

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Billy J. Bigler, L.D.A.  
License No. A13101

**STIPULATION AND ORDER  
FOR STAYED SUSPENSION  
AND 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.

After receiving a complaint against Billy J. Bigler, L.D.A. (“Licensee”), the Board’s Complaint Committee (“Committee”) reviewed the complaint and held a disciplinary conference with Licensee. On April 9, 2010, Licensee entered into an Agreement for Corrective Action (“2010 ACA”) with the Committee, which Licensee agreed to and signed. However, Licensee has been non-compliant with certain requirements of his 2010 ACA. Based upon Licensee’s non-compliance, the Committee held another conference with Licensee on April 15, 2011. As a result, 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 he 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:

### **Background**

1. On April 9, 2010, Licensee entered into an Agreement for Corrective Action (“2010 ACA”) with the Committee. It was based upon fraud, unprofessional conduct, and performing services beyond his scope of practice. Licensee is currently subject to the 2010 ACA. However, Licensee has failed to comply with certain requirements of his 2010 ACA. The Board’s representative submitted compliance reports to the Committee. After reviewing the reports, the Committee held a disciplinary conference with Licensee to discuss the violation of his 2010 ACA on April 15, 2011.

### **Non-compliance with 2010 ACA**

Licensee failed to comply with certain requirements of his 2010 ACA as follows:

2. Licensee failed to submit certain information entitled “Written Response to Notice of Conference” within the 30-day period (or by May 9, 2010) as outlined in paragraph 2.a. of his 2010 ACA. Licensee later submitted the information on May 23, 2010, or 14 days beyond the deadline date. Despite being late, the Committee approved this requirement from Licensee.

3. Licensee failed to submit a written report regarding the licensed dental assistant within the 60-day period (or by June 8, 2010) as outlined in paragraph 2.b. of his 2010 ACA. Licensee later submitted the report on August 2, 2010, or 55 days beyond the deadline date. At the conclusion of the conference, the Committee approved this requirement from Licensee.

4. Licensee failed to submit accurate information for on-line ethics courses when requesting pre-approval of the courses from the Committee as outlined in paragraph 2.c.1. of his 2010 ACA. On August 2, 2010, Licensee submitted information to the Committee about on-line dental ethics courses where he indicated that participants would receive about 31.5 hours of total credits. After reviewing the course website, the Board's compliance officer found that the aforementioned courses would actually total 20.5 hours of credits, which differs from Licensee's information. At the conclusion of the conference, the Committee pre-approved this on-line dental ethics course for Licensee offered through the American College of Dentists.

5. Licensee failed to complete the community service requirement for 20 hours within the nine-month period (or by January 9, 2011) as outlined in paragraph 2.e. of his 2010 ACA.

C. Violations. Licensee admits that pursuant to Minn. Stat. § 150A.08, subd. 1(13) and his 2010 Agreement for Corrective Action that the facts and conduct specified above are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order placing a **STAYED SUSPENSION**, as follows:

Stayed Suspension. Licensee's license to practice dental assisting in the State of Minnesota is hereby **SUSPENDED**. The suspension is **STAYED** based upon Licensee's compliance with all of the conditions set forth in paragraph E. below.

E. Conditions of Stayed Suspension. 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**

Licensee's license shall be subject to the following terms, conditions, and requirements.

1. 2010 Agreement for Corrective Action Requirements. By July 15, 2011, Licensee shall successfully complete the remaining requirements imposed by his 2010 Agreement for Corrective Action, including the pre-approved on-line dental ethics course and the 20 hours of community service. The requirements of Licensee's 2010 ACA (see Exhibit A) are herewith incorporated by reference into this Stipulation and Order.

2. Review of Stipulation and Order. Within 30 days after the effective date of this Order, Licensee must submit to the Committee a signed written statement from all of his employers or supervisors verifying that each person received and reviewed a copy of this stipulation and order.

3. Civil Penalty. The Board imposes a civil penalty in the amount of \$200.00 for Licensee's conduct described above. Within three months after the effective date of this Order, Licensee must pay the civil penalty by certified check, cashier's check, or money order made payable and delivered personally or by mail to the Minnesota Board of Dentistry, c/o Marshall Shragg, Executive Director, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414.

4. Community Service. Within three months after the effective date of this Order, Licensee shall complete an additional ten (10) hours of unpaid community service at any voluntary dental access clinic or other voluntary community service project located in Licensee's community. Licensee shall submit to the Committee evidence of successfully completing the additional 10 hours of service.

5. 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. 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. Time Management. Within three months after the effective date of this Order, Licensee shall successfully complete 10-hours of time management course(s) either through lecture or on-line study.

6. Written Coursework Report. Within 30 days after completing each coursework, Licensee shall submit to the Board (a) a transcript or other documentation verifying that Licensee has successfully completed the course, (b) a copy of all materials used and/or distributed in the course, and (c) a written report summarizing 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 and no more than three pages in length, and shall list references used to prepare the report. All reports are subject to approval by the Committee.

7. 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 dentistry, Licensee shall comply with the most current infection control requirements of Minn. R. 3100.6300 and 6950.1000 through

6950.1080, and with the Centers for Disease Control and Prevention, Public Health Service, and United States Department of Health and Human Services.

d. In the event Licensee should leave Minnesota to reside, Licensee shall notify the Board in writing of the new location within five days. Periods of residency outside of Minnesota will not apply to the reduction of any period of Licensee's discipline in Minnesota.

F. Removal of Stayed Suspension. Licensee may petition to have the stayed suspension removed from Licensee's license at any regularly scheduled Board meeting provided that Licensee has complied with all the conditions of his stayed suspension. Moreover, Licensee's petition must be received by the Board at least 30 days prior to the Board meeting. Licensee has the burden of proving that Licensee has complied with the conditions of this stipulation and order and that Licensee is qualified to practice without a stayed suspension. Licensee's compliance with the foregoing requirements does not create a presumption that the stayed suspension should be removed. Upon consideration of the evidence submitted by Licensee or obtained through Board investigation, the Board may remove, amend, or continue the stayed suspension imposed by this order.

G. 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.

H. Order of Removal of Stayed Suspension. If the Committee has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph E. above, the Committee may remove the stay pursuant to the procedures outlined in paragraph I. below, with the following additions and exceptions:

1. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension (“Order of Removal”). Licensee agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph I. below or until the complaint is dismissed and the order is rescinded by the Committee. The Order of Removal shall confirm the Committee has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee’s license. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a conference or hearing before removal of the stayed suspension.

2. The Committee shall schedule the hearing pursuant to paragraph I. below to be held within 60 days of service of the Order of Removal.

I. 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 will 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 license.

J. Other Procedures for Resolution of Alleged Violations. Violation of this stipulation and order is a violation of Minn. Stat. § 150A.08, subd. 1(13). The Committee may attempt to resolve an alleged violation of the stipulation and order through the procedures of Minn. Stat. § 214.103, subd. 6. Nothing herein limits (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.

K. Attendance at Conference. Licensee attended a conference with the Committee on April 15, 2011. The following Committee members attended the conference: Candace Mensing, D.D.S.; Nancy Kearn, D.H.; and Neal Benjamin, D.D.S. Assistant Attorney General Nathan Hart represented the Committee at the conference. Although Licensee was informed at

the conference that he could be represented by legal counsel, Licensee has knowingly and voluntarily waived that opportunity.

L. 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.

M. 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 will be null and void and may 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.

N. Record. This stipulation, related investigative reports and other documents 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.

O. 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. Data does 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.

P. 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.

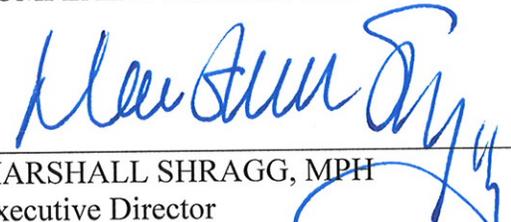
Q. Service and Effective Date. If approved by the Board, a copy of this stipulation and order will be served personally or by first class mail on Licensee. The order will be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE

  
BILLY J. BIGLER, L.D.A.

Dated: 5-2, 2011

COMPLAINT COMMITTEE

  
MARSHALL SHRAGG, MPH  
Executive Director

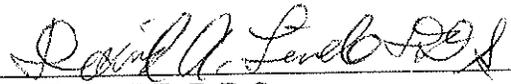
Dated: MAY 10<sup>TH</sup>, 2011

**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, and the recommended disciplinary action set forth in the Stipulation is hereby issued as an Order of this Board effective this 17<sup>th</sup> day of June, 2011.

MINNESOTA BOARD  
OF DENTISTRY

By:   
DAVID LINDE, D.D.S.  
President

**BEFORE THE MINNESOTA**

**BOARD OF DENTISTRY**

In the Matter of  
the License of  
Billy J. Bigler, L.D.A.  
License Number: A13101

**AGREEMENT FOR  
CORRECTIVE ACTION**

This agreement is entered into by and between Billy J. Bigler, L.D.A. ("Licensee") and the Complaint Committee ("Committee") of the Minnesota Board of Dentistry ("Board") pursuant to the authority of Minnesota Statutes section 214.103, subdivision 6(a).

On February 26, 2010, Licensee met with the Committee to discuss the matters set forth in paragraph 1 below. The Committee was comprised of Board members 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. Licensee and the Committee hereby agree as follows:

**FACTS**

1. This agreement is based upon the following facts:
  - a. Licensee engaged in personal conduct which brings discredit to the profession of dental assisting, provided falsified records to practice as a registered/licensed dental assistant, and performed dental services beyond those allowed under Minnesota Rules part 3100.8400, as follows:
    - 1) In 2007 and 2008, Licensee successfully completed and passed the following examinations on the following dates: the radiology part of the Minnesota Registration Examination on September 5, 2008; the expanded duties part of the Minnesota Registration Examination on October 5, 2007; and the Board's Jurisprudence Examination on May 14, 2007.
    - 2) On September 3, 2008, Licensee was hired for employment as a registered dental assistant at a dental office. However, Licensee was prohibited by his employer

to perform delegated expanded duties on patients as designated for a registered dental assistant, until he provided proof of having received a registration/license from the Board.

3) On December 8, 2008, Licensee provided license verification to his employer and reported he obtained the verification from the Board's website. As of that day, Licensee's employer allowed him to perform delegated expanded duties for a registered dental assistant. In addition, Licensee was instructed by his employer to check with the Board office for his actual license. The Board has reviewed the license verification provided by Licensee to his employer and determined that the verification is a falsified document.

4) On April 8, 2009, Licensee's employer contacted the Board office regarding Licensee's license and was informed that Licensee was not registered/licensed with the Board. On April 9, 2009, Licensee's employment was terminated by his employer.

5) On April 9, 2009, Licensee contacted the Board office and stated that he previously gave his original registration application to a friend to mail to the Board for him. Additionally, Licensee recalled that his personal check payable to the Board and included with the application was never processed through his financial institution. According to the Board's records, Licensee's original registration application was never received and processed by the Board office.

6) Licensee was instructed by Board staff as to the documents required for submission to receive a registration/license from the Board.

7) On May 11, 2009, the Board issued a registration/license to Licensee to practice dental assisting after receiving and processing Licensee's completed application.

b. During the conference, Licensee admitted that he knowingly never submitted his original registration application to the Board and he intentionally created the falsified license verification that he provided to his employer.

c. Licensee's foregoing conduct does not comply with Minn. Stat. section 150A.08, subd. 1(1), (6), Minn. R. parts 3100.6200 A, 3100.6200 F, 3100.6200 H, 3100.8400, and necessitates the following corrective action described below.

## CORRECTIVE ACTION

2. Licensee agrees to take the following corrective action:

a. Written Response to Notice of Conference. Within 30 days of the effective date of this Agreement, Licensee shall submit to the Committee a second written response containing accurate information as stated by the Licensee during the conference for each allegation referenced in section II of the Notice of Conference with Board of Dentistry Complaint Committee dated January 11, 2010.

b. Licensed Dental Assistant. Within 60 days of the effective date of this Agreement, Licensee shall submit to the Committee a written report which discusses the meaning and implications of: (a) Minnesota Rules 3100.6200F, which describes conduct unbecoming a licensee; (b) Minnesota Rules 3100.8400, subp. 1, which lists procedures an assistant is authorized to perform; (c) Minnesota Rules 3100.8400, subp. 3, which prohibits an assistant from performing any procedures other than those listed in subpart 1; and (d) Minnesota Rules 3100.8500, subp. 1 to 1b, which list the procedures a licensed dental assistant is authorized to perform and levels of supervision. In addition, Licensee's report shall address how the rules cited above apply to his conduct. Licensee's report shall be typewritten in his own words, double-spaced, and at least two pages in length but no more than three pages. Licensee's report shall be subject to approval by the Committee.

c. 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 Agreement. None of the coursework taken pursuant to this agreement may be used by Licensee to satisfy any of the continuing dental education/professional development requirements of Minn. R. 3100.5100, subpart 2.

1) Ethics. Within nine months of the effective date of this Agreement, Licensee shall successfully complete 20-hours of ethics course(s) either through lecture or on-line study.

d. Coursework Report. Within 30 days after completing the coursework listed above, Licensee shall submit to the Committee:

- 1) proof of Licensee's participation at the course;
- 2) copies of all materials used and/or distributed in the course; and
- 3) a summary of what Licensee learned in the course and specific information addressing how Licensee will incorporate his recently gained knowledge.

- 4) Licensee's report shall be typewritten in Licensee's own words, double-spaced, at least two pages in length, and shall list references used to prepare the report.

e. Community Service. Within nine months of the effective date of this Agreement, Licensee shall complete twenty (20) hours of unpaid community service at a voluntary dental access clinic, e.g. Uptown Dental Clinic, Sharing and Caring Hands Dental Clinic, Union Gospel Dental Clinic, or other voluntary dental access clinic located in Licensee's community. Licensee shall submit to the Committee evidence of successfully completing 20 hours of service.

#### **OTHER INFORMATION**

3. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 2 above, the Committee agrees to dismiss the complaint(s) concerning the matters referenced in paragraph 1. The Committee shall be the sole judge of satisfactory completion. If, after dismissal, the Committee receives additional complaints alleging conduct similar to that referenced in paragraph 1, the Committee may reconsider the dismissed complaint(s).

4. If Licensee fails to complete the corrective action satisfactorily, or if the Committee receives additional complaints alleging conduct similar to that referenced in paragraph 1, the Committee may, at its discretion, reopen the investigation and proceed according to Minnesota Statutes chapter 150A (the Board's Practice Act) and Minnesota Statutes chapters 214 and 14. Licensee agrees that failure to complete the corrective action satisfactorily is failure to cooperate under Minn. R. 3100.6350 and may subject Licensee to disciplinary action by the Board.

5. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter, but has elected not to be represented by counsel.

6. This agreement shall become effective upon execution by the Board's Executive Director and shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receiving such information, the Committee may, at its discretion, proceed according to Minnesota Statutes chapter 150A (the Board's Practice Act) and Minnesota Statutes chapters 214 and 14.

7. This agreement is not disciplinary action. See Minnesota Statutes section 214.103, subdivision 6. However, this agreement is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 4.

8. Licensee hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

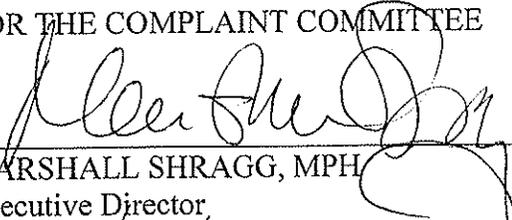
LICENSEE

  
BILLY J. BIGLER, L.D.A.

Date: 4-1-10

FOR THE COMPLAINT COMMITTEE

By:

  
MARSHALL SHRAGG, MPH  
Executive Director

Date:

4/9/10

ACA/MS/kj/Bigler