

**BEFORE THE MINNESOTA**

**BOARD OF DENTISTRY**

In the Matter of  
Gwendolyn Timberlake, D.D.S.  
License No. D 8800

**NOTICE OF TEMPORARY  
REVOCATION OF STAY OF  
SUSPENSION, IMPOSITION OF  
SUSPENSION AND HEARING**

TO: Gwendolyn Timberlake, D.D.S. ("Respondent") at 1278 Selby Avenue, St. Paul,  
Minnesota 55104

**I.**

**REVOCATION OF STAY OF SUSPENSION AND IMPOSITION OF SUSPENSION**

RESPONDENT IS HEREBY NOTIFIED that the Minnesota Board of Dentistry ("Board") Complaint Committee ("Committee") has revoked Respondent's stay of suspension, thereby imposing the suspension of Respondent's license to practice dentistry. The Committee has probable cause to believe Respondent has failed to comply with one or more of the requirements for staying the suspension outlined in the Stipulation and Order for Stayed Suspension ("2007 Order") adopted by the Board on June 15, 2007. (A true and accurate copy of the 2007 Order is attached as Exhibit 1.)

Respondent shall not engage in any act which constitutes the practice of dentistry as defined in Minnesota Statutes section 150A.01 and shall not imply by words or conduct that Respondent is authorized to practice dentistry. Respondent shall surrender to the Board her current dentistry license. Respondent shall personally deliver or mail the license to the Minnesota Board of Dentistry, c/o Marshall Shragg, Executive Director, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414, within five days after receipt by Respondent of this Notice.

## II.

### HEARING

RESPONDENT IS FURTHER NOTIFIED that the Committee has initiated a hearing before the Board to present the allegations referenced in section III below. This hearing could affect Respondent's license to practice dentistry in the State of Minnesota, since the allegations may be grounds for additional disciplinary action including, but not limited to, continuation of the suspension or revocation of Respondent's license. The hearing will be held on **Friday, June 27, 2008, at 8:00 a.m.** in Conference Room A on the 4<sup>th</sup> Floor, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414. If personally attending the hearing, Respondent should first check-in with the receptionist at the Board office on the 4<sup>th</sup> Floor, Suite 450, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

In presenting its allegations to the Board, the Committee will submit any affidavits served herewith and may submit additional affidavits and written and oral argument in support of its position that additional disciplinary action should be taken against Respondent. Respondent has the right to submit a response to the Committee's allegations, affidavits made on the personal knowledge of the affiant, and written argument.

**Respondent must submit a response to the allegations referenced in section III below within ten days after this Notice is mailed. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.**

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. This matter came before the Committee in accordance with the terms and

conditions of Respondent's Stipulation and Order for Stayed Suspension adopted by the Board on June 15, 2007 ("2007 Order"), which Respondent agreed to and signed.

Pursuant to the 2007 Order, Respondent's license was suspended, but the suspension was stayed contingent upon Respondent's compliance with all terms and conditions set forth in the 2007 Order. Pursuant to paragraphs H. and I. of Respondent's 2007 Order, the Committee is authorized to temporarily revoke the stay of the suspension, if it has probable cause to believe Respondent has failed to comply with or has violated any of the requirements for staying the suspension of Respondent's license.

The Committee has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements for staying the suspension of Respondent's license as described below.

### **III.**

#### **FINDINGS OF FACT**

1. Respondent has held from the Board a license to practice dentistry in the State of Minnesota since April 20, 1979, and is subject to the jurisdiction of the Board with respect to the matters described herein. *See* Affidavit of Deborah A. Endly ("Endly Aff.") at ¶ 3.

2. On January 14, 2000, Respondent entered into an Agreement for Corrective Action ("2000 ACA") with the Committee. The 2000 ACA was based on Respondent's failure to maintain adequate safety and sanitary conditions for a dental office and her failure to make and maintain adequate patient records. Among other things, the 2000 ACA required Respondent to submit to at least one unannounced office inspection by a Board representative to review Respondent's patient records and the safety/sanitary conditions of her office. This was conducted on January 4, 2002. *Endly Aff.* at ¶ 4.

3. In the meantime, the Board received additional complaints against Respondent, again alleging substandard infection control and recordkeeping. On July 26, 2002, the Committee met with Respondent to discuss the Board representative's inspection report and new complaints. On September 17, 2002, Respondent entered into an Amended Agreement for Corrective Action ("2002 Amended ACA") which replaced her 2000 ACA. It was based upon inadequate infection control, recordkeeping and diagnostic technique, and lack of knowledge regarding crown and bridge retention. Endly Aff. at ¶ 5.

4. In 2003 and 2004, the Committee received additional complaints against Respondent which were investigated by the Minnesota Attorney General's Office. On October 15, 2004, the Committee held a conference with Respondent to discuss the investigative report and new complaints. During the conference, the Committee found that Respondent failed to complete the coursework requirements of her 2002 Amended ACA, including failing to fulfill the course hour requirements, obtain pre-approval from the Committee for any of the courses taken, and take non-home study courses. Endly Aff. at ¶ 6.

5. On November 19, 2004, the Board adopted a Stipulation and Order for Conditional License ("2004 Order") that placed conditions on Respondent's license to practice dentistry in the State of Minnesota. The 2004 Order addressed the following issues: unprofessional conduct; improper billing; substandard prosthodontic treatment; substandard periodontal treatment; inadequate infection control; and substandard recordkeeping. Endly Aff. at ¶ 7.

6. On December 14, 2006, a Board representative conducted an unannounced inspection of Respondent's dental office pursuant to her 2004 Order to review Respondent's patient records and the safety/sanitary conditions of her office. The Board representative submitted a report to the Committee. On December 22, 2006, the Board received another

complaint against Respondent alleging fraud. On March 9, 2007, the Committee held a disciplinary conference with Respondent to discuss the Board representative's inspection report and the most recent complaint. Endly Aff. at ¶¶ 8 and 9.

7. On June 15, 2007, the Board adopted a Stipulation and Order for Stayed Suspension ("2007 Order") that placed conditions of the stayed suspension on Respondent's license to practice dentistry in the State of Minnesota. The 2007 Order addressed the following issues: inadequate infection control; substandard diagnostic/treatment planning/operative care; substandard periodontal care; substandard radiographic diagnosis; unprofessional conduct and fraud; and substandard recordkeeping. The 2007 Order provided that violation of the terms in the order would constitute violation of a Board order for purposes of Minnesota Statutes section 150A.08, subdivision 1(13), and provide grounds for further disciplinary action. Endly Aff. at ¶ 10.

8. Respondent is currently subject to the 2007 Order. Endly Aff. at ¶ 11.

9. On November 21, 2007, a Board representative conducted an unannounced inspection of Respondent's dental office pursuant to her 2007 Order to review Respondent's patient records and the safety/sanitary conditions of her office. A report was submitted to the Committee. Endly Aff. at ¶ 12.

10. On April 18, 2008, the Committee held a disciplinary conference with Respondent to discuss her non-compliance with certain terms, conditions, and requirements of her 2007 Order. Specifically, Respondent failed to be in compliance with the following: certain infection control/safety-sanitary conditions including the infection control consultant's recommendations; completing a required course; recordkeeping; and the professional development portfolio audit. Endly Aff. at ¶ 13, Exhibits A through G.

**IV.**

**CONCLUSION**

Respondent has violated statutes or rules which the Board is empowered to enforce or any disciplinary order issued by the Board, specifically her 2007 Stipulation and Order for Stayed Suspension, within the meaning of Minn. Stat. § 150A.08, subd. 1(13).

**V.**

**ORDER AND NOTICE OF HEARING**

Based upon the foregoing findings and conclusions, it is hereby ordered, and Respondent is hereby notified, as follows:

1. Respondent's license to practice dentistry in the State of Minnesota is hereby suspended effective immediately. Respondent shall not engage in the practice of dentistry within the meaning of Minn. Stat. § 150A.05 unless and until authorized to do so by future order of the Board. While the suspension is in effect, Respondent shall not imply to former patients or other persons by word or conduct that she is licensed to practice dentistry, shall not provide or participate in the provision of dental services, and shall not supervise or influence others in the practice of dentistry.

2. Respondent shall arrange for the transfer to other dentists of responsibility for the care of her patients so there is no interruption in patient care.

3. A hearing before the Board regarding this matter shall be held on **Friday, June 27, 2008, at 8:00 a.m.**, or as soon thereafter as the matter can be heard, in Conference Room A on the 4th Floor, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414. If personally attending the hearing, Respondent should first check-in with the receptionist at the Board office on the 4<sup>th</sup> Floor, Suite 450, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

**VI.**  
**ISSUES**

The sole issue at the hearing is:

1. Whether there is a reasonable basis to continue, modify, or lift the revocation of the stay of suspension and in the event the suspension is continued whether any further conditions or limitations on Respondent or Respondent's practice are appropriate.

Evidence to be presented at the hearing shall be by affidavit only. The Committee may serve additional affidavits and documents prior to the hearing. If Respondent intends to submit any affidavits or written argument in opposition to the continuance of the revocation of stay of suspension she is requested to submit them to the Board office as soon as practical to allow for photocopying and advance distribution of his materials to the Board members.

Dated: April 28<sup>th</sup>, 2008

COMPLAINT COMMITTEE  
OF DENTISTRY

By:   
MARSHALL SHRAGG  
Executive Director 