

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Vivian J. Snowden, D.D.S.  
License No. D8287

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

TO: Vivian Snowden, D.D.S., M.S.D. ("Licensee"), 7666 West 101st Street,  
Bloomington, MN 55438-2004

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.

The Board received complaints against Vivian J. Snowden, D.D.S. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaints and referred them to the Attorney General for preparation of a Notice of Conference. The Committee scheduled a conference with Licensee which was conducted by conference call on January 23, 2003. The conference resulted in the Committee instructing the Licensee to provide written notification to patients and patients' families regarding her practice status and regarding the process to obtain access to their treatment records. The conference also resulted in the Committee referring Licensee to the Health Professionals Services Program (HPSP).

Subsequently, the Board received additional complaint(s) against Licensee which it forwarded to the Committee for review. Thereafter, the Committee recommended that Licensee voluntarily surrender her dental license. 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 has held 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 she 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:

**SUBSTANDARD ORTHODONTIC TREATMENT AND RECORDKEEPING;  
INABILITY TO PRACTICE DUE TO DISABILITY;  
AND  
MISLEADING ADVERTISING**

Licensee has failed to provide appropriate orthodontic treatment; failed to make or maintain adequate patient records for one or more of her patients; failed to provide for appropriate access and/or transfer of records for one or more of her patients; and, is unable to practice due to a disability. Licensee has not removed signage displaying her name at her former practice site. She has not practiced at that location for three years.

1. In 2002, the Committee received three written complaints against Licensee. The Committee reviewed the complaints and referred the matter to the Minnesota Attorney General's Office ("AGO") for preparation of a Notice of Conference.

2. On January 23, 2003, a conference call meeting took place between Licensee and the Committee to discuss the allegations from complaints received against her and the findings of the investigative report from the AGO investigation which included alleged

inability to practice due to a disability, failure to adequately arrange for follow up care for patients and/or access to their treatment records, and substandard orthodontic care.

3. At the conclusion of the January 23, 2003 conference call meeting, the Committee instructed Licensee to prepare a letter notifying patients' families how they can access a copy of the treatment records which Licensee maintained for patients. The Committee further instructed Licensee to send copies of the letter to her former patients and/or patients' families. The Committee additionally instructed Licensee to supply a copy of that letter to the Board with her 2003 dental license renewal application. Licensee failed to include a copy of the letter with her 2003 dental license renewal application. Licensee also failed to submit such a letter to the Board as requested in two follow up letters dated March 12, 2003 and April 2, 2003 that were sent to Licensee from the Board. To date, Licensee has not provided a copy of any such letter to the Board. Information received by the Board indicated that patients and/or their families did not received any written notification from Licensee in regard to the change in her practice status nor how they could access their treatment records.

4. In a letter dated February 7, 2003, the Committee referred Licensee to the Health Professionals Services Program (HPSP) for her disability. In October 2003, Licensee was discharged from HPSP for having fully complied with monitoring. During the period of monitoring by HPSP, Licensee was not in clinical practice.

5. In 2003, the Committee received five (5) written complaints against Licensee alleging substandard orthodontic care and recordkeeping, including failure to provide for appropriate transfer of records to patients, to families of minor patients and/or to subsequent orthodontic care providers.

6. In 2004, the Committee received one written complaint against Licensee alleging that Licensee had accepted payments in full for treatments not completed for patients.

The complaint additionally alleged significant substandard orthodontic care by the Licensee including having former patients wearing their appliances for 6 to 8 years; having provided orthodontic treatment to adult patients with severe periodontal disease; having provided orthodontic treatment when orthognathic surgery was indicated; failing to use pre- or post-treatment models of patients to evaluate treatment; taking substandard radiographs and /or producing substandard radiographic records quality; and, constructing substandard orthodontic appliances.

7. During 2003 and 2004, the Board received a number of telephone calls alleging Licensee's failures to provide for follow up orthodontic care and/or access to treatment records she maintained.

8. On June 27, 2003, Licensee authorized the Minnesota Board of Dentistry to take possession of the treatment records Licensee had maintained. In turn, the records were to be provided to the patients and/or their families who contacted the Board for the records.

9. In March 3, 2004, Board staff was informed by a representative for Licensee that the Board had been given access to all of Licensee records. Subsequently, Board staff learned that this was not true.

10. In 2003 through 2006, information was received by the Board indicating that the Licensee's former practice site continues to have her name displayed on a large sign in front of the building. Licensee has not practiced at the site since 2002.

11. On December 9, 2005, the Committee met to review the allegations from complaints received against Licensee and other relevant correspondence from Licensee and her representative. Based on this review, the Committee decided to allow Licensee to voluntarily surrender her dental license through this stipulation and order.

C. Violations. Licensee admits the facts and conduct specified above constitute violations of Minn. Stat. § 150A.08, subd. 1(6) and (8); Minn. R. 3100.6200 B, J, L ; and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order accepting the **VOLUNTARY SURRENDER** of Licensee's license to practice dentistry in the State of Minnesota in accordance with the following terms:

1. Surrender. Effective the date of the order, Licensee's license to practice dentistry in the State of Minnesota is terminated. Within ten days of the date the order is adopted by the Board, Licensee shall surrender to the Board Licensee's original license by delivering it 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. 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. Transfer of Patient Records. No later than 30 days after the date of this order, if Licensee has retained any patient records in her possession, Licensee shall notify these patients that she is no longer practicing and they may request that their patient records be provided to them or their new treating dentists. Licensee shall comply with record requests within 15 days of receipt. Within 30 days after the date of this order, Licensee shall provide the Board with written verification she has complied with this paragraph.

E. Application for Relicensure. Licensee may apply to the Board for relicensure at any regularly scheduled Board meeting no earlier than one year after the effective date of the Board's 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.

Minnesota Rule 3100.1850 does not apply to an application for relicensure following the issuance of a stipulation and order for voluntary surrender of license.

Licensee's compliance with the above-referenced requirements shall not create a presumption that she should be granted a license to practice dentistry in the State of Minnesota. Upon Licensee's application for relicensure, the burden of proof shall be upon her to demonstrate 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 dentist 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 30 days prior to the Board meeting to consider Licensee's application for relicensure. The complaint committee shall review and discuss Licensee's application and fitness to resume the practice of dentistry. 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; 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. Complaint Committee Review. On December 9, 2005, the Committee met to discuss the matters set forth in paragraph B. The Committee was comprised of Board members Linda Boyum, R.D.A. and John Bengtson, D.D.S.

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 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.

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 Minn. Stat. ch. 14 and § 150A.08, Licensee agrees not to object to the Board's initiation of the proceeding and shearing 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

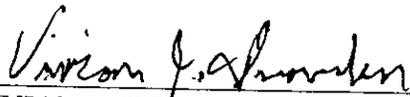
date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

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, 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.

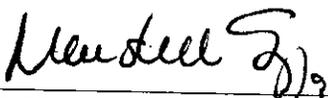
N. Entire Agreement. Licensee has read, understood, and agreed to this stipulation and is freely and voluntarily signing it. This stipulation contains the entire agreement between the parties hereto. Licensee is not relying on any other agreement or representations of any kind, verbal or otherwise.

O. Service 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

  
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VIVIAN J. SNOWDEN, D.D.S.

COMPLAINT COMMITTEE

By:   
\_\_\_\_\_  
MARSHALL SHRAGG  
Executive Director

Dated: 3-27, 2006

Dated: MARCH 29<sup>TH</sup>, 2006

