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IN THE MATTER OF	§	BEFORE THE STATE
THE LICENSE OF	§	
	§	
MICHAEL RASSNER, D.D.S.	§	BOARD OF
TEXAS DENTAL LICENSE	§	DENTAL EXAMINERS
NUMBER 16793	§	

AGREED SETTLEMENT ORDER

On the ^{7TH} ~~25~~ of ^{8TH} ~~OCT.~~ ^{December}, 1996, the State Board of Dental Examiners ("the Board" or "SBDE") met in a regularly scheduled meeting and the above-captioned case was heard.

MICHAEL RASSNER, D.D.S., hereinafter "Respondent," holder of Texas Dental License No. 16793, appeared at an Informal Settlement Conference at 333 Guadalupe, Hearing Room #102, Austin, Texas, on October 25, 1996, in response to a written Board notice dated October 3, 1996. Respondent was advised of his right to legal representation at the conference and that a formal hearing would be conducted if he chose to forgo participation in the conference. At issue were allegations that Respondent billed patient R [REDACTED] W [REDACTED] for a build-up which the patient did not receive. Also, results of the investigation revealed that Respondent failed to take periapical radiographs or file measurements for the root canal therapy performed on tooth #31.

It is now the express desire of Respondent to waive a formal adjudicatory hearing and to enter into the following Agreed Settlement Order. Respondent by his signature hereto acknowledges that he understands the nature of the alleged violations as noted

in the Board's notice dated October 3, 1996, and as discussed during the informal settlement conference and the adequacy of the notice provided to him.

Board members Kent T. Starr, D.D.S., Miro A. Pavelka, D.D.S., M.S.D., and Ms. Marcia G. Waugh, represented the Board at the Settlement Conference pursuant to Board Rule 107.63. Dr. Starr, Dr. Pavelka, and Ms. Waugh considered statements provided by the Board Investigator Scott Callender and by the Respondent, who was not represented by legal counsel. Upon the Board members' recommendation, the following Settlement Agreement is issued contingent on Board approval. The Respondent does not contest the following Findings of Fact and agrees to accept the stated punishment and abide by the terms of this Agreed Settlement Order.

FINDINGS OF FACT

1. Respondent is a dentist licensed by the State Board of Dental Examiners to practice dentistry in Texas and is therefore subject to jurisdiction of the SBDE and Tex. Rev. Civ. Stat. Ann. art. 4543 *et seq.* (Vernon 1996) and Tex. Admin. Code § 101 *et seq.*
2. Respondent undertook and provided endodontic therapy to R [REDACTED] W [REDACTED] in early 1994.
3. Patient W [REDACTED] filed a complaint against Respondent, and Respondent was provided with the opportunity to respond to the complaint and to show compliance with the law.
4. In providing root canal therapy on tooth #31, Respondent exhibited negligence in that such treatment was deemed below the standard of care due that Respondent sealed the pulp canals and chamber of tooth #31 with a mixture of Intermediate Restorative Material (IRM).

CONCLUSIONS OF LAW

1. The State Board of Dental Examiners has authority and jurisdiction over this case pursuant to Tex. Rev. Civ. Stat. Ann. arts. 4549 § 3 (Vernon Supp. 1989) and 4548h (Vernon Supp. 1996).
2. The acts described in Findings of Fact No. 4 constitute violations of Article 4549 § 3 (j), (l); Rule 109.143, and Rule 109.144, (b).

ORDER

IT IS THEREFORE ORDERED THAT:

1. Texas Dental License No. 16793, issued to Respondent, is hereby **SUSPENDED** for a period of one (1) year, which becomes effective on the date of this Order; however, the suspension is probated in its entirety.
2. Respondent is required to complete a total of 28 hours of continuing education in endodontics (20 hours) and risk management (8 hours). Such required continuing education courses shall be completed within one (1) year of the effective date of this Order. Continuing education required hereby will be in addition to continuing education required by Article 4544, Section 5, of the Dental Practice Act.
3. All continuing education courses must be approved in advance by the Board Secretary. It is the responsibility of the Respondent to obtain such approval. Courses taken without prior approval may not be used to satisfy the requirements of this Order. The Board Secretary shall have the authority to reduce the number of continuing education days, or hours based on course availability. Upon the successful completion

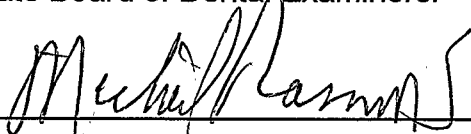
of each course requirement, the Respondent will provide documentation to the Board Office.

4. Respondent shall abide by the Laws of the State of Texas, the Dental Practice Act, the Rules of the Board, and any reporting requirements imposed to ensure compliance with this Order.

By signing this Agreed Settlement Order, Respondent agrees to its terms, acknowledges his understanding of it and agreement with the notice, findings of fact and conclusions of law set forth above and agrees that he will satisfactorily comply with the mandates of this Order in a timely manner or be subject to appropriate disciplinary action by the State Board of Dental Examiners.

Respondent by signing this Agreed Settlement Order waives his right to a formal hearing and any right to judicial review of the order.

The date of this Agreed Settlement Order shall be the date it is executed by the State Board of Dental Examiners.



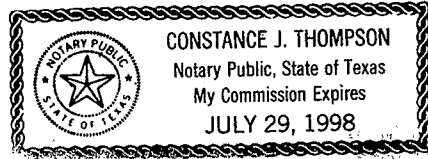
MICHAEL RASSNER, D.D.S.

RESPONDENT

SIGNED this 14 day of November, 1996.

Constance J. Thompson notarized the signature of **MICHAEL RASSNER, D.D.S.**, this 14th day of Nov., 1996.

Constance J. Thompson
NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS

SIGNED this 7th day of December, 1996.

J. Hadley Hall

J. Hadley Hall, President
State Board of Dental Examiners

Kent T. Starr

Kent T. Starr, D.D.S., Secretary
State Board of Dental Examiners