

**BEFORE THE MINNESOTA**

**BOARD OF DENTISTRY**

In the Matter of  
Martin Duchscher, D.D.S.  
License No. D10674

**ORDER FOR  
UNCONDITIONAL LICENSE**

The Minnesota Board of Dentistry ("Board") met to review the petition of Martin Duchscher, 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 September 10, 1999, ("1999 Stipulation and Order") that placed conditions on Licensee's dental license. The 1999 Stipulation and Order was based on evidence that Licensee engaged in improper billing practices, substandard endodontic treatment, substandard prosthodontic treatment, substandard periodontal treatment, substandard recordkeeping, substandard diagnostic treatment, substandard oral surgery, substandard radiographs, auxiliary misuse, improper prescribing, providing unnecessary services, and unprofessional conduct.

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 complete an individually-designed ethics course taught at the University of Minnesota by Dr. Muriel Bebeau to include instruction on appropriate use of professional judgment with difficult or manipulative patients. Licensee completed the course in June 2001 and the Committee accepted the final report submitted by Dr. Muriel Bebeau on behalf of Licensee.

b. Paragraph D.1.b. required Licensee to complete a minimum of six hours of instruction in endodontics, including diagnosis, treatment planning and emergency treatment, and submit a written report on what Licensee learned. Licensee completed a two day course in October 1999, submitting a written report which was reviewed and accepted by the Committee.

c. Paragraph D.1.c. required Licensee to complete the special course in treatment planning offered during the summer at the University of Minnesota School of Dentistry. Licensee successfully completed the course in July 2000.

d. Paragraph D.1.d. prohibited Licensee from prescribing drugs to himself or members of his immediate family outside the scope of dentistry. The Committee has not received any indication that Licensee has violated this requirement.

e. Paragraph D.2. required Licensee to research acceptable recordkeeping in dentistry and submit a written report on what Licensee learned and the changes made to his practice. Licensee submitted a written report in August 2000 which was reviewed and accepted by the Committee.

f. Paragraph D.3.a. required Licensee to complete the coursework required by the 1999 Stipulation and Order and submit a written report on what Licensee learned and the changes made to his practice within 30 days of completion. Licensee

submitted written reports in a timely fashion which were reviewed and accepted by the Committee.

g. Paragraph D.4. required Licensee to pass the Minnesota Jurisprudence Examination with a score of at least 90 percent. Licensee did so on October 20, 1999.

h. Paragraph D.5. required Licensee to pay the Board the sum of \$10,000 as partial reimbursement for the Board's costs in this matter. Licensee paid \$3,000 on December 23, 1999; \$4,000 on November 29, 2000; and \$3,000 on July 26, 2001.

i. Paragraph D.6. required Licensee to post in a prominent location in his dental office(s) a list of permissible duties performed by registered dental assistants and dental hygienists and post the credentials of all office employees. Each office employee had to affirm to the board, in writing, that the employee has read and understood the permissible scope of duties performed by dental auxiliaries. Licensee posted the required documents in the office and reception area taking photographs as proof. In addition, the posted documents were checked and verified during unannounced inspections. Licensee submitted a sheet signed by each of his employees that the, "Procedures That Can Be Delegated to Dental Hygienists and Dental Assistants" had been reviewed and the staff members understood the allowable duties.

j. Paragraph D.7. required Licensee to submit to two unannounced inspections, one year apart, to be conducted by the Board's representative for the purpose of verifying compliance with this order and the rules and statutes governing the practice of dentistry. The Board's representative conducted unannounced infection control and

recordkeeping inspections on December 4, 2001, and June 2, 2003. Licensee was notified of several concerns from the December 2001 inspection which he corrected. Both inspections were accepted by the Committee.

k. Paragraph D.8. required Licensee to comply with all laws and rules of the Board of Dentistry, cooperate with the Board's requests, and comply with the most current infection control requirements. The Committee has not received any indication that Licensee has violated this requirement.

## 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: September 19, 2003

MINNESOTA BOARD  
OF DENTISTRY

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