

SBDE NO. 2022-01123

IN THE MATTER OF	§	BEFORE THE STATE
THE LICENSE OF	§	
	§	
MIGUEL ANGEL RUIZ, DDS	§	BOARD OF
	§	
TEXAS DENTAL LICENSE	§	
NUMBER 16935	§	DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 3rd day of May, 2024, the State Board of Dental Examiners (Board) met in a regularly scheduled meeting and the above-styled case was heard. The full Board adopted this Agreed Settlement Order (ASO) at a public meeting on the date shown above (effective date).

Miguel Angel Ruiz, DDS, holder of Texas Dental License No. 16935 (Respondent), appeared at an informal settlement conference on June 16, 2023, at 1601 Congress Avenue, Austin, Texas. Respondent was represented by Boyd Shepherd. This matter has not reached a final hearing on the merits. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following ASO. Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, and that Respondent understands the nature of the alleged violations. Respondent’s signature hereon also acknowledges that an adequate opportunity was provided to allow Respondent to respond to the alleged violations.

Board members David Yu, DDS, and Ricky Garcia, and Dental Review Committee Members Amanda Richardson, RDH, and Chris Cramer, DDS, represented the Board at the settlement conference held pursuant to Texas Occupations Code § 263.007, and 22 Texas Administrative Code § 107.63. The Board representatives considered information presented by staff, the Respondent, and the Complainant, as applicable. The Board representatives, having carefully considered the Board’s disciplinary guidelines, recommended the following ASO contingent on the full Board’s approval.

FINDINGS OF FACT

1. Respondent, Miguel Angel Ruiz, DDS, holds Texas Dental License No. 16935. Respondent’s license was initially issued on June 29, 1992, and was in full force and effect at all dates and times material and relevant to this ASO.

2. Respondent holds the following sedation/anesthesia permits issued by the Board:
 - a. Nitrous Oxide Certification issued on May 7, 1993;
 - b. Level 1 Anesthesia Permit issued on March 22, 2002; and
 - c. Level 2 Anesthesia Permit issued on December 29, 2016 (relinquished on September 3, 2022).
3. Respondent's past disciplinary history, as described in the Orders dated November 2, 2001, August 20, 2010 and November 15, 2019, is incorporated by reference in this ASO.
4. During the time period from May 23, 2019, through January 16, 2020, Respondent fell below the minimum standard of care and failed to make, maintain, and keep adequate records during the treatment of Patient 1. Specifically, Respondent failed to include:
 - a. documentation that the patient is diabetic in the medical history even though the medical history lists Metformin as a medication taken by the Patient;
 - b. a written review of the patient's medical history;
 - c. accurate documentation regarding an occlusal composite restoration and a sealant placed on teeth numbers 20 and 21 on January 16, 2020; or
 - d. an explanation why these items were not included.
5. During the time period from May 23, 2019, through January 16, 2020, Respondent violated his duty of fair dealing owed to Patient 1. Specifically, Respondent:
 - a. overcharged the patient for 4 bite-wing radiographs on May 23, 2019, and November 26, 2019 without justification; and
 - b. overcharged for three exams in seven months, two of which were periodic exams seven days apart.
6. During the time period from December 7, 2018, through January 24, 2020, Respondent fell below the minimum standard of care in the treatment of Patient 2. Specifically, Respondent:
 - a. prescribed antibiotics without justification;
 - b. failed to diagnose a radiopacity near the apex of the distal root of tooth 32; and
 - c. failed to diagnose multiple areas of radiopacities in the anterior mandible.
7. During the time period from December 7, 2018, through January 24, 2020, Respondent failed to make, maintain, and keep adequate records during the treatment of Patient 2. Specifically, Respondent did not include:

- a. blood pressure and pulse on December 7, 2018, or for the prep and impression of tooth 31 on January 18, 2019;
 - b. detailed treatment performed for each extraction;
 - c. consistent records regarding the bitewings taken on December 7, 2018;
 - d. treatment entries explaining why radiographs were taken of teeth 7 and 25 on October 25, 2019;
 - e. written informed consent that lists the exact teeth for extraction;
 - f. type and quantity of local anesthesia used or whether it was not used;
 - g. alternatives to the proposed treatment plans;
 - h. an entry on how to take the prescribed medication or the number of refills;
 - i. periodontal and restoration charting;
 - j. a caries risk assessment form; or
 - k. an explanation why these items were not included.
8. During the time period from March 26, 2018, through January 27, 2020, Respondent fell below the minimum standard of care and failed to make, maintain, and keep adequate records during the treatment of Patient 3. Specifically, Respondent failed to include:
 - a. a two-dimensional photograph of the patient that is mentioned in the chart;
 - b. identification of which tooth one PA was taken;
 - c. radiograph that exhibits root tips and surrounding bone that was stated as the reason it was taken;
 - d. periodontal charting;
 - e. an ASA classification; or
 - f. an explanation why these items were not included.
9. During the time period from March 26, 2018, through January 27, 2020, Respondent violated his duty of fair dealing owed to Patient 3. Specifically, Respondent overtreated the Patient by retaking the same radiographs within six months of taking them the first time with no excessive proximal decay and low risk of caries.
10. During the time period from December 9, 2019, through February 7, 2020, Respondent fell below the minimum standard of care and failed to make maintain and keep adequate records during the treatment of Patient 4. Specifically, Respondent did not include:
 - a. a treatment plan with options and recommendations for the maxillary denture, including implants as an alternative treatment option;
 - b. specific description of the surgical extraction of teeth 4 and 31 that includes type of flap if done, bone removal if done, number and location of sutures;
 - c. lab slips from Respondent for the maxillary complete denture; or

- d. an explanation why these things were not included.
11. On or about March 9, 2021, Respondent failed to make maintain and keep adequate records during the treatment of Patient 5. Specifically, Respondent did not include:
 - a. a treatment entry with what specific radiographs correspond to which teeth numbers and dates; or
 - b. an explanation why these things were not included.
 12. During the time period February 12, 2021, through February 23, 2021, Respondent fell below the minimum standard of care in the treatment of Patient 6. Specifically, Respondent failed to obtain a medical history for the patient.
 13. During the time period from February 12, 2021, through February 23, 2021, Respondent failed to make maintain and keep adequate records during the treatment of Patient 6. Specifically, Respondent did not include:
 - a. a treatment plan with options and recommendations for tooth number 17;
 - b. treatment entry with a summary of findings for the Patient's first visit on February 12, 2021;
 - c. accurate record of all radiographs, including a panorex, and mandibular left bitewing, taken on February 12, 2021; or
 - d. an explanation why these things were not included.
 14. During the time period from August 13, 2022, through February August 18, 2022, Respondent fell below the minimum standard of care during the treatment of Patient 7. Specifically, Respondent prescribed antibiotics to the patient without adequate justification.
 15. During the time period from August 13, 2022, through February August 18, 2022, Respondent failed to make maintain and keep adequate records during the treatment of Patient 7. Specifically, Respondent did not include:
 - a. periodontal charting of tooth 32;
 - b. endodontic testing;
 - c. a diagnosis for tooth 32;
 - d. alternative treatment options and recommendations; or
 - e. an explanation why these things were not included.
 16. During the time period from July 9, 2020, through July 23, 2020, Respondent fell below the minimum standard of care and failed to make, maintain, and keep adequate records during the treatment of Patient 8. Specifically, Respondent did not include:
 - a. written informed consent for the administration of Level 1-Minimal Sedation;
 - b. a pre-operative sedation and anesthesia checklist;

- c. documentation of the patient's oxygen saturation, respiration, blood pressure and pulse rate at intervals of no more than ten minutes during the administration of anesthesia;
- d. diagnostic quality radiographs;
- e. periodontal charting;
- f. clear and accurate records of what procedures were performed on what teeth;
- g. whether bone grafts were performed and on what teeth;
- h. documentation of all prescriptions given to the patient, including with the name of the medication, dose strength, number of tablets/capsules prescribed, directions for use, and why it is being prescribed; or
- i. an explanation why these things were not included.

17. During the time period from March 23, 2021, through April 13, 2021, Respondent fell below the minimum standard of care and failed to make, maintain and keep adequate records during the treatment of Patient 9. Specifically, Respondent did not include:

- a. a pre-operative sedation/anesthesia checklist;
- b. documentation of the patient's oxygen saturation, respiration, blood pressure and pulse rate at intervals of no more than ten minutes during the administration of anesthesia;
- c. a panoramic radiograph;
- d. findings deduced from radiographs taken;
- e. accurate instructions regarding the diazepam prescription;
- f. written informed consent for the extraction of tooth 32;
- g. periodontal pocket charting;
- h. alternative treatment options; or
- i. an explanation why these items were not included.

18. During the time period August 1, 2022, through September 9, 2022, Respondent fell below the minimum standard of care in the treatment of Patient 10. Specifically, Respondent failed to:

- a. diagnose retained root tips at tooth number 30, which a bridge had been placed over;
- b. include instructions on the lab slip that list teeth numbers were to be replaced, location of clasps or rests, or type of coverage for the palate; and
- c. obtain written informed consent for the maxillary Valplast partial denture.

19. During the time period from August 1, 2022, through September 9, 2022, Respondent failed to make, maintain and keep adequate records during the treatment of Patient 10. Specifically, Respondent did not include:

- a. periodontal charting with pocket depths;
- b. written informed consent for the maxillary Valplast partial denture;

- c. a written review of the patient's medical history; or
- d. an explanation why items were not included.

CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Board has authority and jurisdiction over this case pursuant to Tex. Occ. Code §§ 251-267 and 22 Tex. Admin. Code §§ 100-125.
2. Respondent's conduct represents grounds for discipline under Tex. Occ. Code § 263.002(a)(3), (4), (10); and 22 Tex. Admin. Code §§ 108.2(b)(3), (d), (e), 108.7(1), (2), (3)(A) (7), 108.8(b)(4), (5), (c)(1), (2), (3), (4), (5), (6), (8), (9), (12), 108.9(6), (11), 110.3(b)(1), (c)(2) (5), 110.4(b)(1), (c)(2)(A), (4), (5), 110.5(b)(1), (c)(2)(A), (4), (5), 110.13(a), (c), (d). 110.13(a), (c), (d).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 16935, issued to Miguel Angel Ruiz, DDS, is hereby placed under ENFORCED SUSPENSION for a period of thirty (30) days, to be followed immediately thereafter by a PROBATED SUSPENSION for a period of five (5) years.

During the period of enforced suspension referred to above, Respondent SHALL NOT practice dentistry as defined under Tex. Occ. Code § 251.003, and is prohibited from performing those acts, procedures, and treatments specified under Tex. Occ. Code § 251.003(a)(1)-(10) in effect at the effective date of this ASO and any amendments thereafter.

Tex. Occ. Code § 251.003(a)(1) & (4) are excepted from this requirement. During this enforced suspension period, Respondent may perform only administrative tasks limited exclusively to: making future appointments when enforced suspension is over, opening mail, referring patients, and accepting payments on accounts. During this enforced suspension period, Respondent SHALL NOT delegate any clinical tasks to any employee or auxiliary and SHALL NOT allow any employee or auxiliary, if any, to practice outside the scope of their permitted duties as defined by the Dental Practice Act and rules and regulations of the Board.

2. Respondent SHALL pay an administrative monetary fine in the amount of five thousand dollars (\$5,000.00) payable to the "Texas State Board of Dental Examiners" located at 1801 Congress Ave., Suite 8.600, Austin,

Texas 78701. The administrative monetary fine SHALL be paid in full no later than six (6) months from the effective date of this ASO.

3. Respondent SHALL complete a total of twenty (20) hours of continuing education (CE) courses, which SHALL be completed within six (6) months of the effective date of this ASO. The twenty (20) hours of CE courses completed SHALL be in the following areas:

Risk Management and Record-Keeping	Eight (8) hours
Ethics	Six (6) hours
Diagnosis and Treatment Planning	Six (6) hours

This CE SHALL be in addition to Respondent's annual CE hours required for licensure by the Board.

All CE courses SHALL be approved in advance by Board Staff. It is the responsibility of Respondent to obtain such approval. Courses taken without prior approval and/or prior to the effective date of this ASO SHALL NOT satisfy the requirements of this ASO. Board Staff SHALL have the authority to reduce the number of CE days or hours based on course availability. Upon the successful completion of each course, Respondent SHALL provide complete documentation of the course completion to the Board.

4. Respondent SHALL permit Board staff to perform five audits of Respondent's patient records during the period of probated suspension. The first audit will occur within ninety (90) days after the end of the enforced suspension period, and the remaining four audits will occur once every twelve (12) months thereafter. The records audits SHALL consist of the random selection of the entire patient record of five (5) patients treated by Respondent within thirty (30) days preceding each date of the audit.

Board staff may utilize review of the records by an expert dental panel under 22 Tex. Admin. Code § 107.107, and Board staff may initiate additional disciplinary actions as a result of violations identified in the records obtained through the patient records audit.

5. Respondent SHALL successfully complete the Jurisprudence Assessment-Dentist with Level 1-Minimal Sedation permit and submit proof of completion to Board Staff within thirty (30) days of the effective date of this ASO. Respondent may not take the Jurisprudence Assessment-Dentist with Level 1-Minimal Sedation permit prior to the effective date of this ASO. Respondent SHALL be responsible for all costs relating to compliance with this requirement.
6. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this ASO.

Signature page follows.

By signing this ASO, Respondent agrees to its terms, acknowledges understanding it, and agrees to satisfactorily comply with the mandates of this ASO in a timely manner or be subject to appropriate disciplinary action by the Board. Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this ASO or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth. This ASO is a compromise agreement pursuant to Tex. R. Evid. 408.

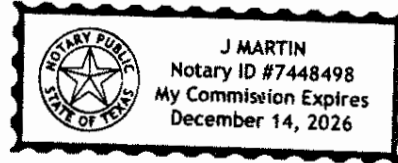
Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board. All of the above terms, conditions, and penalties become effective on the effective date of this ASO. The effective date of this ASO SHALL be the date it is adopted by the Board at a public meeting, as shown by the signatures of the Presiding Officer and Board Secretary, below.

THIS ASO IS A PUBLIC RECORD THAT WILL BECOME A PERMANENT PART OF RESPONDENT'S TEXAS DENTAL LICENSE DISCIPLINARY HISTORY. PRIOR DISCIPLINARY HISTORY MAY BE USED AS AN AGGRAVATING FACTOR IN FUTURE BOARD DISCIPLINARY ACTIONS.

Miguel Angel Ruiz
Miguel Angel Ruiz, DDS, Respondent

J. Martin notarized the signature of Miguel
Angel Ruiz, DDS, this 11th day of MARCH, 2024.

J. Martin
NOTARY PUBLIC IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS
SIGNED this 3rd day of May, 2024.

David H. Yu DDS MS
David H. Yu, DDS, Presiding Officer

Robert S. McNeill
Robert McNeill, DDS, MD, Board Secretary