondent failed to submit a written response to the Notice.

8. Because of the short time between the notice of removal of stay and the hearing before the board, at the hearing the Respondent was allowed to provide information to the board in oral rather than written form. The following factual information received by the board at the hearing serves as a basis for mitigation of the Respondent's violations of the board's order of June 13, 2003, and serves as a basis for further evaluation of Respondent, as set out below.

9. Respondent agreed that he had not completed the number of hours in additional education in "Prosthodontic Coursework," as required by the June 13, 2003 Stipulation and Order in this matter. He attributed this to the fact that he is practicing in northern Minnesota and his having scheduling difficulties due to travel. He stated that by January 1, 2006 he could complete the number of hours required to fulfill the requirements of the board's order.

10. Respondent agreed that he had not completed the patient management and ethics requirements of the June 13, 2003 Stipulation and Order in this matter. He attributed this to the fact that he has had a conflict with Dr. Bebeau, the ethics professor at the University of Minnesota. Dr. Bebeau was approved by the board's complaint review committee, to provide an approved ethics course under the provisions of the Stipulation and Order. Respondent alleged that Dr. Bebeau did not respond to his requests to complete the course, and that the committee would not approve another course or instructor. The committee produced e-mails from Dr. Bebeau indicating that Respondent had not contacted her and had not paid his bill. Respondent indicated that bill payment was not a problem. Dr. Bebeau raised concerns that Respondent may

be having anger management problems, and referred him to a psychologist. The psychologist did not evaluate the anger management issue, but did indicate that he would have undertaken instruction concerning ethics. He wrote that this suggestion, that anyone other than Dr. Bebeau do the training, was rejected by the committee.

11. At the hearing, Respondent presented his interpretation of the events that ultimately led to the Stipulation and Order dated June 13, 2003.

12. The manager of the clinic where Respondent is currently employed also spoke at the hearing. He stated that the clinic, located in northern Minnesota, serves a largely low income and indigent population. He stated that there has been only one unsubstantiated complaint and numerous complementary remarks regarding the quality of Respondent's work while at the clinic. He stated that Respondent's work is always being reviewed. He stated that Respondent's suspension would be a significant hardship to the clinic and its patients.

### **CONCLUSIONS**

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes ch. 150A and sections 214.10 and 214.103 (2004).
2. The Complaint Committee gave proper notice of the alleged violations to Respondent, pursuant to paragraph G. of the 2003 Order.
4. The Complaint Committee has the burden of establishing the violations of the 2003 Order by a preponderance of the evidence.

5. The Complaint Committee has proved by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 150A.08, subdivision 1(13) and the 2003 Order.

6. As a result of the violations set forth above and pursuant to the terms of the 2003 Order, the Board has the authority to impose additional disciplinary action against Respondent's license to practice dentistry.

7. The remedy for violation of the Dental Practice Act is in the sound discretion of the Minnesota Board of Dentistry.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

NOW, THEREFORE, IT IS HEREBY ORDERED the stay of suspension as set out in the board's order June 13, 2003 dated was properly revoked by committee action on June 13, 2005.

IT IS FURTHER ORDERED The Order of the Board dated June 13, 2003 remains in effect subject to change regarding only those provisions as set out below.

IT IS FURTHER ORDERED That this order supersedes the committee's revocation of the stay and again STAYS THE SUSPENSION subject to the provisions as set out below.

IT IS FURTHER ORDERED The stay of suspension under this order shall expire on January 1, 2006 unless the Respondent submits documentation to the board of the following:

That he has completed the "Prosthodontic Coursework" as defined by and as necessary to fulfill the requirements set out in paragraph E. 4. d of the board's order dated June 13, 2003

That he has completed "Patient Management and Ethics," as defined by and as necessary to fulfill the requirements as set out in paragraph E. 4. c of the board order dated June 13, 2003.

As a reasonable alternative, if Dr. Bebeau refuses to continue the course with Respondent, or if Respondent believes that there has been an irreconcilable breakdown in the instructor-student relationship, which makes successful completion of the course unlikely, then Respondent may petition the board for this instruction with another practitioner, who can respond to the need for professional growth in Patient Management and Ethics. Under these circumstances the Respondent may fulfill the requirements of this paragraph by taking the course from such a practitioner, who is approved prior to the commencement of this Patient Management and Ethics course. Respondent may, but is not required to, take this course from a practitioner who has previously seen or evaluated Respondent.

That the Respondent undergo a comprehensive mental status evaluation by a licensed psychologist or psychiatrist, approved by the board, prior to the evaluation. The psychologist or psychiatrist must be someone who has not yet seen or evaluated the Respondent. The evaluation should have specific assessment of Respondent's anger management issues, if any. Respondent shall follow any treatment recommendations made by the evaluator. That prior to the evaluation that the practitioner be provided with the stipulation and all orders and the most recent notice of removal of stay in this matter and the exhibits. Any treatment recommendations shall be fulfill by a different practitioner, who is approved in advance by the board.

IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute violation of a Board order for purposes of Minnesota Statutes section 150A.08, subdivision 1(13) (2004), and provide grounds for further disciplinary action.

IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement of his license and his meeting with a Complaint Committee, take any of the following actions:

- a. Re-issue to Respondent his license to practice dentistry.
- b. Issue a license to Respondent with limitations placed upon the scope of Respondent's practice and/or conditional upon further reports to the Board.
- c. Continue the stayed suspension or suspend Respondent's license upon Respondent's failure to meet his burden of proof.

IT IS FURTHER ORDERED that this decision is to be construed as a last chance and final opportunity for the Respondent to continue practice while fulfilling the requirements of the Board's ordered remedy.

Dated: June 22, 2005

MINNESOTA BOARD  
OF DENTISTRY

Nadene Bunge, D.H  
NADENE BUNGE, D.H  
Presiding Board Member