

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Ronald L. Ruggiero, D.D.S.
License No. D10167

**STIPULATION AND ORDER FOR
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.

The Board received a complaint(s) against Ronald L. Ruggiero, D.D.S. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaint(s) and referred the matter to the Minnesota Attorney General's Office ("AGO") for investigation. Following the investigation, the Committee held a conference with Licensee on February 23, 2005. 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 Licensee 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 August 9, 1994, Licensee entered into an Agreement for Corrective Action ("1994 ACA") with the Committee. It was based upon substandard care, fraud, and unprofessional conduct. On April 10, 2000, Licensee entered into his second Agreement for Corrective Action ("2000 ACA") with the Committee. It was based upon Licensee allowing his dental assistants to practice beyond the scope of their registration. Licensee successfully completed all of the requirements of both the 1994 and 2000 ACAs.

2. On May 27, 2004, Licensee met with the Committee for an informational conference to discuss the complaint(s) received against Licensee alleging substandard infection control and the findings of the March 12, 2004, inspection report from the AGO investigation. On July 13, 2004, Licensee entered into an Agreement for Corrective Action ("2004 ACA") with the Committee based on Licensee's failure to maintain adequate safety and sanitary conditions for a dental office. Licensee is currently subject to the 2004 ACA. In paragraph 4 of Licensee's 2004 ACA, Licensee agreed that failure to complete his 2004 ACA may subject him to disciplinary action by the Board.

3. After Licensee met with the Committee in May 2004, the Committee received additional complaints against Licensee again alleging substandard infection control which were subsequently investigated by the AGO. The AGO investigator submitted its August 25, 2004, inspection report to the Committee. On December 22, 2004, the Board's representative also submitted a compliance report to the Committee which revealed that Licensee failed to comply with certain requirements of his 2004 ACA. On February 23, 2005, the Committee held a disciplinary conference with Licensee to discuss the inspection report,

compliance report, and new complaints. From the conference, the Committee determined that Licensee failed to maintain adequate safety and sanitary conditions for a dental office and failed to cooperate with the Board through noncompliance with his 2004 ACA.

Substandard Infection Control

4. Even after meeting with the Committee on May 29, 2004, Licensee failed to maintain adequate safety and sanitary conditions for a dental office. Licensee also failed to comply with the most current infection control recommendations and guidelines of the Centers for Disease Control (CDC), as described below:

a. Licensee failed to consistently comply with utilizing appropriate personal protection equipment such as safety glasses with sideshields when providing treatment to patients. During the conference, Licensee stated that he sometimes forgets and improperly wears his safety glasses on the top of his head when treating patients.

b. Licensee failed to change his scrubs or laboratory coat when it became visibly soiled from treating patients. At the conference, Licensee stated that the cuffs of his laboratory coats do get dirty from washing his hands which may be seen as being soiled.

c. Licensee failed to utilize the proper cleaning solution recommended for ultrasonic equipment when processing contaminated dental instruments. Licensee stated during the conference that he previously used a general housekeeping solution, Mr. Clean, in the ultrasonic for a while, but has now discontinued using it.

d. Licensee failed to maintain a first aid kit and emergency resuscitation equipment in his office. Licensee's first aid kit contained medications that had expired in June 2004. Licensee admitted at the conference that certain medications had expired

in June 2004 and explained that his emergency kit is only checked quarterly so an item may expire within that time period.

Noncompliance with 2004 ACA

5. Licensee has failed to comply with certain requirements of his 2004 ACA as follows:

a. Licensee failed to submit to the Committee certain staff meeting information specified in paragraph 2.e. of his 2004 ACA for the month of November 2004.

b. Pursuant to paragraph 2.a. of his 2004 ACA, Licensee failed to provide adequate information relating to weekly spore testing for the months of January and February 2004.

c. Licensee failed to provide required documentation to the Committee within the specified time period for certain corrective action requirements pursuant to his 2004 ACA. Specifically, Licensee failed to comply within the specified time period for the following paragraphs: 2.a.-Biological spore testing within 14 days of the effective date of this agreement; 2.b.-Check valves within 14 days of the effective date of this agreement; and 2.c.-Licensure/registration certificates-photograph within 30 days of the effective date of this agreement. As of the conference date, Licensee has fulfilled the requirements of paragraphs 2.b., 2.c., and 2.g. of his agreement.

During the conference, Licensee explained to the Committee that he attributed his noncompliance to other stressors in his life such as an audit by the Internal Revenue Service and being involved in a recent car accident.

C. Violations. Licensee admits that the facts and conduct specified above constitute violations of Minn. Stat. § 150A.08, subd. 1(10) and Minn. R. 3100.6200 K and 3100.6300

(failure to maintain adequate safety and sanitary conditions for a dental office); Minn. Stat. §150A.08, subd. 1(6) and Minn. R. 3100.6200 J and 3100.6350 (failure to cooperate with the board) and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order which places CONDITIONS on Licensee's license to practice dentistry in the State of Minnesota as follows:

CONDITIONS

1. Coursework. Licensee shall successfully complete the coursework described below. All coursework must be approved in advance by the Committee. None of the coursework may be home study. Licensee is responsible for locating, registering for, and paying for all coursework taken pursuant to this stipulation and order. If Licensee attends an undergraduate or graduate dental school course, Licensee must provide each instructor with a copy of this stipulation and order prior to commencing a course. Licensee shall pass all courses with a grade of 70 percent or a letter grade "C" or better. Licensee's signature on this stipulation and order constitutes authorization for the course instructor(s) 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(s) 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. Infection Control. Within six months of the effective date of this order, Licensee shall successfully complete a minimum of six hours of instruction in infection control based on the 2003 Guidelines for Infection Control in Dental Health-Care Settings.

2. Written Reports and Information. Licensee shall submit or cause to be submitted to the Board the reports and/or information described below. All reports and information are subject to approval by the Committee:

a. Reports on All Coursework. Within 30 days of completing any coursework, Licensee shall submit to the Board (a) a transcript or other documentation verifying that Licensee has successfully completed the course, if the course is a graduate or undergraduate dental school 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.

b. Verification. Within 30 days of hire or new association, Licensee shall submit to the Complaint Committee a signed verification from new staff members verifying that the staff member has fully read and reviewed his Exposure Control Plan and Bloodborne Pathogen Guidelines Manual.

c. Staff Meetings. Immediately following the effective date of this order as required within this paragraph, Licensee shall submit proof to the Complaint Committee of having monthly staff meetings in his office, including meeting agenda, minutes, follow-up action, and signatures of Licensee and his staff who are present at the meetings. The Committee

requires that Licensee must submit the specified staff meeting documentation to the Committee by the 15th day of each month for a period of twelve (12) months.

d. Biological (Spore) Testing. Within 30 days of the effective date of this order, Licensee shall submit to the Complaint Committee a copy of his biological (spore) testing records for each and every autoclave from the previous six months.

3. Infection Control Inspection. Licensee shall cooperate with at least one unannounced office visit at each of his dental offices during normal office hours by a representative of the Board. The representative shall conduct an inspection at each of Licensees' offices for the purpose of reviewing safety and sanitary conditions. Additional office visits shall be at the discretion of the Committee.

4. Reimbursement of Costs. Licensee shall pay the Board the sum of \$1000 as partial reimbursement for the Board's costs in this matter. 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: \$500 within six months of the effective date of this order, and the balance of \$500 within one year, or by the time Licensee petitions to have the conditions removed from Licensee's license, whichever occurs first.

5. 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 Centers for Disease Control and Prevention, Public Health Service, United States Department of Health and Human Services, *Guidelines for Infection Control in Dental Health-Care Settings - 2003*, Morbidity and Mortality Weekly Report, December 19, 2003 at 1.

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

e. In the event Licensee should leave Minnesota to reside or practice outside the state, Licensee 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 Licensee's discipline in Minnesota unless Licensee demonstrates that practice in another state conforms completely to this stipulation and order.

E. Removal of Conditions. Licensee may petition to have the conditions removed from Licensee's license at any regularly scheduled Board meeting provided that Licensee's petition is received by the Board at least 30 days prior to the Board meeting. Licensee shall have the burden of proving that Licensee has complied with the conditions and that Licensee is qualified to practice dentistry without conditions. Licensee's compliance with the foregoing

requirements shall not create a presumption that the conditions should be removed. Upon consideration of the evidence submitted by Licensee or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this order.

F. 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.

G. 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 shall 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 a limitation on Licensee's practice, or suspension or revocation of Licensee's license.

H. 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 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.

I. Attendance at Conference. Licensee attended a conference with the Committee on February 23, 2005. Although Licensee was informed in the Notice of Conference that he could be represented by legal counsel, Licensee has voluntarily and knowingly waived legal representation. The following Committee members attended the conference: John Bengtson, D.D.S. and Linda Boyum, R.D.A. Assistant Attorney General Tamar Gronvall represented the Committee at the conference.

J. 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.

K. 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, 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.

L. 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.

M. 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.

N. 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.

O. 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. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE

Ronald Ruggiero By:
RONALD L. RUGGIERO, D.D.S.

Dated: 5/8/05

COMPLAINT COMMITTEE

Marshall Shragg
MARSHALL SHRAGG
Executive Director

Dated: 5/11, 2005

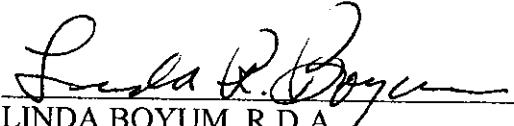
ORDER

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, the recommended disciplinary action set forth in the stipulation is hereby issued as an order of this Board placing CONDITIONS on Licensee's license effective this 17th day of June, 2005.

MINNESOTA BOARD
OF DENTISTRY

By:


LINDA BOYUM, R.D.A.
President