

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Peter L. Vidal, D.D.S.
License No. D9060

**STIPULATION AND ORDER FOR
CONDITIONAL LICENSE**

IT IS HEREBY STIPULATED AND AGREED, by and between Peter L. Vidal, D.D.S. (“Respondent”), and the Complaint Committee (“Committee”) of the Minnesota Board of Dentistry (“Board”) as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice dentistry in the State of Minnesota.

2. Through this stipulation, Respondent has been advised that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Kevin J. Driscoll at Finley, Alt, Smith, Scharnberg, Craig, Hilmes & Gaffney, P.C., 699 Walnut Street, 1900 Hub Tower, Des Moines, Iowa 50309, telephone (515) 288-0145. The Committee was represented by Daphne A. Lundstrom, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296 - 9418.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true: On February 23, 2009, Respondent entered into a Stipulation and Consent Order (“2009 Iowa Order”) with the Iowa Dental Board. The 2009 Iowa Order suspended Respondent’s license for 30-days and placed conditions on Respondent’s license to practice dentistry in the State of Iowa.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 150A, subd. 9 and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order as follows:

- a. Respondent is **REPRIMANDED**.
- b. Respondent shall comply with all terms and conditions imposed on his Iowa license to practice dentistry. The terms and conditions of the 2009 Iowa Order (see Exhibit A) are herewith incorporated by reference into this Stipulation and Order.

6. Respondent may petition for reinstatement of an unconditional license in Minnesota after submitting sufficient evidence to the Board that he has satisfied the terms and conditions of his 2009 Iowa Order, or submitting a copy of his Iowa Order of Unconditional License or its equivalent.

7. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of the addresses and telephone numbers of Respondent's residences. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Marshall Shragg, Executive Director,

Minnesota Board of Dentistry, University Park Plaza, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414-3246.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent 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. Respondent 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.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

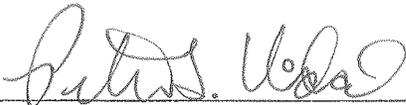
9. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

11. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

LICENSEE

COMPLAINT COMMITTEE



PETER L. VIDAL, D.D.S.

By:



MARSHALL SHRAGG, MPH
Executive Director

Dated: 4/24, 2009

Dated: April 29th, 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, and the recommended disciplinary action set forth in the Stipulation is hereby issued as an Order of this Board effective this 26th day of June, 2009.

MINNESOTA BOARD
OF DENTISTRY

By:



CANDACE MENSING, D.D.S.
President

BEFORE THE IOWA DENTAL BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)

PETER L. VIDAL, D.D.S.)
160 W. 4th Street)
P. O. Box 10)
Garner, IA 50438)

STIPULATION AND
CONSENT ORDER

License #6152)

Respondent)

On this 23rd day of February, 2009, the Iowa Dental Board and Peter L. Vidal, D.D.S., each hereby agree with the other and stipulate as follows:

The disciplinary hearing scheduled to commence before the Iowa Dental Board on March 5-6, 2009, on the allegations specified in the Notice of Hearing and Statement of Charges dated February 7, 2008, as well as any charges that could be brought forth by the Board, based on any current information in possession of the Iowa Dental Board, its agents, investigators, or employees, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice dentistry in the state of Iowa on the 1st day of July, 1976, as evidenced by License Number 6152 which is recorded in Book D, Page 9, of the permanent records in the office of the Iowa Dental Board.
2. That Iowa Dental License Number 6152 is current and on active status until August 31, 2010.
3. That the Iowa Dental Board has jurisdiction over the parties and subject matter herein.

4. A Notice of Hearing and Statement of Charges was filed against Respondent on February 7, 2008.
5. Respondent filed an Answer denying all allegations and charges against him on March 10, 2008.

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the state of Iowa shall be **INDEFINITELY SUSPENDED** until further Order of the Board. All but thirty (30) days of the suspension shall be stayed and placed in abeyance, provided Respondent fully and successfully documents compliance with the terms of this Stipulation and Consent Order. Thirty days of the suspension shall be served within sixty days of the date of this Order, the specific dates to be determined by the Board. Respondent's license shall be immediately placed on probation until further Order of the Board, subject to the terms and conditions set forth below:

SECTION I.

TERMS AND CONDITIONS

1. Respondent shall within sixty days of the date of this Order successfully complete a comprehensive clinical assessment in the areas of endodontics and the fabrication and placement of crowns at a college of dentistry prior approved by the Board to determine Respondent's level of competency in these areas. This assessment and any subsequent courses of study shall be taken at the expense of Respondent.
 - a. The Board shall forward to the evaluating college, prior to the assessment, the Board's file relating to the Statement of Charges, and Respondent's hearing exhibits and all deposition testimony. The college shall report directly to the Board, with a copy to Respondent, the results of said assessment.

- b. Following said assessment, the college shall prepare a proposed course of study to address any concerns or deficiencies, if any, noted during Respondent's clinical assessment.
 - c. Respondent shall, within six months of the completion of the assessment, successfully complete any course of study recommended by the assessing college, if any, which shall be taken at an accredited college of dentistry prior approved by the Board. The course of study shall be prior approved by the Board. Respondent shall comply with any recommendations made by the assessing college.
 - d. Following completion of the course of study, Respondent shall advise the supervising faculty to contact the Board to verify that the Respondent has completed the course of study. The verification from the college shall include a written report relative to Respondent's successful completion of the program, a narrative evaluation of his participation in the program, and any other information relative to Respondent's abilities in the practice of dentistry and any recommendations regarding Respondent's future practice.
 - e. Respondent agrees to comply with any future practice recommendations made by the college.
 - f. The Board shall review the report from the college to determine if the Respondent has successfully completed the course of study.
2. Respondent shall within thirty days of the date of this Order submit a practice monitoring plan for Board approval. The plan shall provide that Respondent's clinical and billing practices be reviewed by one or more practice monitors. The plan shall include the following:

- a. The practice monitor shall be an Iowa licensed dentist approved by the Board.
- b. Prior to Respondent performing endodontic treatment, a practice monitor shall review the clinical record, including radiographs, to determine if treatment is necessary. Respondent shall not perform endodontic treatment on any patient prior to obtaining approval of the practice monitor. In the event of an emergency situation, Respondent may perform such endodontic treatment as necessary to address the emergency, and shall immediately provide all information regarding the matter to his practice monitor. Respondent may request modification of this requirement no sooner than six months from the date of this Order. If such approval is granted, the practice monitor shall then review Respondent's post-treatment endodontic records to determine if 1) the treatment was necessary, 2) the treatment was performed within the standard of care, and 3) the recordkeeping meets the standard of care. The number and frequency of reviews shall be approved by the Board.
- c. A practice monitor shall on a monthly basis randomly select a designated number of Respondent's patient records to review Respondent's billing and recordkeeping practices to ensure they are appropriate. After six (6) months, the Board may, at its discretion, order these reviews to be done on a quarterly basis.
- d. Respondent shall ensure each practice monitor submits a monthly report to the Board following each records review for the first six (6) months, and quarterly thereafter. Each practice monitor shall immediately report to the Board any discrepancies in billing or recordkeeping, or any concerns with

clinical competency, if any.

- e. Respondent shall comply with any recommendations made by any practice monitor regarding his billing, recordkeeping, or clinical practices.
 - f. Respondent shall be solely responsible for the costs associated with practice monitoring. Respondent shall promptly reimburse a practice monitor the usual and customary fee for the services.
3. Respondent successfully completed a recordkeeping course approved by the Board after the filing of the Notice of Hearing and Statement of Charges. Respondent shall maintain his records in accordance with the Board's rules and the standard of care.
 4. Respondent shall within sixty (60) days of the date of this Order successfully complete the Professional/Problem-Based Ethics Program (PROBE), a Board approved course on ethics.
 5. Respondent shall within sixty days (60) of the date of this Order successfully complete the Iowa dental jurisprudence examination.
 6. Respondent shall remit a civil penalty in the amount of ten thousand (\$10,000.00) dollars, in accordance with a payment plan to be submitted within thirty (30) days of the date of this Order and approved by the Board.

SECTION II.

Since the time of the filing of the Notice of Hearing and Statement of Charges, the Board has received information alleging that Respondent has engaged in unprofessional and inappropriate conduct towards patients and staff members.

To address these concerns, Respondent agrees to the following:

1. Respondent shall within sixty (60) days of the date of this Order successfully complete a professional boundaries course prior approved by the Board.

2. Respondent shall within thirty (30) days submit the name of a worksite monitor and a worksite monitoring plan for Board approval. Respondent shall ensure the worksite monitor submits a monthly report directly to the Board for the first six months, and quarterly thereafter. The worksite monitor shall be present in Respondent's office on a full-time basis, and may be an office staff person prior approved by the Board.
3. Respondent agrees in the future to conduct himself in a professional manner towards patients and staff members.

SECTION III.

1. Respondent shall ensure that all submissions for reimbursement of dental services contain evidence that clearly establishes that such services are necessary and appropriate.
2. Respondent shall fully comply with the all practice monitoring plans.
3. In the event Respondent is unable to meet any of the specified timeframes in this Order because of the inability of the facility/program to schedule within the terms of this Order, Respondent shall submit in writing an explanation and request for consideration of an extension and the Board shall reasonably consent to the extension.
4. Respondent shall make monthly reports to the Board with respect to his practice, and detailing his compliance with the terms of this Order for the first six (6) months, and quarterly thereafter.
5. Monthly reports from Respondent, the practice monitor, and the worksite monitor are due by the 1st of each month. Quarterly reports are due by the 1st of January, April, July, and October of each calendar year.

6. Respondent shall fully cooperate with random unannounced visits by agents of the Board and shall fully cooperate with random unannounced reviews and audits.
7. The Board shall periodically conduct reviews to ensure that Respondent's practice is in accordance with the standard of care.
8. Respondent shall fully disclose this Order to all current and future licensees, employees and/or employers. Respondent shall report back to the Board with signed statements from all such licensees, employees and employers within fourteen (14) days of the date of this Order, and thereafter within fourteen (14) days of any new employment relationship, indicating that they have read the Notice of Hearing and Statement of Charges, and this Stipulation and Consent Order, and understand the current terms and conditions placed on Respondent's dental license. All employees shall report any concerns directly to the Board without adverse employment consequences.
9. Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for costs incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit one hundred (100.00) dollars on or before the first day of January, April, July, and October, of each calendar year for such costs while on probation.
10. Respondent shall upon reasonable notice, and subject to the provisions of 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
11. Periods of residence outside of the state of Iowa may be applied toward period of probation if approved by the Board prior to the commencement of the out of state residency. Notice of any change of residence must be provided to the Board within fourteen (14) days.

12. Notice of any change of practice location must be provided to the Board within fourteen (14) days.

SECTION IV.

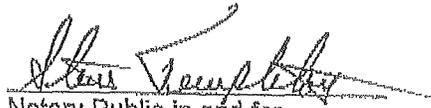
1. Respondent acknowledges that he has read in its entirety the foregoing Stipulation and Consent Order and that he understands its content and that he executed the Order freely, voluntarily, and with no mental reservation whatsoever.
2. Respondent acknowledges his right to a contested case hearing as provided for by law and waives his right to such a hearing in this matter. Respondent waives any objection to the terms of this Stipulation and Consent Order.
3. Respondent acknowledges that he is represented by legal counsel in this matter.
4. Respondent understands that this Stipulation and Consent Order is a public record.
5. Respondent understands that the Board is required by Federal law to report this Stipulation and Consent Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
6. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way whatsoever, to execute this Stipulation and Consent Order.
7. Respondent acknowledges that this proposed Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect as to either party.
8. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of dentistry in Iowa. Any violation of the terms of this Stipulation and Consent Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an order of the Board, in accordance with Iowa Code Section 272C.3(2)(a) (2009).

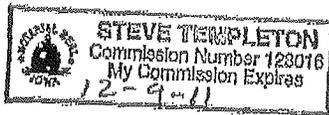
9. Respondent acknowledges this Stipulation and Consent Order is subject to 650 IAC 51.19.
10. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board.

This Stipulation and Consent Order is voluntarily submitted on this 23RD day of February, 2009.

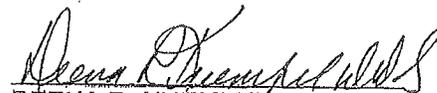

Peter L. Vidal, D.D.S.
Respondent

Subscribed and Sworn to before me on this 23RD day of February, 2009.


Notary Public in and for
the state of Iowa



This Stipulation and Consent Order is accepted by the Iowa Dental Board on this 23rd day of February, 2009.


DEENA R. KUEMPEL, D.D.S.
Chairperson
Iowa Dental Board
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
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Des Moines, IA 50319

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