

**BEFORE THE MINNESOTA**

**BOARD OF DENTISTRY**

In the Matter of  
Craig M. Mrosak, D.D.S.  
License No. D8781

**AMENDED STIPULATION AND  
ORDER FOR CONDITIONAL  
SUSPENSION OF LICENSE**

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to license and regulate dentists, to refer complaints against dentists to the Attorney General for investigation, and to take disciplinary action when appropriate.

After receiving complaints against Craig M. Mrosak ("Licensee"), the Board's Complaint Committee ("Committee") reviewed the complaints and referred them to the Minnesota Attorney General's Office for investigation. Following the investigation, the Committee held a number of conferences and hearings with Licensee. Currently, Licensee's license is subject to the Findings of Fact, Conclusions, and Final Order adopted by the Board on June 22, 2005 ("2005 Order") which maintains the effects of his previous Order with some modified provisions. However, Licensee failed to comply with his 2005 Order failing to complete certain courses and recommended treatment by the deadlines designated by the Committee. The Committee and Licensee have agreed that the matter may now be resolved by this stipulation and order.

**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED by and between Licensee and the Committee as follows:

A. Jurisdiction. Licensee holds a license to practice dentistry 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. Licensee states that he does not hold a license to practice dentistry in any other jurisdiction and does not hold any other professional or occupational licenses.

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

1. On March 13, 2003, Licensee attended a mediation conference with Administrative Law Judge Bruce Johnson and the Committee. As a result, the Board adopted a Stipulation and Order for Stayed Suspension on June 13, 2003 (“2003 Order”), which placed a stayed suspension for five years and conditions on Licensee’s dental license. Pursuant to paragraph G. of his 2003 Order, Licensee shall be subject to additional discipline, namely a temporary revocation of stay of suspension for violation of his 2003 Order as determined by the Board’s Committee.

2. Pursuant to paragraph E. of his 2003 Order, Licensee completed all of the following required conditions in a timely manner: the Jurisprudence Examination; and treatment planning and recordkeeping courses.

3. However, Licensee failed to complete two of the following required conditions as indicated within paragraph E. of Licensee’s 2003 Order. Specifically, Licensee failed to complete the following courses by the designated deadlines:

a. The patient Management (ethics) course was to be completed within nine months of the effective date of the 2003 Order (or by March 13, 2004) as outlined in paragraph E.4.c.; however, the Committee granted Licensee a six-month extension (until September 13, 2004) to complete the course. Licensee was required to complete an individually-designed course in patient management and ethics offered by Muriel J. Bebeau, Ph.D. (“Bebeau”) at the University of Minnesota School of Dentistry.

b. The prosthodontic course was to be completed within two years of the effective date of the 2003 Order (or by June 13, 2005) as outlined in paragraph E.4.d. Licensee was required to complete 80 hours of instruction in prosthodontics.

4. From March 2004 to May 2005, the Committee received a number of pertinent correspondences regarding paragraph E.4.c. of Licensee's 2003 Order, the patient management (ethics) course, from Licensee, Muriel J. Bebeau, Ph.D., and Gary R. Schoener, M.Ed., Licensed Psychologist. However, none of the received correspondence indicates that Licensee successfully completed the patient management (ethics) course.

5. On June 13, 2005, the Committee served upon Licensee a Notice of Temporary Revocation of Stay of Suspension, Imposition of Suspension and Hearing. The Notice informed Licensee of the alleged violations of his 2003 Order, the upcoming hearing, and imposed an immediate suspension of his license to practice dentistry.

6. On June 17, 2005, the Board conducted a hearing pursuant to paragraphs G.2 and G.3 of Licensee's 2003 Order. At the hearing, the Committee presented evidence of Licensee's violations of the 2003 Order showing that Licensee failed to complete the two required courses by their designated deadlines as described in paragraphs 3a and 3b above. Licensee appeared at the hearing without legal counsel and presented oral argument.

7. On June 22, 2005, the Board adopted a Findings of Fact, Conclusions, and Final Order ("2005 Order"). The 2005 Order included the same terms, conditions, and requirements of the 2003 Order, continued with a stay of suspension of Licensee's license, and required a comprehensive psychological evaluation. In addition, the 2005 Order is construed as being Licensee's last chance and final opportunity to continue practicing dentistry while completing all the provisions of his 2005 Order. Violation of this Order shall constitute violation

of a Board order for purposes of Minnesota Statutes section 150A.08, subdivision 1(13), and provide grounds for further disciplinary action. Currently, Licensee is subject to the 2005 Order.

8. On October 28, 2005, Licensee participated in an independent psychiatric medical examination with Dean Knudson, MD (“Knudson”) at Allina Behavioral Health Services as required by his 2005 Order. Prior to having the evaluation, however, Licensee failed to obtain pre-approval from the Board nor did he provide Knudson with copies of his current orders. From the evaluation, Knudson recommended for Licensee the following treatment:

a. Additional psychological testing/evaluations by a psychologist with a Ph.D. who is experienced with professionals dealing with practice issues, recommending William Pace, Ph.D. (“Pace”) at North Memorial Medical Center in Robbinsdale, Minnesota; and

b. Ongoing assessment/monitoring with a psychiatrist and therapist, recommending Richard Lentz, MD (“Lentz”) at Park Nicollet Medical Group in St. Louis Park, Minnesota.

9. From January to June 2006, the Committee sent four letters to Licensee requesting information as proof of compliance with Knudson’s treatment recommendations as described in paragraphs 8a and 8b above. Specifically, the Committee requested from Licensee the following information: the name of another psychologist suggested by Knudson who would be an appropriate substitute for Pace since Licensee was unable to contact Pace; proof of his attendance at a March 22, 2006 appointment with Lentz; and a letter from Lentz regarding the appointment and his findings. However, none of the correspondence received from Licensee indicates that he has successfully followed Knudson’s treatment recommendations to be in compliance with his 2005 Order.

10. Regarding the patient management (ethics) course with Bebeau or another Board-approved practitioner as outlined in paragraph E.4.c. of Licensee's 2003 Order, and as included in Licensee's 2005 Order, Licensee had previously met with Bebeau in past sessions of the patient management/ethics course. However, Licensee had a conflict with Bebeau raising concern about Licensee having an anger management problem. As a result, Bebeau suggested to Licensee that he should complete an appropriate evaluation with a psychologist before continuing and completing the patient management/ethics course with her.

In his December 30, 2005 letter to the Board, Licensee requested an extension of time in which to complete the patient management/ethics course due to extenuating circumstances. Licensee's 2005 Order indicated a deadline date of January 1, 2006. In its February 9, 2006 letter, the Committee decided to grant Licensee an extension to complete the patient management/ethics course after he had followed through with all treatment recommendations made by Knudson as described in paragraphs 8a and 8b above. Thus, Licensee has failed to successfully complete the patient management (ethics) course to be in compliance with his 2005 Order.

11. Regarding the prosthodontics course as outlined in paragraph E.4.d. of Licensee's 2003 Order, and as included in Licensee's 2005 Order, the Committee received correspondence from Licensee that indicated he had completed a total of 78 hours towards the required minimum of 80 hours. In February, May, and June 2006, the Committee sent three letters to Licensee requesting proof of completing the remaining two hours of study in prosthodontics from Licensee. However, Licensee failed to provide the information requested by the Committee to be in compliance with his 2005 Order.

12. After reviewing the terms and conditions of Licensee's 2003 and 2005 Orders, the Committee decided to meet with Licensee on November 16, 2006 for a disciplinary conference to discuss the aforementioned allegations of non-compliance with his Orders. On October 26, 2006, a Board staff member contacted Licensee who confirmed that he would be present at the conference.

13. On November 15, 2006, the Board received Licensee's response to the allegations made by the Committee within its Notice of Conference which was served upon Licensee. However, Licensee failed to attend the November 16, 2006 conference with the Committee or make any further attempt to contact the Board regarding this matter.

14. On January 8, 2007, the Committee served upon Licensee a Notice of Temporary Revocation of Stay of Suspension, Imposition of Suspension and Hearing. The Notice informed Licensee of the alleged violations of his 2003 and 2005 Orders, the upcoming hearing on January 19, 2007, and imposed an immediate suspension of his license to practice dentistry.

15. On January 19, 2007, the Board was present for a hearing pursuant to paragraphs G.2 and G.3 of Licensee's 2003 Order. Licensee personally attended and appeared before the Board along with his legal counsel, Susan M. Gallagher. Licensee's attorney presented Licensee's willingness to comply with all the terms and conditions of the 2005 Order and agreed that Licensee's license would remain suspended until such time that Licensee successfully completes all the requirements as stated herein at D.1.

C. Violations. Licensee admits that pursuant to Minn. Stat. § 150A.08, subd. 1(13) and the 2003 and 2005 Orders that the facts and conduct specified above are sufficient grounds for the disciplinary action specified below.

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

1. Suspension. Licensee's license to practice dentistry in the State of Minnesota hereby remains **SUSPENDED**. The suspension is conditional on Licensee's compliance with the conditions set forth in paragraph E below, namely Licensee's satisfactory completion of the conditions outlined in paragraph E sections 1, 2, 3 and 6 and Licensee's affirmative assurances to the Board that he has made concrete arrangements and plans to comply with the conditions outlined in paragraph E sections 4 and 5.

E. Conditions of Suspension. Licensee shall comply with the following terms, conditions, and requirements. None of the examinations, consultative services, or coursework taken pursuant to this stipulation and order may be used by Licensee to satisfy any of the continuing dental education/professional development requirements of Minn. R. 3100.5100, subpart 2.

1. Surrender. Effective pursuant to the Board's Order dated January 5, 2007, Licensee's license to practice dentistry in the State of Minnesota was immediately suspended. Therefore, Licensee shall immediately surrender to the Board Licensee's 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 S.E., Suite 450, Minneapolis, Minnesota 55414.

2. Prohibitions. Effective pursuant to the Board's Order dated January 5, 2007, Licensee shall not engage in any act which constitutes the practice of dentistry as defined in Minn. Stat. § 150A.05 and shall not imply to former patients or other persons by words or conduct that Licensee is licensed to practice dentistry.

3. Comprehensive Mental Status Evaluation. Licensee must 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 Licensee. The evaluation should have specific assessment of Licensee's anger management issues, if any. Licensee shall follow any treatment recommendations made by the evaluator. That prior to the evaluation, the practitioner must 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 fulfilled by a different practitioner, who is approved in advance by the Board.

4. Patient Management and Ethics Course. Licensee must complete the patient management and ethics course as defined by and as necessary to fulfill the requirements set out in paragraph E.4.c. of the Board's Order dated June 13, 2003 within 6 months of the date of this 2007 Order. As a reasonable alternative, if Dr. Bebeau refuses to continue the course with Licensee, or if Licensee believes that there has been an irreconcilable breakdown in the instructor-student relationship, which makes successful completion of the course unlikely, then Licensee 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, Licensee 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. Licensee may, but is not required to, take this course from a practitioner who has previously seen or evaluated Licensee.

5. Prosthodontics Course. Licensee must complete the prosthodontics 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, within 6 months of this 2007 Order.

6. Other Conditions.

a. Licensee shall comply with the laws or rules of the Board of Dentistry. Licensee agrees that failure to comply with the Board's laws or rules shall be a violation of this stipulation and order.

b. Licensee 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 Licensee should leave Minnesota to reside, Licensee shall notify the Board in writing of the new location within five days. Periods of residency outside of Minnesota will not apply to the reduction of any period of Licensee's discipline in Minnesota.

F. Removal of Suspension. Licensee may petition to have the suspension removed from Licensee's license at any regularly scheduled Board meeting after Licensee has completed the following: (a) complied with and completed the conditions of his suspension as outlined in paragraphs E. 1, 2, 3 and 6 above, and (b) Licensee can provide affirmative evidence to the Board that he has made concrete arrangements and plans to comply with and promptly complete the conditions outlined in paragraphs E. 4 and 5 above. Licensee's petition must be received by the Board at least 30 days prior to the Board meeting. Licensee shall have the burden of proving that Licensee has complied with the conditions of this stipulation and order and that Licensee is

qualified to practice without a suspension. Licensee's compliance with the foregoing requirements shall not create a presumption that the suspension should be removed. Upon consideration of the evidence submitted by Licensee or obtained through Board investigation, the Board may remove, amend, or continue the 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 Licensee otherwise violates this stipulation and order, the Committee may fine Licensee \$100 per late report or other violation. Licensee shall pay the fine and correct the violation within five days after service on Licensee of a demand for payment and correction. If Licensee 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. Licensee 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 Licensee 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 Licensee 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, Licensee shall submit a response to the allegations. If Licensee 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 Licensee 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. Licensee 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 Licensee's practice, or suspension or revocation of Licensee's license.

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 Licensee pursuant to Minn. Stat. ch. 14, or (2) the Committee's and the Board's right to temporarily suspend Licensee pursuant to Minn. Stat. § 150A.08, subd. 8, based on a violation of this stipulation and order or based on conduct of Licensee before or after the date of this stipulation which is not specifically referred to in paragraph B. above.

J. Attendance at Board Hearing. Licensee attended a Board hearing on January 19, 2007. Present for the hearing were Board members Dean J. Singsank, D.D.S., Marguerite Rheinberger, J.D., M.P.H., M.A., Ronald King, D.D.S., Mark Harris, D.D.S., John Bengtson, D.D.S., Linda Boyum, R.D.A., Candace Mensing, D.D.S., and Nadene Bunge, D.H., who presided. Assistant Attorney General Tamar N. Gronvall represented the Committee at the

hearing. Assistant Attorney General Peter Krieser was present as legal advisor to the Board. Licensee was represented by Susan M. Gallagher in this matter, who has advised Licensee regarding this stipulation and order.

K. Waiver of Licensee's Rights. For the purpose of this stipulation, Licensee waives all procedures and proceedings before the Board to which Licensee 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. Licensee agrees that upon the application of the Committee without notice to or an appearance by Licensee, the Board may issue an order imposing the discipline specified herein. The Committee may participate in Board deliberations and voting concerning the stipulation. Licensee 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, Licensee 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. Licensee 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. Licensee 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 Licensee. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE

COMPLAINT COMMITTEE

  
CRAIG M. MROSAK, D.D.S.

By:

  
MARSHALL SHRAGG  
Executive Director

Dated: March 14, 2007

Dated: MARCH 16<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 23<sup>rd</sup> day of March, 2007.

MINNESOTA BOARD  
OF DENTISTRY

By:   
MARK W. HARRIS, D.D.S.  
President