

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Charles W. Smith, D.D.S.
License Number: D 9387

**ORDER FOR
UNCONDITIONAL LICENSE**

The Minnesota Board of Dentistry ("Board") met to review the petition of Charles W. Smith, D.D.S. ("Licensee") for reinstatement of an unconditional license to practice dentistry in Minnesota.

BACKGROUND

1. Licensee and the Board's Complaint Committee ("Committee") entered into a Stipulation and Order which was approved by the Board on December 1, 1999 ("1999 Stipulation and Order") that placed conditions on Licensee's dental license. The 1999 Stipulation and Order was based on evidence that Licensee provided substandard diagnostic, operative, and periodontal care, engaged in inappropriate billing practices, failed to maintain adequate safety and sanitary conditions, failed to make or maintain adequate patient records, and engaged in unprofessional conduct by billing for different services than he provided.

2. Pursuant to paragraph D. of the 1999 Stipulation and Order, Licensee's license was placed in a conditional status.

FINDINGS OF FACT

The Board makes the following findings of fact:

3. Pursuant to paragraph D. of the 1999 Stipulation and Order, Licensee was required to do the following:

a. Paragraph D.1.a. required Licensee to successfully complete an ethics course taught at the University of Minnesota by Muriel Bebeau, Ph.D. Licensee completed the course and the Committee accepted the report submitted by Dr. Bebeau on behalf of Licensee.

b. Paragraph D.1.b. required Licensee to complete a one-day course in professional risk management and the independent study course on the management of patient records offered by the University of Minnesota. Licensee completed the CNA Insurance Company Professional Risk Management course in May 2000 and the independent study course, "Introduction to the Problem Oriented Dental Record" in June 2000.

c. Paragraph D.2. required Licensee to submit a written report on what he learned in each course and changes he made to his practice. The report on the recordkeeping courses had to include samples of Licensee's recordkeeping forms. These reports were due within 30 days of completing each course. Licensee submitted the required reports which were reviewed and accepted by the Committee. The Committee also reviewed and accepted the sample recordkeeping forms submitted by Licensee.

c. Paragraph D.2.b. required Licensee to arrange for someone knowledgeable in infection control procedures to provide infection control training to his staff within 6 months of the effective date of the Order. Within 10 days of the training, Licensee was required to submit a statement signed by each of his employees indicating s/he had received the required training. Sharon Ballin provided training to Licensee's staff within the required time. Ms. Ballin submitted a report indicating changes she had suggested to Licensee. Licensee submitted the required statement signed by each of his employees.

d. Paragraph D.2.c. required Licensee to submit a copy of his written infection control protocol which is current and complies with all CDC guidelines and recommendations.

Licensee was required to verify that he and each of his staff members had read the protocol and agreed to follow it. Licensee submitted a copy of the infection control protocol developed for his office by Sharon Ballin which was signed by each staff person.

e. Paragraph D.2.d. required Licensee to submit to an unannounced infection control and recordkeeping inspection. An unannounced recordkeeping and infection control inspection was conducted at Licensee's office on July 23, 2002. The Committee reviewed and accepted the results of the inspection.

f. Paragraph D.2.e. required Licensee to submit a written protocol outlining his procedures for assessing each patient's periodontal condition. The protocol had to include guidelines on referring a patient to a periodontist and determining which conditions can be treated at Licensee's office. Licensee submitted his written periodontal protocol including information on when patients would be referred out for treatment to a periodontist and a sample of the periodontal charting forms that would be used in his office.

g. Paragraph D.2.f. required Licensee to personally review and sign all insurance claim forms before submitting them to medical assistance or third party payers. The Committee has not received any information to indicate that Licensee has failed to comply with this requirement.

g. Paragraph D.3. required Licensee to pass the Minnesota Jurisprudence Examination with a score of at least 90%. Licensee did so on January 21, 2000.

h. Paragraph D.4. required Licensee to pay \$12,000 to the Board as partial reimbursement of its costs in this matter. Licensee paid \$6,000 on June 8, 2000 and \$6,000 on December 8, 2000.

i. Paragraph D.5. required Licensee to complete 100 hours of dental-related community service. Licensee completed the required 100 hours of dental-related community service and provided reports on his work which the Committee accepted.

Based on the foregoing, the Board concludes that Licensee has complied with the 1999 Stipulation and Order issued by the Board on December 1, 1999 and hereby issues the following:

ORDER

IT IS ORDERED that an UNCONDITIONAL LICENSE to practice dentistry in the State of Minnesota be conferred upon Licensee, such license to carry all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated: December 13, 2002

MINNESOTA BOARD OF DENTISTRY

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

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