

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Michelle C. Twomey, R.D.A.  
Registration No. A9403

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

The Minnesota Board of Dentistry (“Board”) is authorized pursuant to Minnesota Statutes chapter 150A, section 214.10, and section 214.103 to license and regulate registered dental assistants, to refer complaints against registered dental assistants to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint against Michelle C. Twomey, R.D.A. (“Registrant”). The Board’s Complaint Committee (“Committee”) reviewed the complaint alleging that Registrant had failed to complete the CPR certification requirement when renewing her current registration. In response to the Committee’s letter of inquiry regarding this matter, Registrant requested a rule variance for an extension of time to complete the CPR certification requirement. As a result, the Board issued an Order Granting Discretionary Variance Request to Registrant. Among other things, the Board’s order indicated a deadline date by which Registrant was required to complete the CPR requirement, but she has been noncompliant. Subsequently, Registrant asked to voluntarily terminate her dental registration. Thus, the Committee and Registrant have agreed that the matter may now be resolved by this stipulation and order.

**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED by and between Registrant and the Committee as follows:

A. Jurisdiction. Registrant holds a registration 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. Registrant states that she does not hold a license or a registration 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:

1. On July 24, 2006, the Committee sent a letter of inquiry to Registrant indicating that she failed to complete the CPR certification requirement when renewing her current registration. In her August 7, 2006 response to the Committee's letter, Registrant requested a rule variance for an extension of time to complete the CPR certification requirement. Registrant stated that she is currently unable to complete the CPR course due to familiar responsibilities and her spouse being on active military duty. However, Registrant would be able to complete the CPR course in about two months when her spouse returns from deployment.

2. On September 20, 2006, the Board issued an Order Granting Discretionary Variance Request ("2006 Order") to Registrant. Among other things, the 2006 Order required that Registrant 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 on or before December 31, 2006.

3. On or about January 8, 2007, a Board staff member contacted Registrant to learn that she had failed to comply with the CPR course requirement indicated within her 2006 Order by December 31, 2006. In turn, Registrant requested a voluntary termination of her dental registration. The Committee reviewed and accepted Registrant's request to voluntarily surrender her registration.

C. Violations. Registrant admits the facts and conduct specified above constitute violations of Minn. Stat. § 150A.08, subd. 1(13), Minn. R. part 3100.5100, subp. 3, item A(3), and are sufficient grounds for the disciplinary action specified below.

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

1. Surrender. Effective the date of this Order, Registrant's registration to practice dental assisting in the State of Minnesota is terminated. Within ten days of the date the Order is adopted by the Board, Registrant shall surrender to the Board her original registration and current renewal certificate by delivering them personally or by first class mail to Marshall Shragg, Executive Director, Minnesota Board of Dentistry, 2829 University Avenue Southeast, Suite 450, Minneapolis, Minnesota 55414.

2. Prohibitions. Registrant shall not engage in any act which constitutes the practice of dental assisting as defined in Minnesota Statutes section 150A.10, subd. 2. and Minnesota Rules part 3100.8500 and shall not imply to former patients or other persons by words or conduct that Registrant is registered to practice dental assisting.

E. Application for Re-registration. Registrant may apply to the Board for re-registration at any regularly scheduled Board meeting no earlier than one year of the effective date of the Board's order. Registrant must comply fully with the applicable statutes and rules in effect at the time of Registrant's application, including the payment of all fees relating to re-registration and completing the Professional Development requirements. Minnesota Rules part 3100.1850 does not apply to an application for re-registration following the issuance of a stipulation and order for voluntary surrender of a registration.

In addition, if Registrant is out of practice for more than two (2) years after the effective date of this stipulation and order, she shall successfully complete the registration examination specified in Minn. R. part 3100.1300, item C. Registrant's compliance with the above-referenced requirements shall not create a presumption that she should be granted registration to practice as a registered dental assistant in the State of Minnesota.

Upon Registrant's application for re-registration, 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 registered dental assistant with reasonable skill and safety, and has complied fully with the terms of the Board's order.

F. Meeting with a Complaint Committee. Registrant shall meet with a Complaint Committee of the Board at least 30 days prior to the Board meeting to consider Registrant's application for re-registration. The Complaint Committee shall review and discuss with Registrant her application and supporting evidence. After meeting with Registrant, the Complaint Committee shall forward a report containing its recommendations to the Board.

G. Board Action. At any regularly scheduled Board meeting following Registrant's application for re-registration and meeting with a Complaint Committee, the Board may take any of the following actions:

1. Reissue a registration to Registrant;
2. Reissue a registration to Registrant with limitations and/or conditions placed upon the scope of Registrant's practice of dental assisting; or
3. Deny the application for re-registration upon Registrant's failure to meet the burden of proof.

H. Judicial Relief. If Registrant violates paragraph D above, a district court of this state may, upon application of the Committee, enter an order enjoining Registrant from such practice and grant the Board costs, reasonable attorney fees, and other appropriate relief.

I. Right to an Attorney. Through this stipulation and order, Registrant is further notified that Registrant may choose to be represented by legal counsel in this matter. Registrant has elected not to be represented by counsel. The Committee involved with this matter is comprised of Board members Linda Boyum, R.D.A., John Bengtson, D.D.S., and Mark Harris, D.D.S. Assistant Attorney General Manuel J. Cervantes is representing the Committee.

J. Waiver of Registrant's Rights. For the purpose of this stipulation, Registrant waives all procedures and proceedings before the Board to which Registrant 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 Minnesota Statutes chapter 14. Registrant agrees that upon the application of the Committee without notice to or an appearance by Registrant, the Board may issue an order imposing the discipline specified herein. The Committee may participate in Board deliberations and voting concerning the stipulation. Registrant 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 Minnesota Statutes chapter 14 and section 150A.08, Registrant 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. 5. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes chapter 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. Registrant 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. Registrant is not relying on any other agreement or representations of any kind, verbal or otherwise.

O. Service. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Registrant. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

REGISTRANT

Michelle C. Twomey, R.D.A.  
MICHELLE C. TWOMEY, R.D.A.

By:

COMPLAINT COMMITTEE

Marshall Shragg  
MARSHALL SHRAGG  
Executive Director

Dated: May 17, \_\_\_\_\_, 2007

Dated: JUNE 1<sup>ST</sup> \_\_\_\_\_, 2007

## ORDER

Upon consideration of the foregoing stipulation and based upon all the files, records, and proceedings herein, the Board approves and adopts the terms of the stipulation, orders the recommended action set forth in the stipulation, and accepts the VOLUNTARY SURRENDER of Registrant's registration to practice dental assisting in the State of Minnesota effective this 15<sup>th</sup> day of June, 2007.

MINNESOTA BOARD  
OF DENTISTRY

By: Nadene Bunge, D.H.  
NADENE BUNGE, D.H.  
Acting President