

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Jacqueline M. Thompson, L.D.A.  
License No. A4147

**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 assistants, to refer complaints against dental assistants to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint(s) against Jacqueline M. Thompson, L.D.A. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaint and referred the matter to the Minnesota Attorney General's Office for investigation. Following the investigation, the Committee held a conference with Licensee on September 10, 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 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 Licensee 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:

### Unprofessional Conduct and Improper Prescribing

1. Licensee engaged in personal conduct which brings discredit to the profession of dental assisting when she improperly or in an unauthorized manner prescribed, dispensed, administered, or personally used or made improper or unauthorized use of a legend drug, other chemical, or controlled substance, as follows:

a. While Licensee was employed as a registered dental assistant, she personally appeared at more than one pharmacy location to pick-up filled prescriptions using her employer's drug enforcement administration ("DEA") number for narcotics and antibiotics on seven occasions between December 26, 2007, and August 4, 2008.

DATE	MEDICATIONS	QUANTITY OF TABLETS	PHARMACY
12/26/07	Hydrocodone/APAP 7.5/750 mg	40	Walgreens
01/09/08	Azithromycin 250 mg (6-Pak)	6	Walgreens
01/14/08	Hydrocodone/APAP 7.5/750 mg	40	Walgreens
01/23/08	Oxycodone/APAP 5/325 mg	30	Wal-Mart
06/19/08	Hydrocodone/APAP 7.5/750 mg	40	CVS
08/04/08	Hydrocodone/APAP 7.5/750 mg	40	CVS
08/04/08	Azithromycin 250 mg (6-Pak)	6	Walgreens

b. Licensee's dental patient record failed to include documentation of the prescriptions. Licensee's employer had not prescribed any medications for Licensee while acting as her dental provider.

c. During the conference, Licensee admitted that she received the aforementioned narcotics and antibiotics through prescriptions provided by another staff employee using her employer's DEA number: for pain associated with certain medical

conditions not within the scope of dentistry; and without authorization from the prescriber. Licensee stated that she was unaware that her conduct was inappropriate at the time.

C. Violations. The Committee concludes that the practices described above constitute violations of Minn. Stat. § 150A.08, subd. 1(6) and Minn. R. 3100.6200 A (personal conduct which brings discredit to the profession of dental assisting); Minn. Stat. § 150A.08, subd. 1(5) (improperly or in an unauthorized manner prescribed, dispensed, administered, or personally used, or made other improper or unauthorized use of, a legend drug, chemical, or controlled substance); 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 to practice dental assisting in the State of Minnesota as follows:

### CONDITIONS

1. Jurisprudence Examination. Within 90 days of the effective date of this Order, Licensee shall take and pass the Minnesota jurisprudence examination with a score of at least 75 percent. Licensee may take the jurisprudence examination within the 90-day period as many times as necessary to attain a score of 75 percent, however, Licensee may take the examination only once each day. Within 10 days of each date Licensee takes the jurisprudence examination, Board staff will notify Licensee in writing of the score attained.

2. Coursework. Licensee shall successfully complete the coursework described below. **All coursework must be approved in advance by the Committee.** Licensee is responsible for locating, registering for, and paying for all coursework taken pursuant to this stipulation and order. Licensee must provide each instructor with a copy of this stipulation and order prior to commencing a course. None of the 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. The coursework is as follows:

a. Ethics. Within one year of the effective date of this Order, Licensee shall complete an individually designed course in ethics offered by Dr. Karin Quick at the University of Minnesota School of Dentistry, or an equivalent course offered by another practitioner. Licensee's signature on this Order is authorization for the Committee to communicate with the practitioner before, during, and after Licensee takes the course about her needs, performance and progress. Licensee's signature also constitutes authorization for the practitioner to provide the Committee with copies of all written evaluation reports. Successful completion of this course shall be determined by the Committee based on input from the practitioner of the course.

3. Written Report on Coursework. Within 30 days after completing each coursework, Licensee shall submit to the Board (1) a transcript or other documentation verifying that Licensee successfully completed the course, (2) a copy of all materials used and/or distributed in the course, and (3) a written report summarizing what Licensee learned in the course and how Licensee has implemented this knowledge into Licensee's practice of dental assisting. Licensee's report shall be typewritten in Licensee's own words, double-spaced, at least two pages but no more than three pages in length, and shall list references used to prepare the report. All reports and information are subject to approval by the Committee.

4. Community Service. Within two years of the effective date of this Order, Licensee shall complete fifty (50) hours of unpaid community service at any voluntary community service project located in Licensee's community. Licensee shall submit to the Committee evidence of successfully completing 50 hours of service.

5. 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 Licensee's practice of dental assisting, Licensee shall comply with the most current infection control requirements of Minn. R. 3100.6300 and 6950.1000 through 6950.1080, and with Centers for Disease Control and Prevention, Public Health Service, United States Department of Health and Human Services, *Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008*, and *Guidelines for Infection Control in Dental Health-Care Settings - 2003*, Morbidity and Mortality Weekly Report, December 19, 2003 at 1.

d. 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 to 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 provided that Licensee's petition is 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 and that Licensee is

qualified to practice dental assisting without conditions. Licensee's compliance with the foregoing requirements 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:

I. 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 a limitation on Licensee's practice, or suspension or revocation of Licensee's 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 September 10, 2009. Although Licensee was informed in the Notice of Conference that she could be represented by legal counsel, Licensee has voluntarily and knowingly waived legal representation. The following Committee members attended the conference: Linda Boyum,

L.D.A.; Joan Sheppard, D.D.S.; and David Linde, D.D.S. Assistant Attorney General Daphne A. Lundstrom represented the Committee at the conference.

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

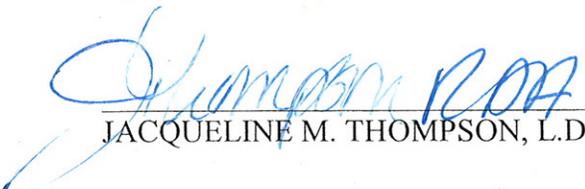
date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

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

  
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JACQUELINE M. THOMPSON, L.D.A.

Dated: Oct 12, 2009

COMPLAINT COMMITTEE

By:

  
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MARSHALL SHRAGG, MPH  
Executive Director

Dated: October 12, 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 4<sup>th</sup> day of December, 2009.

MINNESOTA BOARD  
OF DENTISTRY

By: Candace Mensing D.D.S.  
CANDACE MENSING, D.D.S.  
President