

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Richard Riemenschneider, D.D.S.
License No. D7348

**STIPULATION AND ORDER
CONTINUING SUSPENSION AND
AMENDING EARLIER STIPULATION
AND ORDER FOR LIMITED AND
CONDITIONAL LICENSE**

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minnesota Statutes Chapter 150A to license and regulate persons who hold licenses to practice dentistry in the State of Minnesota and is further authorized pursuant to Minn. Stat. §§ 214.10 and 214.103 to review complaints against licensed dentists and to initiate appropriate disciplinary action.

The Board's Complaint Review Committee ("Committee") received information that Richard Riemenschneider, D.D.S. ("Respondent") had violated the Board's October 3, 2003 Stipulation and Order for Limited and Conditional License ("2003 Stipulation and Order") as described below. The Committee and Respondent have agreed that the matter may now be resolved by this Stipulation and Order.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Respondent and the Committee as follows:

A. Jurisdiction. Respondent has been and now is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation. Respondent 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. Licensee agrees that the Board may consider the following facts to be true, but only for the purposes of this Stipulation and any further proceedings before the Board, not for any other purposes, including but not limited to any civil litigation.

1. Respondent agreed to and signed the 2003 Stipulation and Order issued by the Board on October 3, 2003, placing limitations and conditions on his license to practice dentistry based on substandard periodontal diagnosis and treatment, substandard endodontic diagnosis and treatment, substandard restorative diagnosis and treatment, substandard record keeping, and substandard anesthesia procedures.

2. In paragraphs 11, 12, 13, and 14 of the 2003 Stipulation and Order, Respondent expressly acknowledged and agreed to several procedures the Committee may use to resolve alleged noncompliance with or violation of the 2003 Stipulation and Order. The 2003 Stipulation and Order remained in full force and effect at the time the conduct described in paragraph 5 below occurred.

3. Respondent expressly acknowledged and agreed in paragraph 11 of the 2003 Stipulation and Order that if he violates the 2003 Stipulation and Order, the Committee may immediately and summarily suspend his license to practice dentistry.

4. Respondent expressly acknowledged and agreed in paragraph 12 of the 2003 Stipulation and Order that in the event the Board received evidence Respondent violated the terms of the 2003 Stipulation and Order, Minnesota Statutes ch. 150A, or Minn. R. ch. 3100, he would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board may impose additional disciplinary action against Respondent's license.

5. The Board received information Respondent violated the terms of the 2003 Stipulation and Order and engaged in acts or omissions which would be a violation of Minnesota Statutes § 150A. 08, subd. 1 as follows:

a. Paragraphs E.1., 2., and 3. of the October 3, 2003 Stipulation and Order provide:

E.1. Respondent is prohibited from providing dental care to any patient in an independent practice or non-group practice setting unless this has been approved by the Board.

E.2. Respondent is prohibited from providing dental care to any patient in a clinic or group practice unless another dentist is present.

E.3. Respondent is required to employ a pulse oximeter when treating any patient who has been premedicated for the purpose of receiving dental care or who is under the influence of nitrous oxide during dental treatment.

b. Paragraph E.7. of the October 3, 2003 Stipulation and Order provides, in relevant part:

E.7. Within 10 days of hire, new association or partnership, Respondent shall inform the Board in writing of the hire, new association or partnership[;] within 30 days he shall submit to the Board a signed written statement from the new partner, associate, or employer verifying that he/she has received and reviewed a copy of this stipulation and order.

c. Paragraph 11 of the 2003 Stipulation and Order provides:

Summary Suspension for Violating Order. In addition to or in lieu of the procedures described in paragraphs 13 and 14 below, the Committee may, if it concludes that Respondent has failed to observe the limitation and meet the conditions of this Order, immediately and summarily suspend Respondent's license to practice dentistry. The Committee's Order for Summary Suspension shall constitute a final order of the Board. The suspension is effective upon written notice by the Committee to Respondent and Respondent's attorney. Service of notice on Respondent is complete upon mailing the notice to Respondent and his attorney. Such suspension shall remain in full force and effect

until Respondent meets with the Committee to discuss the bases for the summary suspension and a new Order is issued by the Board.

d. Paragraph 12 of the 2003 Stipulation and Order provides:

12. Additional Discipline for Violation of Order. If Respondent violates this stipulation and order, Minn. Stat. ch. 150A, or Minn. R. ch.3100, the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within seven days after the notice is mailed Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. 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. License 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.

c. 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.

e. In addition, paragraph 8.c. of the 2003 Stipulation and

Order states:

c. If the Board receives a complaint alleging additional misconduct or deems it necessary to evaluate Respondent's compliance with this stipulation and order, the Board's authorized representatives shall have the right to inspect Respondent's dental office(s) during normal office hours without prior notification and to select and temporarily remove original patient records for duplication. Respondent shall fully and timely cooperate with such inspections of Respondent's office and patient records.

6. On December 8, 2005, Board staff learned that Respondent was practicing

dentistry without another dentist being present at a dental clinic in Princeton, Minnesota.

7. On Friday December 9, 2005, a member of the Board's staff visited the dental clinic and spoke with Respondent who was treating patients in the clinic. No other dentist was in the clinic. The daily schedule for Friday, December 9, 2005 shows that Respondent was the only dentist in the office all day.

8. The Board's staff member spoke with the majority owner of the practice ("Owner"). The Owner said that when Respondent came to work for the Princeton Dental Center, Respondent implied that he (Respondent) had been working for the Minnesota Dental Association as a *locum tenens* for various practices. Respondent told the Owner that he was looking for a part-time job. He did not tell him that he (Respondent) had a limited and conditional license. Respondent did not inform the Board of his new employment, nor did he submit a signed written statement from his new employer verifying that the new employer had received and reviewed a copy of the 2003 Stipulation and Order. Licensee states that he worked as an independent contractor at the Princeton Dental Center, not as an employee.

9. Respondent began working at the Princeton clinic in mid-August 2005. He worked Wednesdays and Fridays. On Wednesdays, another dentist was in the clinic; on Fridays, Respondent worked alone.

10. The Board's staff member selected seven patient charts for review. Patient #1's chart shows that on Friday, September 2, 2005, Respondent administered nitrous oxide to patient #1 when he provided dental treatment. The chart does not state the flow rate or duration of the nitrous oxide. There is no indication that Respondent used a pulse oximeter on patient #1.

11. Patient #2's chart shows that on Friday, December 9, 2005, Respondent administered nitrous oxide to patient #2. The chart does not state the flow rate or duration of the nitrous oxide. There is no indication that Respondent used a pulse oximeter on patient #2.

12. On December 22, 2005, Respondent was served with an Order for Summary Suspension and Notice of Hearing ("Order and Notice"). The Order and Notice informed Respondent of the alleged violations and suspended his license to practice dentistry in Minnesota. It also informed him of the date, time, and place for a meeting with the Committee and the date, time, and place of the hearing before the Board. The Order and Notice also notified Respondent that he was required to submit a response to the allegations in the Order and Notice within ten days after the Order and Notice was mailed. Respondent requested and was granted a time extension until January 6, 2006 to file his response. The Order and Notice also scheduled a conference with the Board's Complaint Review Committee on January 17, 2006.

13. Respondent admitted he was non-compliant with certain terms of the 2003 Stipulation and Order.

14. Following the conference, the Committee, ~~with no objection from Respondent,~~ asked the Board to issue an Order for Continuation of Summary Suspension. The Order was issued on January 20, 2006. It clarified that the suspension of Respondent's license would continue until a final order in this matter was issued by the Board.

C. Violations. Respondent admits that the facts and conduct specified above constitute violations of Minn. Stat. § 150A.08, subd. 1(6) and (13) and Minn. R. part 3100.6200A. and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Respondent and the Committee ask the Board to issue an order as follows:

1. Continued Suspension. The suspension of Respondent's license to practice dentistry in the State of Minnesota is continued until Respondent successfully completes an individually designed course in Ethics offered by Dr. Muriel Bebeau at the University of Minnesota Dental School, or a similar course that is preapproved by the Board. Respondent's signature on this stipulation and order is authorization for Dr. Bebeau or similar instructor and the Committee to communicate regarding Respondent's needs, performance, and progress before, during, and after Respondent takes the course.

Respondent is responsible for registering for, and paying for the Ethics course. The course may not be used by Respondent to satisfy any of the professional development requirements of Minnesota Rule 3100.5100.

Respondent must provide Dr. Bebeau or a similar instructor with a copy of this Stipulation and Order prior to beginning a course.

After completing the Ethics course described above, Respondent shall submit the following information to the Committee: a transcript or other documentation verifying that he has successfully completed the course; a copy of all materials used and/or distributed in the course; and a written report summarizing what he learned in the course and how he will implement this knowledge in his practice. Respondent's report shall be typewritten in his own words, double-spaced, at least two and no more than three pages in length, and must list references used to prepare the report.

The Committee is the sole judge of whether Respondent has met the requirements above. If the Committee determines that Respondent has met the requirements, the Committee may lift the suspension of Respondent's license. All other terms and conditions of this

Stipulation and Order shall remain in force until Respondent is granted unconditional licensure. An order of the Committee lifting the suspension of Respondent's license shall be public data.

2. Prohibitions. While the suspension is in effect, Respondent is specifically prohibited from engaging in the following conduct:

- a. providing or participating in the provision of dental services;
- b. owning or operating an active dental practice;
- c. benefitting financially from the operation of an active dental practice;
- d. supervising or influencing others, or being in a position to influence others in the practice of dentistry.

3. Limitations. Respondent and the Committee recommend that the Board impose the following limitations on Respondent's license to practice dentistry in Minnesota after he has met the requirements of paragraph 1 above and the Committee has lifted the suspension of Respondent's license.

- a. Respondent is prohibited from providing or participating in the provision of dental care without the prior approval of the Board.
- b. Respondent is prohibited from providing or participating in the provision of dental care unless another dentist is present.
- c. Respondent is required to use a pulse oximeter when treating any patient who has been premedicated for the purpose of receiving dental care or who is under the influence of nitrous oxide during dental treatment.

4. Conditions. Respondent and the Committee recommend that the Board impose the following conditions on Respondent's license to practice dentistry in Minnesota after

he has met the requirements of paragraph 1 above and the Committee has lifted the suspension of Respondent's license.

a. Respondent is required to meet the remaining coursework, reports, submission of protocols, and records inspection requirements of the October 3, 2003 Stipulation and Order for Limited and Conditional License, including but not limited to: submitting protocols for periodontic care and medical emergencies, submitting forms he would use in practice or notes he will write and keep in patient files, and the records inspection.

b. Chart Audit and Records Inspection. Once every three months during the 18 months following the effective date of this Stipulation and Order, Licensee shall cooperate with an announced office visit to be conducted by a representative of the board. The visit shall occur during normal business hours, and the representative shall provide Licensee with at least 24 hours' notice of the time of the visit. The representative shall select at random no more than 25 patient charts which were created after the effective date of this Stipulation and Order. The charts will be copied and reviewed by the Committee's consultant and the Committee for the purpose of evaluating the treatment Licensee provided to those patients and his record-keeping practices.

c. Reimbursement of Costs. Licensee shall reimburse the Board for the ongoing costs incurred as a result of inspecting Licensee's practice pursuant to paragraph D.4.b. above. Costs shall include the hourly rates of Board staff and the Board's consultant, reasonable travel expenses, and copying and mailing costs. Board staff shall inform Licensee by letter of the sum to be paid in the month following each inspection activity. Payment shall be made by certified check, cashier's check, or money order made payable to the Minnesota Board of Dentistry and shall be sent to the Board within 30 days of the date of the Board's letter.

d. Civil Penalty. Respondent shall pay the Board a civil penalty of \$2,000. All payments shall be made by certified check, cashier's check, or money order made payable to the Minnesota Board of Dentistry in two installments as follows: \$1,000 within 60 days of the effective date of this order, and \$1,000 when Respondent petitions to have the conditions removed from his license.

e. Review of Stipulation and Order. Within 10 days of initially providing or participating in the provision of dental care in any setting, Respondent shall submit to the Board a signed, written statement from each person providing or participating in the provision of dental care where Respondent provides or participates in the provision of dental care, verifying that each person has received and reviewed a copy of the 2003 stipulation and order, as well as this Stipulation and Order

5. Other Conditions. Respondent shall comply with these additional conditions on his license:

a. Respondent shall comply with the laws or rules of the Board of Dentistry. Respondent agrees that failure to comply with the Board's laws or rules shall be a violation of this Stipulation and Order.

b. Respondent shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this Stipulation and Order, including requests for explanations, documents, office inspections, and/or appearances at conferences. Minn. R. 3100.6350 shall be applicable to such requests.

c. If the Board receives a complaint alleging additional misconduct or deems it necessary to evaluate Respondent's compliance with this Stipulation and Order, the Board's authorized representatives shall have the right to inspect Respondent's dental office(s)

during normal office hours without prior notification and to select and temporarily remove original patient records for duplication. Respondent shall fully and timely cooperate with such inspections of Respondent's office and patient records.

d. In the event Respondent should leave Minnesota to reside or practice outside the state, Respondent shall notify the Board in writing of the new location within five days. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Respondent's discipline in Minnesota unless Respondent demonstrates that practice in another state conforms completely to this stipulation and order.

6. Removal of Limitations and Conditions. Respondent may petition to have the limitations and conditions removed from Respondent's license at any regularly scheduled Board meeting no sooner than one year after the effective date of this Order provided that Respondent's petition is received by the Board at least 30 days prior to the Board meeting. Respondent shall have the burden of proving that Respondent has complied with the limitations and conditions and that Respondent is qualified to practice dentistry without limitations and conditions. Respondent's compliance with the foregoing requirements shall not create a presumption that the limitations should be removed. Upon consideration of the evidence submitted by Respondent or obtained through Board investigation, the Board may remove, amend, or continue the limitations and conditions imposed by this order.

7. Fine for Violation of Order. If information or a report required by this Stipulation and Order is not submitted to the Board by the due date, or if Respondent otherwise violates this Stipulation and Order, the Committee may fine Respondent \$100 per late report or other violation. Respondent shall pay the fine and correct the violation within five days after service on Respondent of a demand for payment and correction. If Respondent fails to do so, the

Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Respondent waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by writ of certiorari under Minn. Stat. ch. 150A, by application to the Board, or otherwise. Neither the imposition of fines nor the correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

8. Summary Suspension for Violating Order. In addition to or in lieu of the procedures described in paragraphs 9 and 10 below, the Committee may, if it concludes that Respondent has failed to observe the limitations and meet the conditions of this Order, immediately and summarily suspend Respondent's license to practice dentistry. The Committee's Order for Summary Suspension shall constitute a final order of the Board. The suspension is effective upon written notice by the Committee to Respondent and Respondent's attorney. Service of notice on Respondent is complete upon mailing the notice to Respondent and his attorney. Such suspension shall remain in full force and effect until Respondent meets with the Committee to discuss the bases for the summary suspension and a new Order is issued by the Board.

9. Additional Discipline for Violation of Order. If Respondent violates this stipulation and order, Minn. Stat. ch. 150A, or Minn. R. ch. 3100, the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within seven days after the

notice is mailed, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. 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.

c. 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.

10. Other Procedures for Resolution of Alleged Violations. Violation of this Stipulation and Order shall be considered a violation of Minn. Stat. § 150A.08, subd. 1(13). The Committee shall have the right to attempt to resolve an alleged violation of the Stipulation and Order through the procedures of Minn. Stat. § 214.103, subd. 6. Nothing herein shall limit (1) the Committee's right to initiate a proceeding against Respondent pursuant to Minn. Stat. ch. 14, or (2) the Committee's and the Board's right to temporarily suspend Respondent pursuant to Minn. Stat. § 150A.08, subd. 8, based on a violation of this Stipulation and Order or based on conduct of Respondent before or after the date of this stipulation which is not specifically referred to in paragraph B. above.

11. Attendance at Conference. Respondent attended a conference with the Committee on January 17, 2006. The following Committee members attended the conference: Nadene Bunge, D.H.; Ronald King, D.D.S.; and Freeman Rosenblum, D.D.S. Assistant

Attorney General Rosellen Condon represented the Committee at the conference. Respondent is represented by Gregory W. Deckert, Vest & Deckert, 6160 Summit Drive, Suite 360, Brooklyn Center, Minnesota 55430.

12. Waiver of Respondent's Rights. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent 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. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an order imposing the discipline specified herein. Respondent waives the right to any judicial review of the order by appeal, writ of certiorari, or otherwise.

13. 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 section 150A.08, Respondent 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.

14. 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

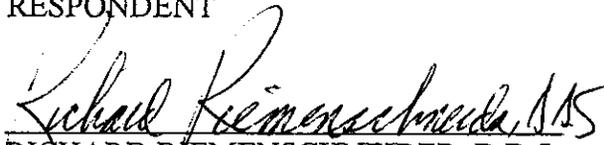
date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

15. 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, 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.

16. Entire Agreement. Respondent has read, understood, and agreed to this Stipulation and is freely and voluntarily signing it. This Stipulation and Order contains the entire agreement between the parties hereto. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

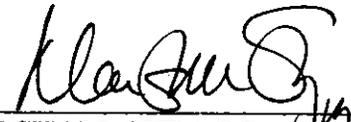
Service and Effective Date. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent's legal counsel. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

RESPONDENT


By: Richard Riemenschneider, D.D.S.

Dated: May 22, 2006

COMPLAINT COMMITTEE


By: Marshall Shragg
Executive Director

Dated: May 22nd, 2006

ORDER

Upon consideration of the foregoing stipulation and based upon all the files, records, and proceedings herein,

The Board's order dated October 3, 2003 is superseded by this Amended Stipulation and Order except as described in paragraph D.4.a. above. The terms of the Amended Stipulation and Order are approved and adopted, the recommended disciplinary action set forth in the Stipulation is hereby issued as an order of this Board continuing the suspension of Respondent's license and placing LIMITATIONS and CONDITIONS on Respondent's license to practice dentistry in Minnesota after Respondent completes the requirements of paragraph D.1. effective this 23rd day of May, 2006.

MINNESOTA BOARD
OF DENTISTRY

By: 
MARK W. HARRIS, D.D.S.
President

AG: #1551352-v1