

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Shannon D. Sondrol, D.H.
License No. H7375

**STIPULATION AND ORDER FOR
CONDITIONAL LICENSE**

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

The Board received a complaint(s) against Shannon D. Sondrol, D.H. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaint and based upon the information held a conference with Licensee on July 17, 2009. 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 dental hygiene 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 hygiene in any other jurisdiction and does not hold any other professional or occupational licenses.

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

Inability to Practice with Reasonable Skill and Safety

1. Licensee may be unable to practice dental hygiene with reasonable skill and safety due to a physical, mental, emotional, or other disability.

a. On November 18, 2008, Licensee contacted the Health Professionals Services Program (“HPSP”) regarding mental health and chemical abuse issues. During her intake interview with the HPSP, Licensee stated that she has had two panic attacks causing her to be hospitalized for one day in September 2008, and for ten days in November 2008. Licensee also stated that in the past she has used marijuana and drank alcohol occasionally at night and more on the weekends.

b. During her hospitalization in November 2008, Licensee completed a chemical dependency (“CD”) assessment. The evaluator’s diagnosis for Licensee was alcohol dependence, cannabis dependence (in partial remission), and posttraumatic stress disorder. Recommendations for Licensee included: abstain from all mood-altering chemicals; continue with mental health stabilization; enter a residential CD treatment program; and enter a halfway house, if needed. Upon discharge, Licensee was prescribed the following medications: Paxil; Risperdal; and Trazodone. Licensee was also scheduled to see a therapist and planned to make arrangements to enter an outpatient CD treatment program.

c. On December 4, 2008, Licensee signed a Participation Agreement and Monitoring Plan with the HPSP for monitoring her psychiatric disorder and substance disorder. Among other things, Licensee’s monitoring plan prohibited her from practicing dental hygiene. While at the HPSP office, Licensee was ambivalent about her continued participation in the HPSP.

d. On or about December 9, 2008, Licensee entered into an outpatient treatment program and began seeing a CD counselor. When speaking to the HPSP about the outpatient treatment program, Licensee stated she does not need substance abuse treatment now that her anxiety is under control. Moreover, Licensee remained undecided if she would continue with the HPSP. The HPSP provided Licensee with the name of another treatment center having a women's program.

e. On December 16, 2008, the HPSP spoke with Licensee's CD counselor about her attendance at the treatment program. Licensee's counselor stated that Licensee's participation was going well and that Licensee could return to work.

f. On January 5, 2009, Licensee tested positive for ethylglucuronide ("Etg") at 411 ng/ml.

g. On January 6, 2009, the HPSP revised Licensee's monitoring plan permitting her to return to practicing dental hygiene.

h. On January 12, 2009, the HPSP spoke with Licensee about her monitoring progress. In response, Licensee challenged the HPSP about having a chemical dependency diagnosis and she stated that her issues are based upon her mental health.

i. On January 15, 2009, the HPSP contacted Licensee regarding her positive toxicology screen result for alcohol on January 5, 2009. Licensee admitted that she consumed a glass or two of wine. Licensee further stated that she is uncommitted to abstinence regarding the consumption of alcohol when her problem is with using marijuana. On January 15, 2009, the HPSP notified the Board that Licensee was discharged from the program due to non-compliance.

Failure of Professional Development Portfolio Audit

2. Licensee failed to meet professional development requirements when a designated professional development audit was conducted by the Board pursuant to Minnesota Rules part 3100.5300, as follows:

a. On March 30, 2009, the Board sent Licensee an audit letter requesting she submit documentation to the Board of her professional development portfolio for the cycle period April 11, 2005 to June 30, 2008. The Board indicated that Licensee must comply with this request by May 31, 2009.

b. On April 13, 2009, Licensee responded by telephone to the Board's letter stating that she did not have enough professional development credits as required for the cycle period April 11, 2005 to June 30, 2008. Licensee was instructed to submit documentation of her professional development activities for the aforementioned cycle period for review by the Board by May 31, 2009. Licensee did submit her professional development documentation to the Board for review.

c. In its June 1, 2009, letter, the Board informed Licensee that she failed to meet the professional development requirements for the aforementioned cycle period for the following reasons: all submitted courses and the self-assessment were completed after the cycle end date of June 30, 2008; and the CPR course was unacceptable due to the required level of training. As a result, the Board granted Licensee until December 1, 2009, to complete an acceptable CPR course.

d. During the July 17, 2009, conference, Licensee failed to adequately articulate to the Committee regarding the proper performance of CPR and the

handling of an office medical emergency that may occur from the administration of local anesthetic.

C. Violations. Licensee admits that the facts and conduct specified above constitute violations of Minn. Stat. §150A.08, subd. 1(4) (habitually overindulged in the use of intoxicating liquors), Minn. Stat. § 150A.08, subd. 1(8) (physical, mental, emotional or other disability which adversely affects ability to perform as a licensed dental hygienist), Minn. Stat. § 150A.08, subd. 1(13) and Minn. R. 3100.5300 (inadequate documentation for professional development audit) and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order which places CONDITIONS on Licensee's license as a licensed dental hygienist in the State of Minnesota as follows:

CONDITIONS

1. Participation in HPSP.

a. Within 14 days of the issuance of this stipulation and order, Licensee shall enroll in HPSP for monitoring of her chemical dependency recovery. Licensee shall provide HPSP with a copy of this stipulation and order at the time of enrollment. Licensee must return the signed Participation Agreement to HPSP within 14 days of receiving the Participation Agreement from HPSP. Failure to meet either of these deadlines will be considered a violation of this stipulation and order.

b. Licensee shall be monitored by HPSP until HPSP determines Licensee is qualified to practice without conditions.

c. Licensee shall comply with all provisions of her HPSP Participation Agreement, including revisions subsequent to this order. Licensee's failure to

comply with her HPSP Participation Agreement shall be considered a violation of this stipulation and order.

d. Licensee shall totally abstain from ingesting, injecting, or otherwise taking or using any mood-altering chemical or drug, including, but not limited to alcohol. This prohibition does not apply to legend drugs, including controlled substances, which are prescribed for Licensee by a licensed physician or dentist as part of a course of treatment.

2. CPR / Medical Emergency Report. Within 30 days of the effective date of this Order, Licensee shall submit a written report which focuses upon current CPR guidelines for a healthcare provider and the proper protocol for handling medical emergencies in the office. Licensee's report shall be typewritten in her own words, double-spaced, at least two pages in length but no more than three pages, and shall list references used to prepare the report. Licensee's report shall be subject to approval by the Committee.

3. CPR Course. By December 1, 2009, Licensee shall successfully complete the appropriate CPR certificate requirement through a course equivalent to the American Heart Association healthcare provider course or the American Red Cross professional rescuer course. Within 30 days after completing the course, Licensee must submit a copy of the front and back of the CPR card received as proof of completion to the Committee.

4. 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 or practice outside the state, Licensee shall notify the Board in writing of the new location within five days. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Licensee's discipline in Minnesota unless Licensee demonstrates that practice in another state conforms completely with this stipulation and order.

E. Removal of Conditions. Licensee may petition to have the conditions removed from Licensee's license at any regularly scheduled Board meeting after Licensee has complied with all the conditions of her Participation Agreement with HPSP, provided that Licensee's petition is received by the Board at least 30 days prior to the Board meeting. At the time of Licensee's petition, Licensee shall have the burden of proof proving that Licensee has complied with her Participation Agreement with HPSP and the conditions of this stipulation and order and that the Licensee is qualified to practice without conditions. Licensee's compliance with these conditions shall not create a presumption that the conditions should be removed. Upon consideration of the evidence submitted by Licensee or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this order.

F. 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.

G. 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 dental hygiene license.

H. 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.

I. Attendance at Conference. Licensee attended a conference with the Committee on July 17, 2009. The following Committee members attended the conference: Candace Mensing, D.D.S.; Freeman Rosenblum, D.D.S.; and Nancy Kearn, D.H. Assistant Attorney General Careen H. Martin 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 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.

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 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. 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.

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

Shannon Sondrol
SHANNON D. SONDROL, D.H.

Dated: Aug 24, 2009

COMPLAINT COMMITTEE

By: Marshall Shragg
MARSHALL SHRAGG, MPH
Executive Director

Dated: September 15th, 2009

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; the recommended disciplinary action set forth in the stipulation is hereby issued as an order of this Board placing CONDITIONS on Licensee's license effective this 25th day of September, 2009.

MINNESOTA BOARD
OF DENTISTRY

By:

Candace Mensing MS
CANDACE MENSING, D.D.S.
President