

**BEFORE THE MINNESOTA**

**BOARD OF DENTISTRY**

In the Matter of  
Peggy L. Orman, L.D.A.  
License No. A2140

**STIPULATION AND ORDER  
ACCEPTING VOLUNTARY  
SURRENDER OF LICENSE**

The Minnesota Board of Dentistry (“Board”) is authorized pursuant to Minnesota Statutes chapter 150A, sections 214.10 and 214.103 to license and regulate licensed dental assistants, to refer complaints against licensed dental assistants to the Attorney General for investigation, and to take disciplinary action when appropriate including accepting a voluntary surrender of license.

Peggy L. Orman, L.D.A. (“Licensee”) desires to voluntarily surrender her license to practice dental assisting in the State of Minnesota. The Board’s Complaint Committee (“Committee”) and Licensee agree that the matter may be resolved by this stipulation and order accepting voluntary surrender of Licensee’s license.

**STIPULATION**

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

A. Jurisdiction. Licensee holds a license to practice dental assisting 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 she does not hold a license to practice dental assisting 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. Licensee is a dental assistant, licensed in the State of Minnesota.
2. On January 9, 2003, the Board issued an Order of Suspension (“2003 Order”) that suspended Licensee’s dental assisting license due to an outstanding tax liability with the Minnesota Department of Revenue. Licensee was prohibited from performing delegated duties for licensed dental assistants until the tax obligation was resolved and a tax clearance certificate was issued by the Minnesota Department of Revenue.
3. From March 2005 to April 2009, Licensee submitted five falsified letters purportedly from the Minnesota Department of Revenue to her employer. The letters stated that Licensee was making progress toward a tax resolution and had a conditional license to practice dental assisting. Based upon this information, Licensee’s employer allowed her to perform delegated expanded duties for a licensed dental assistant, even though, her license was suspended.
4. Licensee practiced under a suspended license and performed expanded functions for more than five years between 2005 and 2010.
5. On February 10, 2011, the Committee held a conference with Licensee to discuss Licensee’s foregoing conduct above. During the conference, Licensee requested a voluntary surrender of her license to practice dental assisting in the State of Minnesota that was accepted by the Committee.

C. Violations. Licensee admits the facts and conduct specified above constitute violations of Minnesota Statutes section 150A.08, subd. 1(1), (6), (13), Minnesota Rules 3100.6200A, 3100.6200F, 3100.6200H, 3100.8400, and are sufficient grounds for the disciplinary action specified below.

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

1. Within 60 days from the date of this Order, Licensee shall pay to the Board a **CIVIL PENALTY** in the amount of \$1,000. The civil penalty shall be paid by cashier's check or money order made payable to the Minnesota Board of Dentistry and shall be delivered personally or by mail to the Minnesota Board of Dentistry, c/o Marshall Shragg, Executive Director, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414.

2. The Board shall accept 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 from the date this Order is adopted by the Board, Licensee shall surrender to the Board any previous renewal certificates 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 which constitutes the practice of dental assisting as defined in Minnesota Statutes section 150A.10, subd. 2. and Minnesota Rules 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.

E. Requirements for Relicensure. Licensee may apply to the Board for relicensure at any regularly scheduled Board meeting no earlier than one year from the effective date of this 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 relicensure and completing the Professional Development requirements.

Moreover, if Licensee is out of practice for more than two (2) years after the effective date of this stipulation and order, she shall take and successfully attain a passing score on both of the examinations specified in Minnesota Rules part 3100.1300, item C. Licensee's compliance with the above-referenced requirements shall not create a presumption that she should be granted a license to practice as a licensed dental assistant in the State of Minnesota.

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 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 licensed dental assistant with reasonable skill and safety, and has complied fully with the terms of the Board's order.

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

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

H. Judicial Relief. If Licensee violates paragraph D above, a district court of this state may, upon application of the Committee, enter an order enjoining Licensee from such practice and grant the Board costs, reasonable attorney fees, and other appropriate relief.

I. Attendance at Conference. Licensee attended a conference with the Committee on February 10, 2011. The following Committee members attended the conference: Joan Sheppard, D.D.S., David Linde, D.D.S., Kristin Heebner, J.D., and Teri Youngdahl, L.D.A. Assistant Attorney General Daphne A. Lundstrom represented the Committee at the conference. Although Licensee was informed at the conference that she could be represented by legal counsel, Licensee has knowingly and voluntarily waived that opportunity.

J. 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 appropriateness of discipline in a contested proceeding pursuant to Minnesota Statutes chapter 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.

K. 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 Minnesota Statutes chapter 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.

L. 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.

M. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 5. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes chapter 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.

N. 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.

O. Service. 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

  
\_\_\_\_\_  
PEGGY L. ORMAN, L.D.A.

By:

COMPLAINT COMMITTEE

  
\_\_\_\_\_  
MARSHALL SHRAGG, MPH  
Executive Director

Dated: 3-16, 2011

Dated: March 22<sup>nd</sup>, 2011

**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 April, 2011.

MINNESOTA BOARD  
OF DENTISTRY

By: David A. Linde  
DAVID LINDE, D.D.S.  
President