

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Otto F. Ringle, Jr., D.D.S.
License No. D6360

**STIPULATION AND ORDER FOR
LIMITED 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 dentists, to refer complaints against dentists to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint(s) against Otto F. Ringle, Jr., D.D.S. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaint(s) and referred the matter to the Minnesota Attorney General's Office for investigation. Following the investigation, the Committee held two conferences with Licensee on February 26 and July 30, 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 dentistry 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 dentistry in any other jurisdiction and does not hold any other professional or occupational licenses.

B. Facts. This Stipulation is based on the following Committee findings:

Background

1. On February 26, 2009, the Committee held an informational conference with Licensee to discuss certain allegations regarding improper billing, substandard recordkeeping, and auxiliary misuse. No final resolution was reached regarding the issues discussed at the conference due to the fact that the Committee received an additional complaint on March 18, 2009, alleging substandard care. On March 30, 2009, Licensee provided the Committee his response to the new allegations.

Improper Billing

2. Licensee improperly billed patients, third-party payors, or others relating to the practice of dentistry when he incorrectly billed for certain dental services rendered which resulted in an overpayment for these services rendered, as follows:

a. Full Mouth Debridement. In 2007 and 2008, Licensee improperly billed for a full mouth debridement for nine patients totaling 19 different occasions.

b. Limited Oral Evaluation. In 2007 and 2008, Licensee improperly billed for a limited oral evaluation-problem focused in conjunction with providing other routine dental services on four patients totaling 15 different occasions.

c. Comprehensive Oral Evaluation. In 2007 and 2008, Licensee improperly billed for a comprehensive oral evaluation on three patients totaling three different occasions.

d. Radiographs. In 2008, Licensee improperly billed for radiographs on two patients without properly maintaining those radiographs in the patient's record.

Substandard Periodontal Care / Recordkeeping

3. Licensee failed to adequately document pertinent information and/or provide appropriate periodontal treatment when providing periodontal care to one or more of his patients. Examples include the following:

a. In 2008, Licensee saw patients 1 and 4 on three occasions for hygiene appointments. However, Licensee failed to thoroughly assess and document the status of patient 1's and 4's periodontal conditions including, but not limited to, probing depth, plaque, calculus, recession, attachment level, bone height/loss, mobility, and sulcular bleeding. Licensee also failed to provide a periodontal diagnosis and treatment plan for patients 1 and 4. In May 2008, Licensee referred patient 4 to a periodontist.

b. From 2006 to 2008, Licensee saw patients 3, 5, and 6 on a regular basis for hygiene appointments and prescribed Peridex for patient 3. However, Licensee failed to thoroughly assess and document the status of patient 3's, 5's, and 6's periodontal conditions including, but not limited to, probing depth, plaque, calculus, recession, attachment level, bone height/loss, mobility, and sulcular bleeding. Licensee also failed to provide a periodontal diagnosis and treatment plan for patients 3, 5, and 6.

c. For patient 10, Licensee failed to provide appropriate diagnostic and periodontal treatment, as follows:

1) From 2007 to 2008, Licensee saw patient 10 on four occasions for hygiene appointments. However, Licensee failed to thoroughly assess and document the status of patient 10's periodontal conditions including, but not limited to, probing depth, plaque, calculus, recession, attachment level, bone height/loss, mobility, and sulcular bleeding. Licensee also failed to provide a periodontal diagnosis and treatment plan for patient 10.

2) In February 2009, patient 10 saw a subsequent dental provider who diagnosed the following: calculus present on certain teeth requiring scaling/root planing in all four quadrants; probing depths ranging from 3mm to 6mm throughout the mouth with an 11mm pocket on the distal aspect of tooth #31; and required operative treatment on teeth #5 and #29.

Substandard Endodontic Care / Recordkeeping

4. Licensee failed to adequately document pertinent information and/or provide appropriate endodontic care when providing endodontic treatment to tooth #19 for patient 3 in 2007 and to tooth #28 for patient 4 in 2008, as follows:

a. Licensee failed to perform adequate pulp testings and document his diagnosis for endodontic treatment.

b. Licensee failed to obtain diagnostic pre-operative and/or post-operative periapical radiographs.

c. Licensee failed to document an adequate treatment plan and obtain the patient's informed consent prior to providing endodontic treatment.

d. Licensee failed to properly document pertinent endodontic treatment information such as the medications used to disinfect the canals during instrumentation, the working length measurements, and the type of obturation material.

e. Licensee failed to utilize rubber dam isolation when providing endodontic treatment.

Substandard Recordkeeping

5. Licensee failed to make or maintain adequate patient records. Examples include the following:

a. Licensee failed to properly document the name and phone number of the emergency contact person for patients 1 through 10.

b. Licensee failed to properly document the patient's reason for each dental visit, initial dental and medical histories, and update medical history forms for patients 1 through 10.

c. Licensee failed to properly document a complete record of the patient's existing oral health status including but not limited to dental caries, missing or unerupted (impacted) teeth, restorations, oral cancer evaluation, soft/hard tissue examination, and periodontal conditions for patients 1 through 10.

d. Licensee failed to make or maintain adequate radiographic records for patients 1 through 8, in that the radiographic records contained a number of insufficiently dated with only the month and year and/or undated radiographs.

e. Licensee failed to properly document his diagnoses for dental treatment for patients 1 through 10.

f. Licensee failed to properly document appropriate treatment plans for providing dental treatment for patients 1 through 9.

g. Licensee failed to properly document the patient's or parent's informed consent prior to performing dental services for patients 1 through 9.

h. Licensee failed to properly document all medications used and all materials placed during treatment procedures for patients 1 through 9 including, but not limited to: the type and amount of local anesthetic administered and all dental materials used in dental procedures.

i. Licensee failed to properly document the dental provider by noting his name or initials in the patient's treatment record when documenting the treatment provided for patients 1 through 10.

j. Licensee failed to properly document by writing in ink in the patient's treatment record for patients 1 through 10.

Improper Use of Auxiliary Personnel

6. Licensee inappropriately authorized and permitted an unregistered dental assistant to perform tasks that exceeded her legal scope of practice. In his November 5, 2008, response, Licensee stated that he utilized one employee as an X-ray tech without any formal certification. During the February 26 and July 30, 2009, conferences, Licensee stated that he allows his unregistered dental assistant to develop radiographs for him.

C. Violations. The Committee concludes that the practices described above constitute violations of Minn. Stat. §§ 150A.08, subd. 1(6), (11), (13) and 150A.11, subd. 1, and Minn. R. 3100.6200 B, 3100.6200 I, 3100.8100, 3100.8300, 3100.9600, 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 LIMITATIONS and CONDITIONS on Licensee's license to practice dentistry in the State of Minnesota as follows:

LIMITATIONS

Licensee's license shall be subject to the following limitations:

1. Endodontic Treatment. Licensee must not provide endodontic treatment to any patient, except in emergency situations as described within this paragraph. In emergencies, Licensee must provide the patient requiring endodontic treatment with a referral to

either another dental provider or an endodontist before Licensee provides the patient with any emergency endodontic treatment limited to: (a) opening the patient's tooth to gain access to the pulp; (b) removing inflamed or necrotic pulp tissue; and (c) closing the access opening to the tooth for the sole purpose of relieving the patient's pain at a single visit. Licensee is specifically prohibited from obturating the canals of the tooth and from repeating any emergency endodontic treatment on a patient's tooth at a subsequent visit.

Licensee is prohibited from providing endodontic treatment until he successfully completes the endodontic course described below and submits the required written report to the Committee for review and acceptance. At that time, Licensee may petition the Committee for removal of the limitation.

CONDITIONS

Licensee's license shall be subject to the following conditions:

2. 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.

3. Billing/Insurance Coding Report. Within 90 days of the effective date of this Order, Licensee shall submit to the Committee a written report regarding the proper use of insurance coding and billing when providing the following services: periodontal; dental prophylaxis; clinical oral evaluations; and radiographs. Licensee's report shall be typewritten in his own words, double-spaced, at least two pages in length but no more than three pages, and

shall list references used to prepare the report. Licensee's report shall be subject to approval by the Committee.

4. 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. When Licensee attends an undergraduate or graduate dental school course, Licensee must provide each instructor with a copy of this stipulation and order prior to commencing a course. Licensee's signature on this stipulation and order constitutes authorization for the course instructor(s) to provide the Committee with a copy of the final examination for any course Licensee takes. Licensee's signature also authorizes the Committee to communicate with the instructor(s) before, during, and after Licensee takes the course about Licensee's needs, performance and progress. 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. Endodontic Course on October 24, 2009. During the conference, Licensee indicated that he is already scheduled to attend a seven-hour endodontic course entitled "The Endo-Restorative Continuum: A Lecture & Hands-On Program" through the University of Minnesota School of Dentistry on October 24, 2009. The Committee reviewed and approved this endodontic course for Licensee. If Licensee should fail to attend and complete this endodontic course, Licensee must complete another full-day endodontic course pre-approved by the Committee through the University of Minnesota School of Dentistry, or another accredited dental institution, within six months of the effective date of this Order. The endodontic course

must have a hands-on component and focus on endodontic standards including diagnosis, treatment planning, informed consent, rubber dam isolation, instrumentation, and obturation.

b. Periodontics. Within nine months of the effective date of this Order, Licensee shall successfully complete a minimum of 12 hours of individualized instruction in periodontics through the University of Minnesota School of Dentistry, or another accredited dental institution. The periodontic instruction must have a hands-on component and focus on periodontal diagnosis, treatment planning, instrumentation, probing, proper recordkeeping, and specialist referral.

c. Treatment Planning / Recordkeeping. Within nine months of the effective date of this Order, Licensee shall personally attend and successfully complete the treatment planning / recordkeeping course entitled “Dental Patient Management: Dental Records and Treatment Planning Fundamentals” offered at the University of Minnesota School of Dentistry, or an equivalent course.

5. Coursework Reports. Within 30 days after completing each of the courses listed above, Licensee shall submit to the Committee:

a. proof of Licensee’s attendance and completion of the course;

b. copies of all materials used and/or distributed in the courses; and

c. a summary report of what Licensee learned in the course and specific information addressing how Licensee will incorporate this recently gained knowledge into Licensee’s practice.

d. Licensee’s reports shall be typewritten in Licensee’s own words, double-spaced, at least two pages in length but no more than three pages, and shall list references used to prepare the report.

e. All coursework reports submitted by Licensee are subject to review and approval by the Committee.

f. Within Licensee's periodontics report, Licensee shall also elaborate on his practice protocol for providing periodontal treatment in his office and making a referral to a periodontist.

6. Recordkeeping Inspection. Licensee shall cooperate with at least one unannounced office visit during normal business hours by a representative of the Board; **OR** the Board's representative may instruct Licensee to submit to the Committee the originals records of five randomly selected patients, including radiographs, which utilize what Licensee has learned in the recordkeeping course. During an office visit, the representative shall randomly select, remove, and make copies of original patient records, including radiographs, to provide to the Committee for its review of Licensee's recordkeeping practices. Additional office visits or requests for patient records shall be at the discretion of 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 Centers for Disease Control and Prevention, Public Health Service, United States Department of Health and Human Services.

d. If the Board receives a complaint alleging additional misconduct or deems it necessary to evaluate Licensee's compliance with this stipulation and order, the Board's authorized representatives shall have the right to inspect Licensee's dental office(s) during normal office hours without prior notification and to select and temporarily remove original patient records for duplication. Licensee shall fully and timely cooperate with such inspections of Licensee's office and patient records.

e. 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 dentistry 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:

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 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 Conferences. Licensee attended two conferences with the Committee on February 26 and July 30, 2009. The following Committee members attended the conferences: Linda Boyum, L.D.A.; Joan Sheppard, D.D.S.; and David Linde, D.D.S. Assistant Attorney General Angelina M. Barnes represented the Committee at the conferences. Although Licensee was informed at both conferences that he could be represented by legal counsel, Licensee has knowingly and voluntarily waived that opportunity.

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

COMPLAINT COMMITTEE



OTTO F. RINGLE, JR., D.D.S.

By:



MARSHALL SHRAGG, MPH
Executive Director

Dated: August 17, 2009

Dated: August 19th, 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 LIMITATIONS and CONDITIONS on Licensee's license effective this 25th day of September, 2009.

MINNESOTA BOARD
OF DENTISTRY

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