

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Ralph Nielson, D.D.S.
License No. D6584

**STIPULATION AND
ORDER FOR VOLUNTARY
SURRENDER OF 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 against Ralph Nielson, D.D.S. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaint and referred it to the Attorney General for investigation. Following the investigation, the Committee held a conference with Licensee. 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 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:

1. On January 12, 1998, Licensee entered into an agreement for corrective action ("1998 agreement") with a Board Complaint Committee based on auxiliary misuse, failure to record levels and duration of nitrous oxide, failure to routinely update patient medical histories, and inappropriate comments to patients. In July 1998, the Board dismissed the matter after determining Licensee was in compliance with the 1998 agreement. The Committee has determined that, following completion of the 1998 agreement, Licensee engaged in the conduct described below.

2. Improperly administered nitrous oxide.

3. Failed to make or maintain adequate patient records.

4. Improperly delegated tasks to allied staff that exceeded their legal scope of practice.

C. Violations. The Committee charges that the conduct described above constitutes a violation of Minn. Stat. § 150A.08, subd. 1(6), (10), (11), and (13), and Minn. R. 3100.3600, .6200A, .6200K, .6300, .8100, and .9600 for purposes of this stipulation and order only and justifies the action described below. Licensee neither admits nor denies the violation of Minn. Stat. § 150A.08, subd. 1(6), (10), (11), and (13), and Minn. R. 3100.3600, .6200A, .6200K, .6300, .8100, and .9600; however, Licensee agrees to enter into this stipulation and order only for purposes of settlement and without an admission of any violation.

D. Voluntary Surrender. 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 Licensee's 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 S.E., Suite 450, Minneapolis, Minnesota 55414.

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

3. Transfer of Patient Records. No later than 30 days after the date of the order, Licensee shall notify his patients that he has closed his practice and that they may request that their patient records be provided to them or their new treating dentists. Licensee shall comply with record requests within 15 days of receipt. Within 30 days after the date of the order, Licensee shall provide the Board with written verification that he has complied with this paragraph.

E. Application for Relicensure. Licensee agrees that he will not apply to the Board for relicensure to practice dentistry in the State of Minnesota.

F. Attendance at Conference. Licensee and Licensee's attorney, Robert T. Stich, Stich, Angell, Kreidler & Dodge, Minneapolis, Minnesota, telephone (612) 305-4559, attended a conference with the Committee on August 8, 2003. The following Committee members attended

the conference: Freeman Rosenblum, D.D.S., Ronald King, D.D.S., and Nadene Bunge, D.H. Assistant Attorney General Ruth E. Flynn represented the Committee at the conference. Licensee continues to be represented by Robert T. Stich, who has advised Licensee regarding this stipulation and order.

G. 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 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.

H. 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 § 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.

I. 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

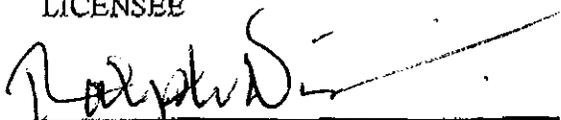
this stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

J. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 5. 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. part 60), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank.

K. 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.

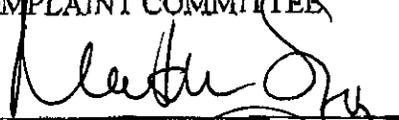
L. Service and Effective Date. If approved by the Board, a copy of this stipulation and order shall be served personally or by first-class mail on Licensee's legal counsel. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE


RALPH NIELSON, D.D.S.

Dated: Jan 29, 2004

COMPLAINT COMMITTEE

By: 
MARSHALL SHRAGG
Executive Director

Dated: 3/9/04, 2004

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 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 26th day of March, 2004.

MINNESOTA BOARD
OF DENTISTRY

By: Linda R. Boyum
FREEMAN ROSENBLUM, D.D.S.
President

AG: #973412-v1

LINDA BOYUM, R.D.A.