

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Otto F. Ringle, Jr., D.D.S.
License No. D6360

**STIPULATION AND ORDER FOR
STAYED SUSPENSION AND LIMITED
AND CONDITIONAL 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.

After receiving a complaint against Otto F. Ringle, Jr., D.D.S. ("Licensee"), the Board's Complaint Committee ("Committee") reviewed the complaint and held a disciplinary conference with Licensee. On September 25, 2009, the Board adopted a Stipulation and Order for Limited and Conditional License ("2009 Order"), which Licensee agreed to and signed. However, Licensee has been non-compliant with certain conditions of his 2009 Order. Based upon Licensee's non-compliance, the Committee held another conference with Licensee on February 23, 2012. As a result, 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 facts:

Background

1. On September 25, 2009, the Board adopted a Stipulation and Order for Limited and Conditional License (“2009 Order”) that placed a limitation and conditions on Licensee’s license to practice dentistry in the State of Minnesota. Licensee’s 2009 Order addressed the following issues: improper billing; substandard periodontal care; substandard endodontic care; substandard recordkeeping; and improper use of auxiliary personnel. According to paragraphs G. and H. of the 2009 Order, Licensee is subject to additional discipline if he fails to comply with or violates the 2009 Order as determined by the Complaint Committee. Licensee is currently subject to the 2009 Order, which he agreed to and signed. On September 20, 2010, pursuant to Licensee’s 2009 Order, the Board’s representative conducted an office inspection for recordkeeping and submitted a report to the Complaint Committee.

2. On October 27, 2010, the Board issued an Order removing the limitation placed on Licensee’s license, which had prohibited him from providing endodontic care. Other than the removal of the limitation, Licensee’s license remained subject to the 2009 Order, and all conditions continue in full force and effect.

3. On May 12, 2011, the Complaint Committee held a disciplinary conference with Licensee to discuss his non-compliance with certain conditions of his 2009 Order, based upon the Board representative’s inspection report. Specifically, Licensee’s care continued to fail to meet the standard of care in the following areas: diagnoses and treatment planning; periodontal care; radiographic diagnoses; recordkeeping; infection control; and billing.

At the conclusion of the conference, the Complaint Committee determined that Licensee could remain subject to the 2009 Order until another record inspection could be conducted by the Board's representative.

4. On November 14, 2011, another record inspection was conducted and a report was submitted to the Complaint Committee. After reviewing the report, the Complaint Committee found that Licensee continued to be non-compliant with certain conditions of his 2009 Order. Specifically, Licensee failed to provide adequate dental care to more than one of his patients, as follows:

a. **Substandard Diagnostic / Treatment Planning Care.** Licensee failed to provide appropriate diagnoses and treatment planning for his patients, as follows:

1) On January 13, 2011, Licensee failed to diagnose decay on teeth #5 and #6 and open margins on teeth #12 and #14, and failed to provide a treatment plan for patient B.

2) On March 7, 2011, Licensee failed to diagnose decay on teeth #3 and #12 and provide a treatment plan for patient E.

3) On May 20, 2011, Licensee failed to remove all decay when treating tooth #22 for patient C.

4) On July 5, 2011, Licensee failed to diagnose the apical radiolucencies on teeth #8, #9, and #10 and provide a treatment plan for patient D.

5) On August 25, 2011, Licensee failed to diagnose decay on teeth #29, #30, #31 and provide a treatment plan for patient A.

b. **Substandard Endodontic Care.** In May 2011 on tooth #21 for patient C and in August 2011 on tooth #26 for patient D, Licensee failed to provide adequate

endodontic treatment, including the following deficiencies: lack of a diagnosis; use of formocresol instead of proper irrigation medication; lack of a working length measurement; failure to use a rubber dam; and improper obturation of the canal.

c. **Substandard Periodontal Care.** On July 14, 2011, Licensee failed to perform a comprehensive assessment of patient B's periodontal conditions, including charting of probing depth measurements, his diagnosis, and treatment plan. Licensee also failed to perform an annual periodontal maintenance assessment for patient E in 2011.

d. **Substandard Recordkeeping.** Licensee failed to make or maintain adequate patient records for his patients. For more than one patient, Licensee failed to properly and consistently document within patient records one or more of the following: the patient's existing oral health status; diagnoses for dental treatment; appropriate treatment plans; the patient's informed consent prior to performing treatment; and all medications used/materials placed, including a prescription for amoxicillin for patient C.

5. On February 23, 2012, the Complaint Committee held a disciplinary conference with Licensee determining that Respondent violated his 2009 Order when he failed to comply with certain conditions of his 2009 Order, including failure to meet the standard of care.

C. Violations. Licensee admits that, pursuant to Minn. Stat. § 150A.08, subd. 1(13) and his 2009 Stipulation and Order, the facts and conduct specified above are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order **RESCINDING** the 2009 Stipulation and Order for Limited and Conditional License and placing a **STAYED SUSPENSION**, as follows:

Stayed Suspension. Licensee's license to practice dentistry in the State of Minnesota is hereby **SUSPENDED**. The suspension is **STAYED** based upon Licensee's compliance with all of the limitations and conditions set forth in paragraph E. below.

E. Limitations and Conditions of Stayed Suspension. Licensee and the Committee recommend that the Board issue an order which places LIMITATIONS and CONDITIONS on Licensee's license to practice dentistry in the State of Minnesota as follows:

LIMITATIONS

Licensee's license shall be subject to the following limitations:

1. Periodontal Treatment. Licensee is prohibited from providing periodontal treatment to any patient who has periodontal conditions involving gingival pocket depth measurements or attachment loss of 4mm or greater. Licensee must provide to the patient a referral to either another dental provider or a periodontist for evaluation and treatment of the patient's periodontal conditions.

2. Endodontic Treatment. Licensee must not provide endodontic treatment to any patient, except in emergency situations as described within this paragraph. In emergencies, Licensee must provide the patient requiring endodontic treatment with a referral to either another dental provider or an endodontist before Licensee provides the patient with any emergency endodontic treatment limited to: (a) opening the patient's tooth to gain access to the pulp; (b) removing inflamed or necrotic pulp tissue; and (c) closing the access opening to the tooth for the sole purpose of relieving the patient's pain at a single visit. Licensee is specifically prohibited from obturating the canals of the tooth and from repeating any emergency endodontic treatment on a patient's tooth at a subsequent visit.

CONDITIONS

Licensee's license shall be subject to the following terms, conditions, and requirements.

3. Coursework. Licensee shall successfully complete the coursework described below. **All coursework must be approved in advance by the Committee.** Licensee is responsible for locating, registering for, and paying for all coursework taken pursuant to this stipulation and order. Licensee must provide the instructor with a copy of this stipulation and order. Licensee's signature on this stipulation and order constitutes authorization for the course instructor to provide the Committee with a copy of the final examination and answers for any course Licensee takes. Licensee's signature also authorizes the Committee to communicate with the instructor before, during, and after Licensee takes the course about Licensee's needs, performance and progress. None of the coursework taken pursuant to this stipulation and order may be used by Licensee to satisfy any of the continuing dental education/professional development requirements of Minn. R. 3100.5100, subpart 2. The coursework is as follows:

a. Treatment Planning / Recordkeeping. Within 90 days after the effective date of this Order, Licensee shall successfully complete one-on-one instruction in the treatment planning / recordkeeping course entitled "Dental Patient Management: Dental Records and Treatment Planning Fundamentals" offered at the University of Minnesota School of Dentistry or an equivalent course.

4. Written Coursework Report. Within 30 days after completing the coursework, Licensee shall submit to the Board (a) a transcript or other documentation verifying that Licensee has successfully completed the course, (b) a copy of all materials used and/or distributed in the course, and (c) a written report summarizing how Licensee has implemented this knowledge into Licensee's practice. Licensee's report shall be typewritten in Licensee's

own words, double—spaced, at least two pages and no more than three pages in length, and shall list references used to prepare the report. All reports are subject to approval by the Committee.

5. Monitoring / Consultative Services. Within 90 days after the effective date of this Order, Licensee agrees to contract with Affiliated Monitors, Inc. or a comparable monitoring company, or an actively practicing dentist licensed by the State of Minnesota (hereafter the “evaluator”) for one-on-one monitoring and consultative services, either at his own dental practice or at a group dental practice/clinic. **The evaluator must be approved in advance by the Committee.** To obtain pre-approval from the Committee, Licensee must submit in writing the names of one or more evaluators for consideration to the Committee for review and approval.

After an evaluator has been approved by the Committee, Licensee must present at least ten (10) different active patient records, including radiographs, to the evaluator once every 30 days. For each patient record, the evaluator will review and evaluate the entire record and the treatment rendered by Licensee focusing on proper diagnosis, restorative care, and recordkeeping including treatment plans to determine if Licensee is providing appropriate dental care to his patients. On a monthly basis, the evaluator shall complete their review and prepare a detailed written report on the evaluation of the patient record and treatment rendered and any recommendations made by the evaluator. Within 14 days after completing each report, Licensee shall cause the evaluator to submit the written report for each month to the Committee for its review. Based upon these report reviews, the Committee will reasonably determine if Licensee demonstrates continuous improvement with dental treatment rendered and recordkeeping or if Licensee fails to provide acceptable dental care to his patients.

In addition, Licensee must provide the evaluator with a copy of this Order. Licensee's signature on this Order constitutes authorization for the evaluator to provide the Committee with copies of all written evaluation reports. Licensee's signature also authorizes the Committee to communicate with the evaluator, before, during, and after the review of Licensee's patient records about Licensee's needs, performance, and progress. Licensee shall bear all costs associated with and pursuant to the contract agreement with the evaluator including, but not limited to, monitoring/consultative evaluations, preparation of reports, and complying with the evaluator's recommendations.

6. Other Conditions.

a. Licensee shall comply with the laws or rules of the Board of Dentistry. Licensee agrees that failure to comply with the Board's laws or rules shall be a violation of this stipulation and order.

b. Licensee 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. In Licensee's practice of dentistry, Licensee shall comply with the most current infection control requirements of Minn. R. 3100.6300 and 6950.1000 through 6950.1080, and with the Centers for Disease Control and Prevention, Public Health Service, and United States Department of Health and Human Services.

d. In the event Licensee should leave Minnesota to reside, Licensee shall notify the Board in writing of the new location within five days. Periods of residency

outside of Minnesota will not apply to the reduction of any period of Licensee's discipline in Minnesota.

F. Removal of Stayed Suspension. Licensee may petition to have the stayed suspension removed from Licensee's license at any regularly scheduled Board meeting no sooner than two years after the effective date of this Order, provided that Licensee has complied with all the limitations and conditions of his stayed suspension. Moreover, Licensee's petition must be received by the Board at least 30 days prior to the Board meeting. Licensee has the burden of proving that Licensee has complied with the limitations and conditions of this stipulation and order and that Licensee is qualified to practice without a stayed suspension. Licensee's compliance with the foregoing requirements does not create a presumption that the stayed suspension should be removed. Upon consideration of the evidence submitted by Licensee or obtained through Board investigation, the Board may remove, amend, or continue the stayed suspension imposed by this order.

G. 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 Licensee otherwise violates this stipulation and order, the Committee may fine Licensee \$100 per late report or other violation. Licensee shall pay the fine and correct the violation within five days after service on Licensee of a demand for payment and correction. If Licensee 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. Licensee waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by writ of certiorari under Minn. Stat. § 480A.06, by application to the Board, or otherwise. Neither the imposition of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

H. Order of Removal of Stayed Suspension. If the Committee has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph E. above, the Committee may remove the stay pursuant to the procedures outlined in paragraph I. below, with the following additions and exceptions:

1. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension (“Order of Removal”). Licensee agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph I. below or until the complaint is dismissed and the order is rescinded by the Committee. The Order of Removal shall confirm the Committee has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee’s license. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a conference or hearing before removal of the stayed suspension.

2. The Committee shall schedule the hearing pursuant to paragraph I. below to be held within 60 days of service of the Order of Removal.

I. Additional Discipline for Violation of Order. If Licensee 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:

1. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Licensee 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, Licensee shall submit a response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

2. At the hearing before the Board, the Committee and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board will be limited to such affidavits and this stipulation and order. Licensee 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.

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

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

K. Attendance at Conference. Licensee attended a conference with the Committee on February 23, 2012. Although Licensee was informed at the conference that he could be represented by legal counsel, Licensee knowingly and voluntarily waived that opportunity. The following Committee members attended the conference: Joan Sheppard, D.D.S.; David Linde,

D.D.S.; and Teri Youngdahl, L.D.A. Assistant Attorney General Geoffrey S. Karls represented the Committee at the conference.

L. 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 adequateness 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.

M. 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 will be null and void and may 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, 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.

N. Record. This stipulation, related investigative reports and other documents 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

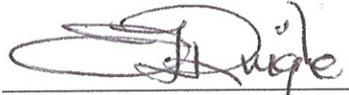
date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

O. 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. Data does 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. parts 60 and 61), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

P. 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.

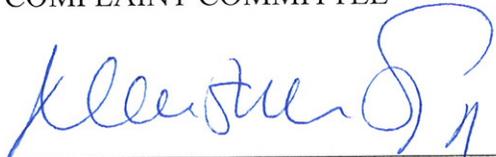
Q. Service and Effective Date. If approved by the Board, a copy of this stipulation and order will be served personally or by first class mail on Licensee. The order will be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE



OTTO F. RINGLE, JR., D.D.S.

COMPLAINT COMMITTEE

By: 

MARSHALL SHRAGG, MPH
Executive Director

Dated: March 13, 2012

Dated: MARCH 16TH, 2012

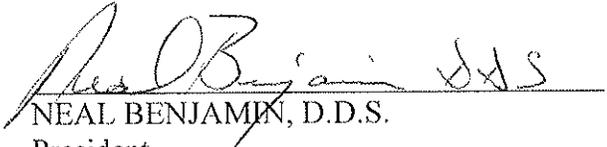
*Respectfully request
consideration of
attached letter.*

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 23rd day of March, 2012.

MINNESOTA BOARD
OF DENTISTRY

By: 
NEAL BENJAMIN, D.D.S.
President