

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Thomas R. Swenson-Bellson, D.D.S.  
License No. D10339

**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 Thomas R. Swenson-Bellson, 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 for investigation. Following the investigation, the Committee held a conference with Licensee and his attorney, John E. Diehl, on June 11, 2009. 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 on the following:

#### **Background**

1. On March 26, 2004, the Board adopted a Stipulation and Order for Conditional License ("2004 Order") which placed conditions on Licensee's license to practice dentistry in the State of Minnesota. The 2004 Order was based upon the following allegations: improper billing; substandard diagnostic and operative care; substandard endodontic care; substandard periodontal care; substandard radiographic diagnosis; and substandard recordkeeping. On February 7, 2007, the Board sent a letter to Licensee regarding him having completed the requirements of his 2004 Order.

2. In May and October 2007, the Committee received and reviewed complaints against Licensee which were referred to the Minnesota Attorney General's Office for investigation. In November 2008, the Committee received and reviewed a subsequent complaint filed against Licensee alleging substandard diagnostic care. On December 4, 2008, Licensee provided to the Committee his response to the allegations.

3. On June 11, 2009, the Committee held a conference with Licensee and his attorney. The Committee discussed with Licensee the following allegations: substandard periodontal care, substandard diagnosis and treatment planning, substandard radiographic diagnosis, substandard recordkeeping, substandard infection control, improper use of auxiliary personnel, failure to cooperate, and unprofessional conduct. From the conference, the Committee requested that Licensee submit to the Committee supplemental patient information including hard-filter copies of radiographs and additional documentation of periodontal conditions. Licensee promptly responded and upon receipt, the Committee reviewed the supplemental patient information from Licensee.

4. In its August 18, 2009 letter, the Committee requested that Licensee respond to some additional substandard care and billing allegations. On September 2, 2009, Licensee provided his response to the allegations, which was reviewed by the Committee.

**Substandard Diagnosis / Treatment Planning / Recordkeeping**

5. Licensee failed to document and/or provide appropriate diagnoses and/or formulate appropriate treatment plans for one or more of his patients. Examples include:

a. For patient 4, Licensee performed an examination and took four bitewing radiographs on January 16, 2006. However, Licensee failed to document and/or provide a diagnosis and treatment plan for patient 4 that addressed the open contact on the distal aspect of teeth #3, #14, #19, and #30.

b. For patient 6, Licensee performed an examination and took four bitewing radiographs on October 23, 2008. However, Licensee failed to document and/or provide a diagnosis and treatment plan for patient 6 that addressed the carious lesion on the distal aspect of tooth #31.

c. For patient 7, Licensee performed an examination and took full mouth radiographs on January 17, 2006. However, Licensee failed to document and/or provide a diagnosis and treatment plan for patient 7 that addressed the foreign mass located posterior to tooth #18.

d. For patient 8, Licensee performed an examination and took four bitewing radiographs on February 21, 2005. However, Licensee failed to document and/or provide a diagnosis and treatment plan for patient 8 that addressed the carious lesion on the distal aspect of teeth #2 and #20, as seen on the February 21, 2005, and October 29, 2007, bitewing radiographs.

e. For patient 9, Licensee performed an examination and took four bitewing radiographs on November 4, 2008. However, Licensee failed to document and/or provide a diagnosis and treatment plan for patient 9 that addressed the carious lesions on the mesial aspect of teeth #14 and #30, and on the occlusal aspect under the restoration on tooth #29.

f. For patient 10, Licensee failed to document and provide a diagnosis and treatment plan that addressed the carious lesion on the occlusal aspect under the restoration on tooth #15, as seen on the February 17, 2009, bitewing radiographs. On February 20, 2008, Licensee previously placed an occlusal restoration in tooth #15 for patient 10.

g. For patient 11, Licensee performed an examination and took full mouth radiographs on December 22, 2003. However, Licensee failed to document and/or provide a diagnosis and treatment plan for patient 11 that addressed the carious lesions on the distal aspect of teeth #6 and #11.

h. For patient 15, Licensee performed an examination and took two bitewing radiographs on March 25, 2008. However, Licensee failed to document and/or provide a diagnosis and treatment plan for patient 15 that addressed the incipient carious lesion on the mesial aspect of tooth #19.

i. For patient 22, Licensee saw this patient who had pain in tooth #21a, a primary tooth, on October 9, 2008. After examining and taking a radiograph of tooth #21a, Licensee indicated in patient 22's progress notes that the tooth had a large abscess and a lot of bone loss. Licensee informed patient 22's parent of the following treatment options: no treatment; a pulpotomy and stainless steel crown; and extraction with a space maintainer. The parent decided to try the pulpotomy and stainless steel crown option. Nevertheless, Licensee provided inappropriate treatment options to patient 22's parent when the only treatment option

for this tooth was extraction due to the active infection, as seen on the October 9, 2008, periapical radiograph.

j. For patient 24, Licensee performed an examination on July 15, 2008. As part of patient 24's treatment plan, Licensee indicated his diagnoses and treatment which included an occlusal restoration due to decay on one primary tooth and sealants on eight primary teeth. However, Licensee failed to document his rationale for performing sealants on primary teeth. On August 4, 2008, patient 24 saw a subsequent dental provider who recommended no treatment.

#### **Substandard Radiographic Diagnosis**

6. Licensee failed to take a sufficient number of radiographs and/or take radiographs of diagnostic quality for the purpose of properly assessing the patient's dental health. For patients 8, 9, and 23, Licensee failed to obtain adequate radiographs to properly diagnose for treatment of the patient's existing oral health status. The radiographs taken on these patients were either insufficient in quantity for diagnostic purposes – i.e., lacking full mouth series, or of non-diagnostic quality due to incorrect film placement, inadequate developing techniques, or other improper practices.

#### **Substandard Recordkeeping**

7. Licensee failed to make or maintain adequate patient records. Examples include the following: Licensee failed to document his diagnoses for dental treatment for patients 2, 4, 6, 7, 8, 9, 11, and 15.

#### **Unprofessional Conduct**

8. Licensee engaged in personal conduct that brings discredit to the profession of dentistry. The Committee reviewed the Anoka County District Court Findings of

Fact, Conclusion of Law, and Order of Judgment dated May 5, 2009, and determined that certain behaviors by Licensee are inappropriate conduct, as follows:

a. On one occasion, Licensee dressed-up in what the court characterized as an “S & M” outfit to play a joke on a patient. Multiple employees were present and observed Licensee in the costume.

b. After returning from Brazil, Licensee brought to the office and left in the break room for all employees to view, an extensive “Carnival” brochure issued by the Government of Brazil that contained a business-sized envelope which, in turn, contained a triangular piece of paper described in an instruction sheet as a feminine sanitary aid.

c. Licensee gave the Plaintiff in the District Court case a wrapped gift while at work. That individual opened the gift in the dental office parking lot and there discovered that it was a chocolate penis.

C. Violations. The Committee concludes that the practices described above constitute violations of Minn. Stat. §150A.08, subd. 1(6) and Minn. R. 3100.6200 A (unprofessional conduct); Minn. Stat. § 150A.08, subd. 1(6) and Minn. R. 3100.6200 B (repeated performance of dental treatment which falls below accepted standards); Minn. Stat. §150A.08, subd. 1(13) and Minn. R. 3100.9600 (failure to make or maintain adequate dental records on each patient); and 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 March 26, 2004, Stipulation and Order for Conditional License and placing **CONDITIONS** on Licensee's license to practice dentistry in the State of Minnesota as follows:

## CONDITIONS

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

1. 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. When 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'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 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. Radiology. Within six months of the effective date of this Order, Licensee must personally attend and successfully complete one full-day course in radiology through the University of Minnesota School of Dentistry or another accredited dental institution. The radiology course shall focus on diagnosis and treatment.

b. Professional Boundaries. Within nine months of the effective date of this Order, Licensee shall arrange to enroll in the individualized professional boundaries training course taught by John Hung, Ph.D., L.P., or an equivalent course approved in advance by the Committee. Licensee's signature on this Agreement is authorization for the Committee to

communicate with the instructor/practitioner before, during, and after Licensee takes the course about his needs, performance, and progress. Licensee's signature also constitutes authorization for the instructor/practitioner to provide the Committee with copies of all written evaluation reports. Successful completion of the boundaries course shall be determined by the Committee based on input from Dr. Hung or the instructor of the equivalent course.

c. Pediatric Dentistry. Within nine months of the effective date of this Order, Licensee shall successfully complete a minimum of one full-day of individualized instruction in pediatric dentistry from a licensed pediatric dental provider with the University of Minnesota School of Dentistry, or another accredited dental institution. The pediatric dentistry instruction shall be comprehensive including diagnosis and treatment of pediatric patients.

d. Treatment Planning / Recordkeeping. Within twelve months of the effective date of this Order, Licensee shall personally attend and successfully complete the treatment planning / recordkeeping course entitled "Dental Patient Management: Dental Records and Treatment Planning Fundamentals" offered through the University of Minnesota School of Dentistry, or an equivalent course.

2. Coursework Reports. Within 30 days after completing each of the courses listed above, Licensee shall submit to the Committee:

- a. proof of Licensee's attendance and completion of the course;
- b. copies of all materials used and/or distributed in the courses; and
- c. a summary report of what Licensee learned in the course and specific information addressing how Licensee will incorporate this recently gained knowledge into Licensee's practice.

d. Licensee's reports shall be typewritten in Licensee's own words, double-spaced, at least two pages in length but no more than three pages, and shall list references used to prepare the report.

e. All coursework reports submitted by Licensee are subject to review and approval by the Committee.

f. Within Licensee's radiology report, Licensee shall also elaborate on his practice protocol for taking radiographs in his office.

3. Recordkeeping Inspection. Licensee shall cooperate with at least one unannounced office visit during normal business hours by a representative of the Board, additional visits shall be at the discretion of the Committee. The representative shall randomly select, remove, and make copies of original patient records, including radiographs, to provide to the Committee for its review of Licensee's recordkeeping practices.

4. Reimbursement of Costs. Licensee shall pay the Board the sum of \$5,000 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: \$2,500 within six months of the effective date of this order, and the balance of \$2,500 within one year of the effective date of this order.

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 Service.

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 when continued practice by the Respondent would create an imminent risk of harm to others, 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 and his attorney attended a conference with the Committee on June 11, 2009. The following Committee members attended the conference: Linda Boyum, L.D.A.; Joan Sheppard, D.D.S.; and David Linde, D.D.S. Assistant Attorney General Careen H. Martin represented the Committee at the conference. Licensee was represented by John E. Diehl in this matter, who has advised Licensee regarding this stipulation and order.

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. 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.

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

COMPLAINT COMMITTEE

By: THOMAS R. SWENSON-BELLSON, D.D.S.

By: MARSHALL SHRAGG, MPH  
Executive Director

Dated: 29/7/10, 2010

Dated: August 26<sup>th</sup>, 2010

**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 24<sup>th</sup> day of September, 2010.

MINNESOTA BOARD  
OF DENTISTRY

By:

  
KRISTIN HEEBNER, J.D.  
Vice President