

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Andrew J. Bauman, D.D.S.  
License No. D10988

**STIPULATION AND CONSENT  
ORDER FOR VOLUNTARY  
SURRENDER OF LICENSE**

**STIPULATION**

Andrew J. Bauman, D.D.S. (“Licensee”) and the Minnesota Board of Dentistry’s Complaint Committee (“Committee”) agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

**I.**

**JURISDICTION**

1. The Minnesota Board of Dentistry (“Board”) is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to license and regulate dentists and to take disciplinary action when appropriate, including accepting a voluntary surrender of a license.

2. Licensee holds a license from the Board to practice dentistry in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

**II.**

**BACKGROUND**

3. The Complaint Committee, composed of Neal U. Benjamin, D.D.S., and Nancy A. Kearns, D.H., determined this matter could be settled with a Stipulation and Order. Jennifer Middleton, Assistant Attorney General, represents the Committee.

4. Licensee is represented by John Degnan, Briggs & Morgan, P.A., 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402-2157.

### **III.**

#### **FACTS**

5. The Board conducted an investigation into Licensee's conduct. For the purposes of this Stipulation and Consent Order only, and for no other purpose, civil, criminal, administrative, or otherwise, Licensee does not contest the allegations or remedy sought by the Board as follows::

a. Licensee engaged in unprofessional conduct and improper billing of third-party payers. Licensee's dental clinic improperly billed third-party payers for the following services which were not actually rendered on approximately 25 patients: extractions; complete or partial dentures and denture relines; certain oral surgery procedures; amalgam restorations when Fuji IX restorative material was actually placed into patient's teeth; comprehensive oral evaluations; limited oral evaluations; and periodic oral evaluations. Licensee's dental clinic billed for these services when the services were not actually provided.

b. Licensee failed to maintain patient charts that met minimum recordkeeping standards. Specifically Licensee's charts contain illegible handwriting and do not include services that the dental clinic billed to third-party payers. Licensee failed to sign and review treatment entries made by his dental auxiliary on his behalf.

c. Licensee was convicted of three impaired driving offenses in 1995, 2008, and 2011.

d. Licensee failed to maintain a consecutive and current CPR Healthcare Provider certificate for a period of roughly eight months during his license renewal cycle of February 2011 to January 2013.

### **IV.**

## LAWS

6. The Board determined that that the conduct described in section III. above constitutes a violation of Minnesota Statutes section 150A.08, subdivision 1(6) and (13), Minnesota Rules 3100.6200 subparts A and D, and justifies the disciplinary action described in section V. below. For the purposes of this Stipulation and Consent Order only, and for no other purpose, civil, criminal, administrative, or otherwise, Licensee agrees not to contest the Board's determination.

## V.

### DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. The Board hereby accepts the **VOLUNTARY SURRENDER** of Licensee's license to practice dentistry in the State of Minnesota in accordance with the following terms:

a. Surrender. Licensee's license to practice dentistry in the State of Minnesota is hereby terminated. Licensee shall surrender to the Board his original license 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.

b. Prohibitions. Licensee shall not engage in any act that 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.

c. Transfer of Patient Records. Licensee shall notify his patients that he 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. Licensee shall provide the Board with written verification that he has complied with this paragraph.

### **Requirements for License Reinstatement**

8. The requirements for reinstatement of Licensee's license are as follows:
  - a. Reinstatement Application. Licensee may apply to the Board for reinstatement at any regularly scheduled Board meeting no earlier than **ten years** 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 reinstatement and completing the Professional Development requirements.
  - b. License Examination(s). At the time of Licensee's petition, Licensee shall take and successfully attain a passing score on the regional clinical examination specified in Minnesota Rules 3100.1100 subpart 2.
  - c. Burden of Proof. Licensee's compliance with the above-referenced requirements shall not create a presumption that he should be granted a license to practice dentistry in the State of Minnesota. When applying for reinstatement, the burden of proof shall be upon Licensee to demonstrate to the Board by clear and convincing evidence that he is capable of conducting himself 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.
  - d. Meeting with a Complaint Committee. Licensee shall meet with a Complaint Committee of the Board at least 60 days prior to the Board meeting to consider Licensee's application for reinstatement. The Complaint Committee shall review and discuss

with Licensee his application and supporting evidence. After meeting with Licensee, the Complaint Committee shall forward a report containing its recommendations to the Board.

e. Board Action. At any regularly scheduled Board meeting following Licensee's application for reinstatement 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 of dentistry; or
- 3) Deny the application for reinstatement upon Licensee's failure to meet the burden of proof.

## VI.

### CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. If Licensee fails to comply with or violates this Stipulation and Order or it is determined Licensee has further violated Minnesota Statutes chapter 150A or Minnesota Rules chapter 3100, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. 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(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within seven days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with the Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through the procedures of Minnesota Statutes Section 214.103, subdivision 6.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Order. The Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this order is in effect.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 150A.08, subdivision 8, based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

## VII.

### ADDITIONAL INFORMATION

10. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

11. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

12. This Stipulation and Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

13. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

14. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed this Stipulation and Order. Licensee is aware this Stipulation and Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the order as modified will

be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

15. Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

16. This Stipulation and Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

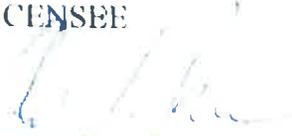
## **VIII.**

### **DATA PRACTICES NOTICES**

17. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

18. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

LICENSEE

  
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ANDREW J. BAUMAN, D.D.S.

COMPLAINT COMMITTEE

By:

  
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MARSHALL SHRAGG, MPH  
Executive Director

Dated: 12 18 2014, 2013

Dated: JANUARY 8<sup>th</sup>, 2015

### 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 Licensee's license to practice dentistry in the State of Minnesota effective this 9<sup>th</sup> day of

January, 2014. 5

MINNESOTA BOARD  
OF DENTISTRY

By:

  
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DAVID S. GESKO, D.D.S.  
President