

BEFORE THE COLORADO DENTAL BOARD  
Case No. 2015-2359-B

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS REGARDING THE LICENSE TO  
PRACTICE DENTISTRY OF MICHAEL L. RIGGS,  
D.D.S., LICENSE NUMBER DEN-202170,

Respondent.

▲ BOARD USE ONLY ▲

**STIPULATION AND FINAL BOARD ORDER**

IT IS HEREBY STIPULATED by and between Inquiry Panel B of the Colorado Dental Board (the "Board") and Michael L. Riggs, D.D.S., ("Respondent") as follows:

**JURISDICTION**

1. Respondent was granted a license to practice dentistry in the state of Colorado on or about February 21, 2014, being issued license number DEN-202170, and has been so licensed at all times relevant hereto.

2. The Board has jurisdiction over the person of Respondent and the subject matter of this Stipulation and Final Board Order ("Stipulation and Order").

3. This Stipulation and Order is a full and final resolution of case number 2015-2359-B. This Stipulation and Order does not resolve any other cases, complaints or matters, known or unknown to the Board or Respondent, as of the effective date of this Stipulation and Order.

**FINDINGS AND CONCLUSIONS**

4. The Board finds and Respondent admits that:

a. Respondent provided dental treatment to patient T.D. in November 2014.

b. Respondent separated a 27 gauge needle in T.D.'s left pterygomandibular space.

- c. Respondent failed to obtain written and signed informed consent from T.D.
- d. Respondent failed to obtain or retain post-operative radiographs.
- e. Respondent failed to document local anesthesia dosage, route, and technique of administration.
- f. Respondent's documentation was substandard; specifically, there was an inadequate health history, physical examination, and operative report.

5. Based on the facts admitted in paragraph 4 above, Respondent admits, and the Board finds, that Respondent violated section 12-35-129(1)(k) and (z), C.R.S., amended July 1, 2014 which states:

**Section 12-35-129. Grounds for disciplinary action.** (1) The board may take disciplinary action against an applicant or licensee in accordance with section 12-35-129.1 for any of the following causes:

(k) Committing an act or omission that constitutes grossly negligent dental or dental hygiene practice or that fails to meet generally accepted standards of dental or dental hygiene practice;

(z) Falsifying or repeatedly making incorrect essential entries or repeatedly failing to make essential entries on patient records.

### **REPRIMAND**

6. The Board hereby reprimands Respondent for the acts and omissions described in paragraphs 4 and 5, above. As part of the reprimand, Respondent agrees to all terms and conditions of this Stipulation and Order.

### **CPEP RECORD KEEPING SEMINAR**

7. Within thirty (30) days of the effective date of this Stipulation and Order, Respondent shall contact the Center for Personalized Education for Physicians ("CPEP") (<http://www.cpepdoc.org>), for the purpose of enrolling in the Medical Record-Keeping Seminar.

8. Within three (3) months of the effective date of this Stipulation and Order, Respondent must successfully complete the CPEP Medical Record-Keeping Seminar.

9. All instructions issued by CPEP shall constitute terms of this Stipulation and Order. Respondent shall comply with all CPEP instructions within the time periods set out by CPEP and/or the Board.

### **TERMINATION OF CONDITIONAL LICENSE STATUS**

10. After successfully completing all terms and conditions of this Stipulation and Order, Respondent must request in writing to restore Respondent's license to active status without conditions. With Respondent's written request to terminate the conditional status, Respondent shall establish, through written and other documentation satisfactory to the Board, that Respondent has satisfied all terms and conditions of this Stipulation and Order.

### **COMPLIANCE**

11. Respondent shall comply fully with this Stipulation and Order, the Dental Practice Act, all Board rules and regulations, and all other law related to the practice of dentistry.

12. Respondent shall notify the Board in writing of the following acts or events within thirty (30) days of the act or event:

a. An arrest for a drug- or alcohol-related offense, which must also be reported to the Board's dentist peer health assistance program, presently operated by Peer Assistance Services, Inc. ("PAS"), pursuant to the Dental Practice Act, section 12-35-138, C.R.S., and 3 Code Colo. Regs. § 709-1, Board Rule III.A.4;

b. Conviction of a felony or any crime that relates to the practice of dentistry, violates a state or federal law regarding controlled substances, or otherwise violates the Dental Practice Act;

c. A physical or medical illness or condition that renders Respondent unable, or limits Respondent's ability, to perform dental services with reasonable skill and with safety to patients; and

d. The involuntary surrender or limitation of Respondent's United States Drug Enforcement Administration registration, if any.

13. While this Stipulation and Order is in effect, Respondent agrees to notify the Board in writing of the following acts or events within ninety (90) days of the act or event:

- a. Entry of a final judgment by a court of competent jurisdiction against Respondent involving negligent malpractice of dentistry;
- b. A dental malpractice judgment or malpractice settlement by Respondent; and
- c. Surrender of a license to, or adverse action taken against Respondent by, a licensing agency in another state, territory, or country, a governmental agency, a law enforcement agency, or a court for an act or conduct that would constitute grounds for discipline.

14. Respondent recognizes that Respondent's duty to notify the Board, as set forth above, is separate from Respondent's duty to report updated information timely to the Director of the Division of Professions and Occupations pursuant to the Michael Skolnik Transparency Act, section 24-34-110, C.R.S. Failure to comply with section 24-34-110, C.R.S., is further grounds for discipline under the Dental Practice Act.

#### **OTHER TERMS**

15. Respondent shall notify the Board in writing and update Respondent's address, as applicable, within thirty (30) days if:

- a. Respondent changes or adds a place of business involving the practice of dentistry; or
- b. Respondent no longer practices on the authority of Respondent's Colorado license.

16. Respondent understands that, if Respondent relocates out of state, the Board will notify the dental board, or the equivalent regulatory agency, of the jurisdiction to which Respondent relocates of the existence and terms of this Stipulation and Order.

17. During the pendency of this Stipulation and Order, Respondent shall attend any meeting with the Board upon thirty (30) days written notice from the Board if Respondent resides in Colorado and upon sixty (60) days written notice if Respondent resides out of state.

18. Respondent understands Respondent's right to receive a formal notice of charges and to have a formal disciplinary hearing pursuant to section 12-35-129.1, C.R.S. By entering into this Stipulation and Order, Respondent knowingly and voluntarily waives those rights, admits the facts contained in this Stipulation and Order, relieves the Board of its burden of proving such facts, and waives the right to present a defense by oral and documentary evidence. Respondent hereby requests that the Board accept this Stipulation and Order with the same force and effect as an order entered into as a result of a formal disciplinary hearing. Respondent further waives the right to appeal or seek judicial review of the Stipulation and Order entered herein.

19. Respondent agrees that any violation of this Stipulation and Order is a violation of a lawful Board order pursuant to section 12-35-129(1)(i), C.R.S.; may be grounds to suspend Respondent's license pursuant to section 12-35-129.1(5), C.R.S.; and is a basis for further disciplinary action. Where the Board suspends Respondent's license pursuant to section 12-35-129.1(5), C.R.S., Respondent agrees that Respondent shall have the right to a hearing after, but not before, the imposition of such sanction.

20. If this matter is referred to hearing for violation of this Stipulation and Order, this Stipulation and Order shall be admissible as evidence. If an alleged violation of this Stipulation and Order proceeds to hearing and the facts that constitute the violation are not proven, no further disciplinary action shall be taken by the Board, and this Stipulation and Order shall remain in full force and effect. The pendency of any disciplinary action pursuant to this Stipulation and Order shall not affect the obligation of Respondent to comply with the terms of this Stipulation and Order.

21. This Stipulation and Order is entered into by Respondent voluntarily, after the opportunity to consult with counsel, and with full understanding of the legal consequences of this Stipulation and Order. The parties agree that no term of this Stipulation and Order is unconscionable.

22. All costs and expenses incurred by Respondent to comply with this Stipulation and Order shall be the sole responsibility of Respondent and shall in no way be the obligation of the Board.

23. This Stipulation and Order constitutes the entire agreement between the parties. There are no other agreements or promises, written or oral, that modify, interpret, construe, or affect this Stipulation and Order. If a court of competent jurisdiction deems a provision unenforceable such provision shall be severed and the remainder of this Stipulation and Order shall be given full force and effect.

24. This Stipulation and Order constitutes discipline against Respondent's license, is a public record in the custody of the Board at all times, and shall be reported as required or otherwise authorized by law.

25. The effective date of this Stipulation and Order shall be the date it is either:

a. Deposited in the United States mail, first-class postage prepaid, to Respondent's address of record with the Board; or

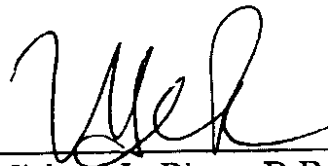
b. Served by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

- REMAINDER OF PAGE INTENTIONALLY LEFT BLANK -

26. This Stipulation and Order shall not become an order of the Board unless accepted and signed by all parties. In the event this Stipulation and Order does not become an order of the Board, it shall be void and Respondent shall not be bound by any provision or admission herein.

**AGREED TO AND ACCEPTED BY:**

RESPONDENT



Michael L. Riggs, D.D.S.

COLORADO DENTAL BOARD  
INQUIRY PANEL B

By: 

Amy Balay  
Interim Program Director  
1560 Broadway, Suite 1350  
Denver, Colorado 80202

Signed by Respondent this 3  
day of October, 2017.

This Stipulation and Final Board Order  
is dated, served, and effective this  
6<sup>th</sup> day of October,  
2017.