

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
James Popp, D.D.S.
License No. D7461

**ORDER FOR
UNCONDITIONAL LICENSE**

The Minnesota Board of Dentistry ("Board") met to review the petition of James Popp, D.D.S. ("Licensee") for reinstatement of an unconditional license to practice dentistry in Minnesota.

BACKGROUND

1. Licensee and the Board's Complaint Committee ("Committee") entered into a Second Amended Stipulation and Order which was approved by the Board on November 20, 1992 ("1992 Second Amended Stipulation and Order") that placed conditions on Licensee's dental license. The 1992 Second Amended Stipulation and Order was based on evidence that Licensee engaged in unprofessional behavior by having sexual relationships with patients and staff, abusing nitrous oxide, and improperly prescribing medications for himself and staff.

2. Pursuant to paragraph 6. of the 1992 Second Amended Stipulation and Order, Licensee's license was placed in a conditional status.

FINDINGS OF FACT

The Board makes the following findings of fact:

3. Pursuant to paragraphs 6.b. and 6.c. of the 1992 Second Amended Stipulation and Order, Licensee was required to do the following:

a. Paragraph 6.b.1. prohibited Licensee from being with or treating female patients unless a registered dental assistant is present in the operatory with Licensee. The Committee has not received any indication that the Licensee has violated this requirement based on documented compliance information from monthly written reports submitted by the Licensee's office manager and supervising assistants.

b. Paragraph 6.b.2. required Licensee to practice dentistry only under the supervision of Licensee's office manager and one or more persons licensed or registered by the Board, all of whom must be pre-approved by the Committee. Licensee has complied with this requirement based on documented compliance information from monthly written reports submitted to the Committee from Licensee's office manager and supervising assistants.

c. Paragraph 6.c.1. required Licensee to provide each current and future employee with a copy of the 1992 Second Amended Stipulation and Order. The Committee has not received any indication that the Licensee has violated this requirement based on documented compliance information from monthly written reports submitted by the Licensee's office manager and supervising assistants.

d. Paragraph 6.c.2. prohibited Licensee from hiring any new female employee under the age of 30 and required Licensee to hire only chairside dental assistants with a minimum of three years of documented experience working in a dental office. Licensee has complied with these conditions and notified the Committee of all new employees hired by Licensee through monthly written reports submitted by the Licensee's office manager and supervising assistants.

e. Paragraph 6.c.3. allowed employees hired by Licensee to perform duties other than those of a chairside assistant. They could fill in as an assistant on a temporary basis for a maximum of ten work days per year. The Committee has not received any indication that the Licensee has violated this requirement based on documented compliance information from monthly written reports submitted by the Licensee's office manager and supervising assistants.

f. Paragraph 6.c.4. required Licensee to attend Sex Addicts Anonymous meetings on a weekly basis and have a SAA sponsor who attended the meetings with the Licensee. Additionally, Licensee would not change sponsors without prior approval from the Committee and Licensee accepted responsibility for his sponsor submitting requested reports to the Board. Licensee attended the required number of SAA meetings held in Eden Prairie with his sponsor who submitted reports to the Board as evidence of Licensee's attendance. Any changes in sponsors for Licensee were pre-approved by the Committee.

g. Paragraph 6.c.5. required Licensee to undergo a complete initial mental health evaluation by a licensed mental health professional approved by the Committee, and another evaluation within three months of Licensee's petition for removal of the limitations/conditions. Licensee complied with this requirement by completing these evaluations with the required reports. The most recent evaluation with a completed report was conducted in March of 2003 by a therapist at the Mulliken Counseling Center in Edina, Minnesota and was accepted by the Committee.

h. Paragraph 6.c.6. required Licensee to be responsible for the primary registered supervisor performing the following duties: monitor storage and

control of nitrous oxide; interview all potential employees; meet with Licensee and staff at least once per month; and maintain written minutes of all meetings. Licensee's two supervising assistants and office manager have performed these duties as evidenced by the written copies of monthly office meeting minutes submitted for review to the Committee.

i. Paragraph 6.c.7. required Licensee to be responsible for the office manager performing the following duties: meet with Licensee at least once a month; meet with the supervising assistants; and review minutes of staff meetings making any necessary changes. Licensee and the office manager met these requirements. The office manager submitted the required written reports with information on the discussions of each meeting.

j. Paragraph 6.c.8. required Licensee to be responsible for ensuring that the supervising assistants and office manager perform the following additional duties: meet with each new employee to explain that Licensee has been disciplined by the Board and explain the basis of the discipline, including the limitation and conditions placed on the Licensee's license; report any information which indicates that Licensee may have had sexual contact or made verbal comments of sexual nature to patients or staff; and submit separate reports to the Committee at least every six months which include verification of Licensee's compliance with the requirements of the Order, dates of staff meetings, information on any personnel action taken, verification that records exist which prove Licensee has not been alone with a female, and any other information that would assist the Board in its review of this matter. Licensee's supervising assistants and office manager have submitted monthly written reports in a timely manner

addressing each of these items. Any changes in personnel have been communicated to the Board prior to the employee's start date and supervising assistants have been interviewed for pre-approval by the Committee. The Committee has met with the office manager on several occasions to discuss changes in personnel and supervising assistants.

k. Paragraph 6.c.9. required Licensee to be responsible for paying the supervising assistants and office manager for the additional services provided by them.

The Committee has not received any information to indicate that the Licensee has not complied with this requirement.

l. Paragraph 6.c.10. required Licensee to be responsible for all costs and expenses incurred or associated with his compliance. The Committee has not received any information to indicate that the Licensee has not complied with this requirement.

m. Paragraph 6.c.11. required Licensee to pay the Board the sum of \$500.00 as partial reimbursement for costs associated with amending the Order. Licensee submitted the required amount within the deadline specified in the Order.

ORDER

IT IS ORDERED that an UNCONDITIONAL LICENSE to practice dentistry in the State of Minnesota be conferred upon Licensee, such license to carry all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated: 6-13-03, 2003

MINNESOTA BOARD
OF DENTISTRY

By: Freeman Rosenblum, D.D.S.
FREEMAN ROSENBLUM, D.D.S.
President