

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Richard C. Burmaster, D.D.S.
License No. D7853

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

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 dentists, to refer complaints against dentists to the Attorney General for investigation, and to take disciplinary action when appropriate.

Background

Richard C. Burmaster, D.D.S., ("Licensee") has been licensed to practice dentistry in Minnesota since June 22, 1972.

On June 9, 1989, the Board adopted a stipulation and order which placed conditions on his license to practice dentistry. This order was based on Licensee's unauthorized use of legend drugs and controlled substances. Licensee was granted an unconditional license on September 25, 1992.

Licensee admitted that in late fall of 1998, he started using Vicodin because of personal problems and pain from osteoarthritis in his left knee. From that time until November 3, 1999, he ordered Vicodin and Ultram for his personal use from many suppliers and had the drugs delivered to his office. On November 3, 1999, Licensee was hospitalized for depression and self-reported to the Minnesota Health Professional Services Program ("HPSP").

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 he 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 upon the following facts:

1. On January 25, 2000, Licensee entered into a Participation Agreement with HPSP. On September 18, 2001, Licensee failed a toxicology screen by testing positive for hydrocodone. Licensee claimed he had a prescription for cough medicine from an urgent care clinic. Licensee failed to provide HPSP with a copy of this prescription.

2. On or about August 28, 2001, Licensee also failed to provide copies of prescriptions for Vicodin and Ultram he said he had obtained from two different physicians.

3. Licensee failed to report for toxicology screens as directed on October 8, 10, 11, and 17, 2001.

4. Licensee was discharged from the HPSP for noncompliance on November 8, 2001.

5. Licensee failed to respond to a letter of inquiry from the Board, dated March 9, 2001; he was sent a second letter on April 11, 2001. His response, dated March 12, 2001, was received in the Board's office on May 10, 2001. He also failed to respond to another letter of inquiry from the Board dated December 19, 2001.

6. Licensee has indicated an interest in retiring from the practice of dentistry.

C. Violations. Licensee admits that the facts and conduct specified above constitute violations of Minnesota Statutes sections 150A.08, subd. 5, and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order accepting the voluntary SURRENDER of Licensee's license to practice dentistry in the State of Minnesota in accordance with the following terms:

1. Surrender. Effective the date of the order, Licensee's license to practice dentistry in the State of Minnesota is terminated. Within ten days of the date the order is adopted by the Board, 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.

2. Prohibitions. Licensee shall not engage in any act which constitutes the practice of dentistry as defined in Minnesota Statutes section 150A.05 and shall not imply to former patients or other persons by words or conduct that he is licensed to practice dentistry.

E. Application for Relicensure. Licensee may apply to the Board for relicensure at any regularly scheduled Board meeting no earlier than one year from the effective date of the Board's order. Licensee must comply fully with the applicable statutes and rules in effect at the time of his application, including the payment of all fees relating to relicensure. Minnesota Rule 3100.1850 does not apply to an application for relicensure following the issuance of a stipulation and order for voluntary surrender of license. Along with Licensee's application for

relicensure, Licensee must submit proof that, after the effective date of the Board's order, Licensee has completed the following:

1. One year of uninterrupted sobriety.
2. An approved relapse treatment program.
3. Compliance with all aftercare recommendations and or requirements such as attendance at meetings of support groups such as Alcoholics Anonymous.
4. Paid applicable licensure and late fees.
5. Completed the CDE requirements for his CDE cycle.

In addition, if Licensee is out of practice for more than two (2) years after the effective date of this stipulation and order, he shall attain a passing score on the Central Regional Dental Testing Service (CRDTS) examination. 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. Upon Licensee's application for relicensure, the burden of proof shall be upon him to demonstrate to the Board by clear and convincing evidence that Licensee 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.

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

G. Board Action. At any regularly scheduled Board meeting following Licensee's application for relicensure 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; or
3. Deny the application for relicensure upon Licensee's failure to meet the burden of proof.

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

I. Representation by Counsel. Although Licensee has been informed of his right to be represented by legal counsel, Licensee has knowingly and voluntarily waived that opportunity at this time.

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 appropriateness of discipline in a contested proceeding pursuant to Minnesota Statutes chapter 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 Minnesota Statutes chapter 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, 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. part 60), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner 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. 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

Richard C. Burmaster, D.D.S.
RICHARD C. BURMASTER, D.D.S.

COMPLAINT COMMITTEE

By: Freeman Rosenblum, D.D.S.
Freeman Rosenblum, D.D.S.
President

Dated: 2-28-02

Dated: 3/14/02

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 disciplinary 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 15 day of March, 2002.

MINNESOTA BOARD
OF DENTISTRY

By: Freeman Rosenblum, D.D.S.
FREEMAN ROSENBLUM
President