FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

| | | |
|---|---|---|
| IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST | : | |
| | : | FINAL DECISION AND ORDER |
| FLOYD D. TRAUTMANN, D.D.S., RESPONDENT | : | 93 DEN 051 |

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Floyd D. Trautmann
316 North Spring Street
Sparta, WI 53656

Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

## FINDINGS OF FACT

1. Floyd D. Trautmann, D.D.S. (D.O.B. 09/01/34) is duly licensed to practice dentistry in the state of Wisconsin (license #363). This license was first granted on June 15, 1966.

2. Dr. Trautmann's most recent address on file with the Wisconsin Dentistry Examining Board is 316 North Spring Street, Sparta, WI 53656.

3. On or about November 30, 1992, Dr. Trautmann was found guilty on a plea of guilty to two counts of medicaid fraud in the Ramsey County [Minnesota] District Court. True and correct copies of the criminal complaint and judgment of conviction in this matter are attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.

4. On or about August 2, 1995, Dr. Trautmann surrendered his Minnesota license to practice dentistry. Attached as Exhibit B to this document is a

true and correct copy of the Order of the Minnesota Board of Dentistry. Exhibit B is incorporated by reference into this document.

5. Dr. Trautmann is not practicing dentistry in the state of Wisconsin, and wishes to surrender his Wisconsin license. In resolution of this matter, Dr. Trautmann consents to the following Conclusions of Law and Order.

## CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter, pursuant to Ch. 447.07(3), Wis. Stats.

2. The Wisconsin Dentistry Examining Board is authorized to enter into the attached stipulation, pursuant to §§227.44(5), Wis. Stats.

3. The conduct described above constitutes a basis for discipline under Wis. Stats. §447.07(3)(e) and (f).

## ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Dentistry Examining Board ACCEPTS the SURRENDER of the license of Floyd D. Trautmann (license #363) to practice as a dentist in the State of Wisconsin.

IT IS FURTHER ORDERED that should Dr. Trautmann reapply for Wisconsin licensure, the Board may in its sole discretion determine whether, and under what terms and conditions, this license may be reissued.

This Order shall become effective upon the date of its signing.

DENTISTRY EXAMINING BOARD

By: Thomas G. Brandt, DDS — 11-1-95

A Member of the Board — Date

State of Minnesota County of RAMSEY DISRICT Court

| CCT | SECTION/Subdivision | U.O.C. | GOC |
|---|---|---|---|
| I | §609.52, subd. 2(3); subd. 2(3)(d); subd. 3(2); subd. 3(d); subd. 3(5)(1986) | U1053 | N |
| II | §609.52, subd. 2(3); subd. 2(3)(d); subd. 3(1); subd. 3(d); subd. 3(5) (1986) | U1052 | N |

| CTY. ATTY FILE NO. | CONTROLLING AGENCY | CONTROL # |
|---|---|---|
| | MN062015A | 9214445 |
| COURT FILE # K4-92-1153 | | DATE FILED 04-14-92 |

# Complaint

SUMMONS
XX WARRANT
ORDER OF DETENTION

X ✓ if more than 6 counts (see attached)

XX FELONY
GROSS MISDEMEANOR

# State of Minnesota

PLAINTIFF,

VS.

| NAME: first, middle, last | Date of Birth | SJIS COMPLAINT NUMBER |
|---|---|---|
| TRAUTMANN, DR. FLOYD D. | 09-01-34 | 62-31-0-047735 |
| DENTAL OUTREACH OF THE TWIN CITIES, INC. | n/a | 62-31-1-047736 |

DANIEL W. LUNDSTROM, District Court Administrator, Ramsey County, State of Minnesota, does hereby certify that the attached instrument is a true and correct copy of the original on file and of record in my office.

Dated this 29 day of June 19 93
DANIEL W. LUNDSTROM, District Court Administrator
By [signature] Deputy
File No.

DEFENDANTS.

COMPLAINT

*The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendants committed the following offense (s). The Complainant states that the following facts establish PROBABLE CAUSE:*

I, Ronnette Imboden, am an investigative auditor with the Medicaid Fraud Control Unit of the Minnesota Attorney General's Office and the affiant in this complaint. I am also a Certified Public Accountant with eight and one-half years of combined public and private accounting and business experience. I recently completed a criminal investigation of Dr. Floyd D. Trautmann, D.D.S. and the corporation for which he is a majority owner, president and treasurer, Dental Outreach of the Twin Cities, Inc., 12841 Industrial Boulevard, Plymouth, Minnesota. Based on this investigation, I have probable cause to believe that between October 13, 1986 and October 12, 1990 Dr. Trautmann and Dental Outreach stole $25,242.34 from the Minnesota Medicaid program by submitting fraudulent claims to the Minnesota Department of Human Services (DHS), located in St. Paul, Ramsey County, Minnesota.

FINDINGS OF FACT
PROBABLE CAUSE FOUND THAT DEFENDANT COMMITTED OFFENSES CHARGED
ORDERED DEFT'S MOTION TO DISMISS DENIED
PLEA OF NOT GUILTY TO ALL COUNTS ENTERED
FINAL AND HEARING ON ALL COUNTS SET
[signature] JUDGE OF DISTRICT COURT
July 24 92

| CCT | SECTION/Subdivision | U.O.C. | GOC |
|---|---|---|---|
| III | §609.52, subd. 2(3); subd. 2(3)(c); subd. 3(2); subd. 3(4)(d); subd. 3(7) (1987) | U1052 | N |
| IV | §609.52, subd. 2(3); subd. 2(3)(c); subd. 3(2); subd. 3(4)(d); subd. 3(7) (1987) | U1052 | N |
| V | §609.52, subd. 2(3); subd. 2(3)(c); subd. 3(2); subd. 3(4)(d); subd. 3(7) (1988) | U1052 | N |



SJIS COMPLAINT NUMBER(S):

Medicaid is the federal, state and county funded health insurance program for the poor. Medicaid is also known in Minnesota as "Medical Assistance" or "M.A." In Minnesota, the DHS administers the Medicaid Program, pursuant to Minnesota Statutes chapter 256B. Any licensed doctor, dentist or other vendor of medical services who enters a contract with the DHS becomes a "provider" and may provide health care to Medicaid recipients and bill the DHS directly for the services. Providers obtain payment for their services by submitting invoices to DHS seeking reimbursement for services they claim they provided. DHS informs providers of the rules which govern the Medicaid program when they initially enroll as providers and periodically thereafter through bulletins which DHS mails to providers.

Charles H. Gudknecht, who was a criminal investigator with the Medicaid Fraud Control Unit and left the Attorney General's Office in December 1989, began this investigation following a referral from the DHS Surveillance and Utilization Review Section (SURS) in March 1989. A former employee of Dental Outreach, Tom Specht, had contacted the SURS unit and detailed allegations that Dr. Trautmann was billing Medicaid for services Dental Outreach did not provide. After receiving the initial information, SURS investigator Ron Nail and DHS Dental Consultant, Dr. Russell Roberts met with Andrea Fredrickson, another former Dental Outreach employee, who also provided information that Dr. Trautmann was submitting false claims to Medicaid. SURS then referred the investigation to the Medicaid Fraud Control Unit for criminal investigation.

| CCT | SECTION/Subdivision | U.O.C. | GOC |
|---|---|---|---|
| VI | §609.52, subd. 2(3); subd. 2(3)(c); subd. 3(2); subd. 3(4)(d); subd. 3(7)(1988) | U1052 | N |
| VII | §609.52, subd. 2(3); subd. 2(3)(c); subd. 3(3)(d)(iv); subd. 3(5) (1989) | U1054 | N |



SJIS COMPLAINT NUMBER(S):

Gudknecht began this criminal investigation by interviewing former Dental Outreach employees Tom Specht, Andrea Fredrickson, Ginda Harvey, Dr. Susan Block, D.D.S and Dr. Russell Roberts, DHS Dental Consultant. As a result of information he obtained during those interviews, the Medicaid Fraud Control Unit obtained and executed a search warrant at the Dental Outreach business office in Plymouth, Minnesota on July 26, 1989. Since I began my work for this investigation, I have reviewed the investigative reports Gudknecht prepared after his interviews, conducted numerous interviews of former Dental Outreach employees, and reviewed approximately 60,000 documents obtained during the search warrant, received from DHS, obtained from nursing homes serviced by Dental Outreach, and obtained from dental labs which did business with Dental Outreach.

My records review revealed that Dr. Trautmann purchased Dental Outreach on August 6, 1986 and that Dental Outreach enrolled with DHS as a Medicaid provider as of August 8, 1986. I also learned from interviews Gudknecht conducted with Specht and Fredrickson, among others, and my interviews of former Dental Outreach employees Vivian Knops, Dr. Kevin Lahr, D.D.S, Dr. Ronald Smisek, D.D.S, among others, that Dental Outreach is a mobile dental clinic which contracts with nursing homes throughout the Minneapolis and St. Paul metro area to provide dental services to nursing home residents. Generally, Dental Outreach employees drove the mobile dental van to the nursing home and Dental Outreach dentists provided dental services on the van outside the nursing home. Gudknecht's interviews with Specht and Harvey also revealed that Dental Outreach prepared claims in its Plymouth business office and submitted those claims to DHS by mail or by bringing the invoices to the DHS in St. Paul.

I learned how the Dental Outreach billing process was conducted from many former employees who were involved with the

billing and who worked at Dental Outreach at times between October 1986 and October 1990 including: Dan Trautmann, office manager between August 1986 and December 1987, and Vivian Knops, dental assistant between approximately August 1986 and February 1987 who also did some billing. I also learned about the billing process by reviewing Gudknecht's interviews of: Dr. Trautmann, Fredrickson, dental assistant between March 1988 and October 1988 who also did billing, Harvey, a consultant who established the bookkeeping system and worked between January 1988 and June 1988 and Specht, unit coordinator and driver between February 1986 and July 1987 who was familiar with the office billing procedures. In addition, I reviewed interviews Deborah Johnson, another Medicaid Fraud Control Unit criminal investigator, conducted with Theresa White, office manager who worked at Dental Outreach as of May 1989 and Edna Thingevold, office manager between June 1988 and May 1989. All those former employees, as well as Dr. Trautmann, explained the process essentially the same way.

After the dental service was performed, the dentist or occasionally the dental assistant at the dentist's direction, would complete a charge slip by marking the procedure which was performed and writing a narrative progress note. My records review revealed that a charge slip contains a section where the dentist or dental assistant could check or place a "x" next to the service performed and also has a section where the dentist or dental assistant could write a progress note detailing the service provided. Dr. Trautmann told Gudknecht that it was the unit coordinator's responsibility to record on the charge slip if a patient was sick, gone for the day or refused to be seen.

In addition to writing a progress note on the charge slip, Dr. Trautmann told me that the dentist was also supposed to write a progress note on the patient's nursing home chart. After the work was completed, all the charts, including the charge slips, were brought to Dr. Trautmann's desk in the Plymouth office. Dr. Trautmann, as well as Fredrickson, Harvey, Specht and Knops told me that Dr. Trautmann reviewed the charts every evening.

Dr. Trautmann told Gudknecht that he reviewed all the charts to make sure that all dental procedures were done correctly and to inform patients' families of procedures of which they should be aware. Dr. Trautmann also told Gudknecht he looked at the charge slips to make sure all Xs were properly recorded for billing purposes and to make sure that the progress note

narrative corresponded to the X marked. Dr. Trautmann stated that "I don't doctor up the records in the evening."

Dental Outreach's former employees, Harvey, Fredrickson, and White however, told Gudknecht that Dr. Trautmann did alter the charge slips. Harvey and Fredrickson said that Dr. Trautmann added a procedure known as an "alveolectomy," which involves the filing down of bone between teeth, to charge slips which had been completed by other dentists, and that based on their dental assistant work they did not believe the other dentists had completed alveolectomies. Fredrickson and Harvey explained that this procedure was added in Dr. Trautmann's handwriting to other dentists' charge slips and was often in a different color ink than the dentist had used when completing the charge slip. My records review revealed instances when an alveolectomy charge was added to a charge slip in a different ink color and in handwriting which I believe to be Dr. Trautmann's, when Dr. Trautmann was not the attending dentist.

White stated that Dr. Trautmann would add marks to charge slips indicating that a nursing home visit should be charged to Medicaid when the attending dentist has written that the patient refused to be seen. When White questioned Dr. Trautmann about this, he told her she should bill what was indicated on the charge slips. White told Gudknecht that Dr. Trautmann frequently marked things on another dentist's charge slip or added or changed dental procedures that another dentist had marked. She also stated that she had noticed that another dentist had indicated that he had performed a "1/2 prophy," which is a teeth cleaning, and that Dr. Trautmann had altered the charge slip to indicate that a whole prophylaxis had been performed. My record review also revealed numerous instances, as I will outline below, when charge slips had been altered in writing which I recognize, based on my extensive document review, as that of Dr. Trautmann.

After Dr. Trautmann completed his review of the charts, he placed them on the desk of the office person who would be completing the billing. The office staff prepared the bills for Medicaid from the charge slips. I learned from Gudknecht's interviews of Specht and Harvey that between August 1986 and December 1987 Dental Outreach staff entered the information from the charge slips on a computer which printed out the invoices which Dental Outreach submitted to DHS. After December 1987, Harvey was hired to implement a manual billing system where

Dental Outreach staff typed the information from the charge slips directly on the Medicaid invoices which were mailed to the DHS.

After the staff completed the invoices, the information from the patient charts was transferred to a ledger card. When payment was received from Medicaid, the staff would record the amount on the ledger cards.

Fredrickson, Harvey, and White, among other Dental Outreach employees, all indicated that Dr. Trautmann was the boss at Dental Outreach and that he directed the billing process. Dr. Trautmann told Gudknecht that he runs the day-to-day operations of the Dental Outreach business. Fredrickson told Gudknecht that everyone reported to Dr. Trautmann and that Dr. Trautmann wrote billing orders. Harvey stated that Dr. Trautmann gave the orders, decided on what dental services were to be charged and gave verbal and written billing orders.

White told Gudknecht that Dr. Trautmann answered her questions on what to bill and White provided examples of Dr. Trautmann's direction of her billing. She explained that in one instance Dr. Trautmann told her to bill Medicaid for a nursing home visit for a patient even though the resident was not available for services because he had moved to another nursing home. In another instance, White stated that Dr. Trautmann told her she had forgotten to bill a procedure and told her she must pay him the $35.00 he believed Dental Outreach could have billed.

Fredrickson told Gudknecht that occasionally she would not bill Medicaid for services she believed were not performed. For example, she would not bill Medicaid for nursing home visits when a patient had not been seen or for an alveolectomy when the charge was added to the charge slip. If Dr. Trautmann noticed that Fredrickson had not billed the procedure, he directed her to bill Medicaid for that procedure. Harvey told Gudknecht that if Medicaid rejected payment on an invoice, Dr. Trautmann directed her to resubmit the procedure to Medicaid but to call it something else such as indicating a different tooth had been worked on or stating that a different service than the one initially billed had been performed.

The office staff involved with billing Medicaid all indicated that Dr. Trautmann appeared to be knowledgeable about DHS rules governing Medicaid billing. Dr. Trautmann told Gudknecht that he

had been sent DHS provider manuals and bulletins. My review of the search warrant records reveals that Dental Outreach had copies of the relevant billing rules and the numerous marks on the bulletins indicate that Dental Outreach staff referred to the bulletins and rules.

Dan Trautmann told me that he and Dr. Trautmann looked at the billing manuals and discussed the DHS rules. Dan Trautmann said he deferred to Dr. Trautmann if questions came up on billing. Vivian Knops told me that if she had a question about billing she would look up the information in the DHS manual or ask Dr. Trautmann. Dr. Williams, D.D.S., a dentist with Dental Outreach between August 1986 and July 1989, told me, based on billing discussions he had with Dr. Trautmann, that as time passed Dr. Trautmann became more and more sophisticated about Medicaid rules. Dr. Lahr, D.D.S., a dentist with Dental Outreach between 1987 and 1989 told me that Dr. Trautmann knew the Medicaid rules because he would make statements to the other dentists about the rules.

My records review also revealed numerous instances when Dr. Trautmann made notes about the Medicaid rules. For example, in what I recognize as Dr. Trautmann's handwriting he noted in a comment about billing for a nursing home visit for a patient who was not available for treatment, "Linda - we can't do this for this patient. She is not at the home. We don't get paid for any broken apts. Lets refer her back to her DDS. We can't see pt." Other notes Dr. Trautmann wrote indicates he knew that DHS has six month limitations on how often Dental Outreach could be paid for certain services such as oral examinations and teeth cleaning. For instance he would often write notes telling billing staff to change dates of service for procedures so it would appear as though the service had been performed after the six month limit had passed. Dr. Trautmann also instructed staff to change the kind of exam performed on the Medicaid invoice from that indicated on the charge slip to evade the six month service limit. For instance, he wrote to biller Edna Thingevold, "Edna, MA will not pay for exam, maybe emergency." My records review showed that Dental Outreach billed Medicaid and was paid for an emergency exam although no emergency existed. Comments by office staff indicated they were familiar with the six month limitations as well. For example, one comment on an invoice DHS rejected which was billed 01/26/88 states "not eligible until 4-1-88. Just tried to see if we could sneak through."

In addition, Dental Outreach's files contained a letter DHS sent to Dr. May, D.D.S, the owner of Dental Outreach prior to Dr. Trautmann, informing him that the procedure code for dentures specifically includes six months of post-delivery care. This is the only piece of correspondence with former owners in the search warrant documents.

Based on the interviews conducted with the Dental Outreach staff and my extensive document review I believe that Dr. Trautmann and Dental Outreach defrauded Medicaid in three ways. First, Dental Outreach and Dr. Trautmann billed Medicaid and received payment for services Dental Outreach did not provide. Second, they submitted invoices and were paid for services which were not eligible for payment. Finally, they double billed, by submitting claims and receiving payment from both DHS and private insurers or individuals for the same service.

I have attached and incorporate schedule "A" which I prepared and which details Dr. Trautmann and Dental Outreach's theft from the DHS Medicaid Program. I prepared this schedule after my extensive document review which included, in part, comparing and contrasting Dental Outreach's patient charts, charge slips, and the invoices which they submitted to DHS. I also analyzed certain patients' nursing home records and bills Dental Outreach received from the dental labs which made dentures for their patients.

The first column of the schedule is a code which identifies the patient. To protect the patients' privacy, I assigned each patient involved a code consisting of their initials and birth date. The second column is the date Dental Outreach claims to have provided the service. The next column is a comment code. This code corresponds to a letter on the comment index which I have also attached and incorporated. The comment index details specifically how Dental Outreach and Dr. Trautmann stole from Medicaid for each line item on my schedule. The fourth column on my schedule is the date DHS paid Dental Outreach for the invoice it submitted. The next column shows the amount of money Dental Outreach claimed on its invoice to DHS. The sixth column reveals the amount of money DHS paid Dental Outreach. Finally, the last column shows the amount Dental Outreach and Dr. Trautmann stole from Medicaid for each invoice they submitted.

I determined the amount of money the DHS paid to Dental Outreach and Dr. Trautmann by reviewing documents known as remittance advices which I obtained from the DHS. Remittance advices detail Dental Outreach's invoices to Medicaid and DHS's subsequent payment to Dental Outreach. My records review revealed that Dr. Trautmann received his salary from Dental Outreach.

I will outline below examples of the three ways Dental Outreach and Dr. Trautmann stole from Medicaid and the rules which govern the specific conduct I will describe. The fundamental rule which governs all billing to DHS, however, and which is outlined in a notice I found in Dental Outreach records, is that providers cannot submit false claims to Medicaid. This notice, "All Provider Bulletin #29," dated April, 1982 details the felony criminal penalties providers face if they submit false claims to DHS.

SERVICES NOT PROVIDED

DHS rules provide that missed appointments are not covered by Medicaid. Minn. Rules pt. 9505.0220 (over the years covered in this complaint, the relevant rule cites for this rule and the other rules I reference changed, but the text of the cited rule remained in effect throughout the complaint period). As Dr. Trautmann noted in his records, "we don't get paid for broken apts." As I have outlined on schedule A, despite this prohibition, Dental Outreach, on Dr. Trautmann's direction as detailed above, routinely billed Medicaid for nursing home visits when the patient did not receive services from Dental Outreach because the patient was ill, was in the hospital, was out of the nursing home, had moved from the home, refused treatment or had died. In addition they were instances, detailed on schedule A, where Dental Outreach did not provide services to a patient because Dental Outreach ran out of supplies or their equipment did not work but Dental Outreach still billed Medicaid for a nursing home visit for the patient.

DHS rules also require that providers keep records of the services provided. Minn. Rules pt. 9505.0205. Dr. Trautmann told Gudknecht, as is explained above, that Dental Outreach dentists wrote a narrative progress note on the patient's charge slip, as well as on the patient's nursing home chart, to document the service which had been performed. My records review as is

detailed on schedule A reveals instances when Dental Outreach billed Medicaid for services which were not noted on either the Dental Outreach records or the nursing home records.

Another example of Dental Outreach's theft by billing for services they did not provide are bills submitted for dentures. DHS rules make it clear that dentures may not be billed until they are actually inserted in a patient's mouth. Minn. Rules pt. 9505.0270. Dr. Trautmann's notes on patient RM10/01/35 reveal that he knew that dentures must be be inserted before he could bill DHS. Patient RM died January 10, 1989. In a note I recognize as Dr. Trautmann's, he wrote "pt died 1/10/89" and he instructed the billers to bill Medicaid for the dentures as though they were inserted on January 9, 1989 on a charge slip dated January 11, 1989. These dentures were not inserted because the Medicaid Fraud Control Unit seized them during the search warrant and they are in the Attorney General's possession. Moreover, DHS rules require providers to obtain prior authorization before making dentures for patients so DHS may decide whether the dentures are necessary. On the prior authorization Dental Outreach submitted for RM, Dental Outreach made it appear as though a tooth was missing when that tooth was actually present in the patient's mouth.

I uncovered many other instances, during my extensive document review, of Dental Outreach and Dr. Trautmann billing Medicaid for services which were not provided. These thefts are detailed in the attached schedules and index code.

SERVICES NOT ELIGIBLE FOR PAYMENT

As was outlined in the letter I uncovered in Dental Outreach's files, DHS rules provide that the fee providers receive for making new dentures or relining dentures includes six months of post-insert care. Minn. Rules pt. 9505.0270. Despite this prohibition, Dental Outreach billed Medicaid for adjusting dentures within six months of their insertion and also billed Medicaid for nursing home visits for patients receiving denture services within six months of receiving new or relined dentures. I have detailed the instances when Dental Outreach and Dr. Trautmann stole from Medicaid by billing for denture services not eligible for payment on schedule A.

I have also included thefts where a service was not eligible for payment because six months had not passed since the service was previously performed. In these thefts, Medicaid initially rejected the claim, but Dental Outreach resubmitted the claim with a fraudulent date of service.

DOUBLE BILLING

Medicaid rules dictate that providers must accept payment from Medicaid as full payment for services for Medicaid recipients. If, however, there is an insurance company which is also responsible for payment for a Medicaid recipient, the rules state that the provider must first bill the insurance company. The provider can only bill Medicaid if the insurance company's payment is less than the provider is entitled to under Medicaid. Minn. Rules pts. 9505.0225, 9505.0070.

As is detailed on schedule A, Dental Outreach stole from Medicaid by billing and collecting payment from both Medicaid and the individual patient for the same service. My records review indicates that Dental Outreach also billed and received payment from both Medicaid and private insurance companies for the same service and collected more from the insurance company than they would have been entitled to from Medicaid.

In addition to double billing by billing both Medicaid and private payors, Dental Outreach and Dr. Trautmann also stole from Medicaid by billing Medicaid twice for the same service. As an example, Dental Outreach billed Medicaid for dentures for patient IB003/31/85 both when the dentures were picked up and when they were inserted. I have detailed the double billing thefts on schedule A.

Based on the foregoing, I have probable cause to believe that Dr. Floyd D. Trautmann and Dental Outreach of the Twin Cities, Inc. committed:

COUNT I

| | |
|---|---|
| CHARGE: | THEFT BY FALSE REPRESENTATION |
| IN VIOLATION OF: | § 609.52, subd. 2(3); subd. 2(3)(d); subd. 3(2); subd. 3(d); subd. 3(5) (1986) |
| MAXIMUM PENALTY: | 5 years/$10,000 |

That the defendants, Dr. Floyd D. Trautmann and Dental Outreach of the Twin Cities, Inc., on or about October 13, 1986 through April 12, 1987 in Ramsey County, Minnesota, obtained $1,084.00 in payment from Medicaid by intentionally deceiving Medicaid with false representations known to be false, made with intent to defraud, and which did defraud Medicaid. The defendant's false representations were false claims for payment for dental services submitted to Medicaid for recipients of Medical Assistance under Minn. Stat. Chapter 256B.

COUNT II

| | |
|---|---|
| CHARGE: | THEFT BY FALSE REPRESENTATION |
| IN VIOLATION OF: | § 609.52, subd. 2(3); subd. 2(3)(d); subd. 3(1); subd. 3(d); subd. 3(5) (1986) |
| MAXIMUM PENALTY: | 10 years/$20,000 |

That the defendants, Dr. Floyd D. Trautmann and Dental Outreach of the Twin Cities, Inc., on or about April 13, 1987 through October 12, 1987 in Ramsey County, Minnesota, obtained $4,729.06 in payment from Medicaid by intentionally deceiving Medicaid with false representations known to be false, made with intent to defraud, and which did defraud Medicaid. The defendant's false representations were false claims for payment for dental services submitted to Medicaid for recipients of Medical Assistance under Minn. Stat. Chapter 256B.

COUNT III

| | |
|---|---|
| CHARGE: | THEFT BY FALSE REPRESENTATION |
| IN VIOLATION OF: | § 609.52, subd. 2(3); subd. 2(3)(c); subd. 3(2); subd. 3(4)(d); subd. 3(7) (1987) |
| MAXIMUM PENALTY: | 10 years/$20,000 |

That the defendants, Dr. Floyd D. Trautmann and Dental Outreach of the Twin Cities, Inc., on or about October 13, 1987 through April 12, 1988 in Ramsey County, Minnesota, obtained $4,892.19 in payment from Medicaid by intentionally deceiving Medicaid with false representations known to be false, made with intent to defraud, and which did defraud Medicaid. The defendant's false representations were false claims for payment for dental services submitted to Medicaid for recipients of Medical Assistance under Minn. Stat. Chapter 256B.

COUNT IV

| | |
|---|---|
| CHARGE: | THEFT BY FALSE REPRESENTATION |
| IN VIOLATION OF: | § 609.52, subd. 2(3); subd. 2(3)(c); subd. 3(2); subd. 3(4)(d); subd. 3(7) (1987) |
| MAXIMUM PENALTY: | 10 years/$20,000 |

That the defendants, Dr. Floyd D. Trautmann and Dental Outreach of the Twin Cities, Inc., on or about April 13, 1988 through October 12, 1988 in Ramsey County, Minnesota, obtained $5,300.28 in payment from Medicaid by intentionally deceiving Medicaid with false representations known to be false, made with intent to defraud, and which did defraud Medicaid. The defendant's false representations were false claims for payment for dental services submitted to Medicaid for recipients of Medical Assistance under Minn. Stat. Chapter 256B.

COUNT V

| | |
|---|---|
| CHARGE: | THEFT BY FALSE REPRESENTATION |
| IN VIOLATION OF: | § 609.52, subd. 2(3); subd. 2(3)(c); subd. 3(2); subd. 3(4)(d); subd. 3(7) (1988) |
| MAXIMUM PENALTY: | 10 years/$20,000 |

That the defendants, Dr. Floyd D. Trautmann and Dental Outreach of the Twin Cities, Inc., on or about October 13, 1988 through April 12, 1989 in Ramsey County, Minnesota, obtained $4,018.71 in payment from Medicaid by intentionally deceiving Medicaid with false representations known to be false, made with intent to defraud, and which did defraud Medicaid. The defendant's false representations were false claims for payment for dental services submitted to Medicaid for recipients of Medical Assistance under Minn. Stat. Chapter 256B.

COUNT VI

| | |
|---|---|
| CHARGE: | THEFT BY FALSE REPRESENTATION |
| IN VIOLATION OF: | § 609.52, subd. 2(3); subd. 2(3)(c); subd. 3(2); subd. 3(4)(d); subd. 3(7) (1988) |
| MAXIMUM PENALTY: | 10 years/$20,000 |

That the defendants, Dr. Floyd D. Trautmann and Dental Outreach of the Twin Cities, Inc., on or about April 13, 1989 through October 12, 1989 in Ramsey County, Minnesota, obtained $4,798.10 in payment from Medicaid by intentionally deceiving Medicaid with false representations known to be false, made with intent to defraud, and which did defraud Medicaid. The defendant's false representations were false claims for payment for dental services submitted to Medicaid for recipients of Medical Assistance under Minn. Stat. Chapter 256B.

CCT SECTION/Subdivisiot U.O.C. GOC



SJIS COMPLAINT NUMBER(S):

COUNT VII

CHARGE: THEFT BY FALSE REPRESENTATION

IN VIOLATION OF: § 609.52, subd. 2(3); subd. 2(3)(c); subd. 3(3)(d)(iv); subd. 3(5) (1989)

MAXIMUM PENALTY: 5 years/$10,000

That the defendants, Dr. Floyd D. Trautmann and Dental Outreach of the Twin Cities, Inc., on or about April 13, 1990 through October 12, 1990 in Ramsey County, Minnesota, obtained $420.00 in payment from Medicaid by intentionally deceiving Medicaid with false representations known to be false, made with intent to defraud, and which did defraud Medicaid. The defendant's false representations were false claims for payment for dental services submitted to Medicaid for recipients of Medical Assistance under Minn. Stat. Chapter 256B.

*THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:*
*(1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or*
*(2) detained, if already in custody, pending further proceedings,*
*and that said Defendant otherwise be dealt with according to law*

COMPLAINANT'S NAME: Ronnette Imboden

COMPLAINANT'S SIGNATURE: Ronnette Imboden

*Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.*

DATE: 4-14-92

PROSECUTING ATTORNEY'S SIGNATURE: Mamie S. Segall

*PROSECUTING ATTORNEY:*
NAME/TITLE: Mamie S. Segall
Special Assistant Attorney Gen.

ADDRESS/TELEPHONE: Ste. 1400, NCL Tower
St. Paul, MN 55101
(612)297-1089

FORM I-2.1

**FINDING OF PROBABLE CAUSE**

*From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.*

**SUMMONS**

*THEREFORE You, THE ABOVE-NAMED DEFENDANT(S, ARE HEREBY SUMMONED to appear on the day of , 19 at AM/PM before the above-named court at to answer this complaint.*

*IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.*

X

**WARRANT**

*EXECUTE IN MINNESOTA ONLY*

*To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.*

**ORDER OF DETENTION**

*Since the above-named Defendant(s) is/are already in custody;*

*I hereby order; subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.*

*Bail.*

*Conditions of Release:*

*This COMPLAINT – ~~SUMMONS~~, WARRANT, ~~ORDER OF DETENTION~~ was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this* 14 *day of* April *, 19* 92

*JUDICIAL OFFICER:*

*Name:* RETIRED DISTRICT COURT JUDGE [illegible] *Signature:*

*Title:* [illegible]

*Sworn testimony has been given before the Judicial Officer by the following witnesses:*

*STATE OF MINNESOTA* *COUNTY of* RAMSEY

**State of Minnesota**

*Plaintiff,*

*vs.*

Dr. Floyd D. Trautmann and
Dental Outreach of the Twin Cities, Inc.

*Defendant(s)*

*Clerk's Signature or File Stamp:*

APR [illegible]

*RETURN OF SERVICE*

*I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant(s) herein-named.*

*Signature of Authorized Service Agent:*

TAI507 SD1008.0/930629:154

Criminal Case Summary

62-K4-92-001153 Felony Date filed: 04/14/199
Name: TRAUTMANN, FLOYD D. DR.
Alias:
DOB: 09/01/1934 Race: Sex: Male Soc Sec #
Dfnt Attrny: MICHAEL F. FETSCH Type: Retained
Dfnt Status: Own Recog Status Date: 04/15/92 Bail Amount:
Case Status CLOSED Offense Date: 10/13/86 Warrant Date:
Location: 1 Continuances: 0 Trial Type: Jurisdiction: District

| CCT | Plea | Charge | Statute/ORD | GOC | UOC | Verdict |
|---|---|---|---|---|---|---|
| 001 | GUILTY | *TFR*THEFT FALSE REP | 609.52 2(3) | N | U1053 | Convicted |
| 002 | | *TFR*THEFT FALSE REP | 609.52 2(3) | N | U1052 | Dismissed |
| 003 | | *TFR*THEFT FALSE REP | 609.52 | N | U1052 | Dismissed |
| 004 | | *TFR*THEFT FALSE REP | 609.52 | N | U1052 | Dismissed |

** ADDITIONAL CHARGES EXIST **

| | Date | Activity | Time | Judge | CRTRM |
|---|---|---|---|---|---|
| Last | 04/23/1993 | Doc. Filed | 11:10 | | |
| Pending | 11/30/1997 | Archive | | | |

Disposition Date
Function code: Codes available: 04 06 08 10 12 A$Z

DANIEL W. LUNDSTROM, District Court Administrator, Ramsey County, State of Minnesota, does hereby certify that the attached instrument is a true and correct copy of the original on file and of record in my office.

Dated this 29 day of June 19 93
DANIEL W. LUNDSTROM, District Court Administrator
By _____ Deputy
File No. _____

TAI508 # SD1009.0/930629:154

Criminal Sentencing Inquiry Last

62-K4-92-001153 Felony Date filed: 04/14/199

Defendant: TRAUTMANN, FLOYD D. DR.

SENTENCING: Date-11/30/92 Judge-03135F Stay Imposition:Y Return Date:

COUNTS: 001 007

SENTENCE

| | Year | Mos | Days | | | | |
|---|---|---|---|---|---|---|---|
| Pronounced | | | | Confinement NCIC: | | | |
| Probation | 5 | | | Probation NCIC: MN062013G Type: S | | | |
| Conditional | | | | Residential Treatment: | | | |
| Stayed for | | | | | | Current | Prior |
| Fined | $ | 0.00 | Stayed $ | 0.00 | Concurrent | | |
| Surcharge | $ | 0.00 | | | Consecutive | | |
| Court | $ | 0.00 | | | | | |
| Public Def. | $ | 0.00 | | | | | |

Restitution $ 7500.00 Other Court Provisions:

Recipient: UNKNOWN

DL Suspend: Reinstated: Alchl Assess: $

School : Date- Waived

COMMENTS: STAY IMP PO 5YRS EACH CHRG COND 1)$1084 REST (CT 1) 2)$420 REST (CT 7) 3)TOTAL $7500 REST 3)NO S/S SAB

Function code: Codes available: 01 02 03 06 07 08 09 12 A$Z

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

State of Minnesota,
Plaintiff,

vs.

Floyd D. Trautman
Defendant.

FILED
SEP 22 1992
RAMSEY DISTRICT COURT

PETITION TO ENTER PLEA OF GUILTY IN FELONY OR GROSS MISDEMEANOR.

D.C. File # K4-92-1153
K6-92-1154

TO: THE ABOVE NAMED COURT

I, Floyd D. Trautman, Defendant in the above-entitled action, do respectfully represent and state as follows:

1. My full name is Floyd D. Trautman. I am 55 years old, my date of birth is 9-1-34. The last grade that I went through in school is _____.
2. I have received, read and discussed a copy of the (~~Indictment~~) (Complaint).
3. I understand the charge made against me in this case.
4. Specifically, I understand that I have been charged with the crime(s) of Theft By False Representation (2ct) committed on or about 1986-1990 in Ramsey County, Minnesota.
5. I am represented by an attorney whose name is Michael J. Letsch and:
   a. I feel that I have had sufficient time to discuss my case with my attorney.
   b. I am satisfied that my attorney is fully informed as to the facts of this case.
   c. My attorney has discussed possible defenses to the crime(s) that I might have.
   d. I am satisfied that my attorney has represented my interests and has fully advised me.
6. I (~~have~~) (have never) been a patient in a mental hospital.
7. I (~~have~~) (have not) talked with or been treated by a psychiatrist or other person for nervous or mental condition.
8. I (~~have~~) (have not) been ill recently.
9. I (~~have~~) (have not) recently been taking pills or other medicine.
10. I (~~do~~) (do not) make the claim that I was so drunk or so under the influence of drugs or other medicine that I did not know what I was doing at the time of the crime.
11. I (~~do~~) (do not) make the claim that I was acting in self-defense or merely protecting myself or others at the time of the crime.
12. I (~~do~~) (do not) make the claim that the fact that I have been held in jail since my arrest and could not post bail caused me to decide to plead guilty in order to get the thing over with rather than waiting for my turn at trial.
13. I (was) (was not) represented by an attorney when I (had a probable cause hearing). (If I have not had a probable cause hearing)
    a. I know that I could now move that the complaint against me be dismissed for lack of probable cause and I know that if I do not make such a motion and go ahead with entering my plea of guilty, I waive all right to object to the absence of a probable cause hearing.
    b. I also know that I waive all right to object to any errors in the probable cause hearing when I enter my plea of guilty.
14. My attorney has told me and I understand:
    a. That the prosecutor for his case against me, has:
       X i. physical evidence obtained as a result of searching for and seizing the evidence;
       X ii. evidence in the form of statements, oral or written, that I made to police or others regarding this crime;
       X iii. evidence discovered as a result of my statements or as a result of the evidence seized in a search;
       _____ iv. identification evidence from a line-up or photographic identification;
       X v. evidence the prosecution believes indicates that I committed one or more other crimes.
    b. That I have a right to a pre-trial hearing before a judge to determine whether or not the evidence the prosecution has could be used against me if I went to trial in this case.
    c. That if I requested such a pre-trial hearing I could testify at the hearing if I wanted to, but my testimony could not be used as substantive evidence against me if I went to trial and might be used against me if I was charged with the crime of perjury. (Perjury means testifying falsely.)
    d. That I (~~do~~) (do not) now request such a pre-trial hearing and I specifically (do) (~~do not~~) now waive my right to have such a pre-trial hearing.
    e. That whether or not I have had such a hearing I will not be able to object tomorrow or any other time to the evidence that the prosecutor has.
15. I have been told by my attorney and I understand:
    a. That if I wished to plead not guilty I am entitled to a trial by a jury of 12 persons and all 12 persons would have to agree I was guilty before the jury could find me guilty.
    b. That if I plead guilty I will not have a trial by either a jury or by a judge without a jury.
    c. That with knowledge of my right to a trial I now waive my right to a trial.

Dated this 22 day of Sept 1992

DANIEL W. LUNDSTROM, District Court Administrator
By _____ Deputy

I hereby certify that the attached instrument is a true and correct copy of the original on file and of record in my office.

Court Administrator
By _____ Deputy
File No _____

16. I have been told by my attorney and I understand that if I wish to plead not guilty and have a trial by a jury or trial by a judge I would be presumed innocent until my guilt is proved beyond a reasonable doubt.
17. I have been told by my attorney and understand:
    a. That if I wish to plead not guilty and have a trial the prosecutor would be required to have the witnesses testify against me in open court in my presence and that I would have the right, through my attorney, to question these witnesses.
    b. That with knowledge of my right to have the prosecution's witnesses testify in open court in my presence and questioned by my attorney, I now waive this right.
18. I have been told by my attorney and I understand:
    a. That if I wish to plead not guilty and have a trial I would be entitled to require any witnesses that I think are favorable to me to appear and testify at trial.
19. I have been told by my attorney and I understand:
    a. That a person who has prior convictions or a prior conviction can be given a longer prison term because of this.
    b. That the maximum penalty that the court could impose for this crime (taking into consideration any prior conviction or convictions) is imprisonment for 5/10 years and/or a fine of $10,000/20,000 (2 cts / 5 cts)
    c. That a person who participates in a crime by intentionally aiding, advising, counseling and conspiring with another person or persons to commit a crime is just as guilty of that crime as the person or persons who are present and participating in the crime when it is actually committed.
    d. That my present probation or parole could be revoked because of the plea of guilty to this crime.
20. I have been told by my attorney and understand:
    a. That he discussed this case with one of the prosecuting attorneys and that my attorney and the prosecuting attorney agreed that if I entered a plea of guilty, the prosecutor will do the following:

Upon a plea to 1st and last counts of complaint, prosecution will dismiss the remaining 5 counts. Defendant agrees to to pay $750.00 restitution as a condition of probation. ATSI will be ordered. The restitution is not an acknowledgement of one bar to any civil collection proceedings - Sentencing will be 90 days later, at least, but before 12/1/92. Prosecution takes no position on plaintiff's/defendant's Motion for Inspection of Grand Jury Transcripts. Defendant's motion for other leaves to Trial Court Discretion.

    b. That if the court does not approve this agreement:
        i. I have an absolute right to then withdraw my plea of guilty and have a trial.
        ii. Any testimony that I have given concerning the guilty plea could not be used against me unless I am charged with the crime of perjury based on this testimony.
21. That except for the agreement between my attorney and the prosecuting attorney:
    a. No one — including my attorney, any policeman, prosecutor, judge or any other person — has made any promises to me, to any member of my family, to any of my friends or other persons, in order to obtain a plea of guilty from me.
22. My attorney has told me and I understand that if my plea of guilty is for any reason not accepted by the court, or if I withdraw the plea, with the court's approval, or if the plea is withdrawn by court order on appeal or other review:
    a. I would then stand trial on the original charge(s) against me; namely, AS IN 4 above
    (which would include the charges that were dismissed as a result of this plea agreement entered into by my attorney and the prosecuting attorney).
    b. The prosecution could proceed against me just as if there had been no plea of guilty and no plea agreement.
23. My attorney has told me and I understand that if my plea of guilty is accepted by the judge I have the right to appeal, but that any appeal or other court action I may take claiming error in the proceedings probably would be useless and a waste of my time and the court's.
24. My attorney has told me and I understand that a judge will not accept a plea of guilty for anyone who claims to be innocent.
25. I now make no claim that I am innocent.
26. I have been told by my attorney and I understand that if I wish to plead not guilty and have a jury trial:
    a. That I could testify at trial if I wanted to but I could not be forced to testify.
    b. That if I decided not to testify neither the prosecutor nor the judge could comment on my failure to testify.
    c. That with the knowledge of my right not to testify and that neither the judge nor the prosecutor could comment on my failure to testify at trial I now waive this right and I will tell the judge about the facts of the crime.
27. That in view of all above facts and considerations I wish to enter a plea of guilty.

Dated this 18 day of SEPT, 19 92

DEFENDANT

9/18/92

**BEFORE THE MINNESOTA**

**BOARD OF DENTISTRY**

In the Matter of
Floyd D. Trautmann, D.D.S.
License No. 7135

STIPULATION AND ORDER

The Minnesota Board of Dentistry (Board) is authorized pursuant to Minn. Stat. ch. 150A, §§ 214.10, 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 against Floyd D. Trautmann, D.D.S. (Licensee). The Board's Complaint Committee (Committee) reviewed the complaint and referred it to the Attorney General for investigation. Following the investigation, the Committee held a conference with Licensee. The parties have agreed that the matter may now be resolved by this stipulation, provided that it is approved by the Board.

**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED by and between Licensee and the Committee as follows:

1. During all times herein, Licensee has been and is now subject to the jurisdiction of the Board from which he holds a license to practice dentistry in the State of Minnesota.

2. On January 4, 1994, a Notice of Conference with the Committee was duly served upon Licensee. Licensee hereby acknowledges receipt of the Notice of Conference. ~~Although he was informed in the Notice of Conference that he could be represented by legal counsel, Licensee knowingly and voluntarily decided not to be so represented.~~

3. For purposes of this stipulation, Licensee expressly waives all procedures and proceedings before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, Minnesota statutes, or the rules of the Board. Licensee also

waives the right to any judicial review or appeal under the Administrative Procedure Act, by writ of certiorari under Minn. Stat. § 480A.06, or otherwise from the order issued by the Board pursuant to this stipulation.

4. Except as otherwise specified herein, this Stipulation and Order, the investigative report(s), and related documents shall constitute the entire record of the proceedings herein upon which this order is based and shall be filed with the Board. Any reports or other material related to this action and received after the date this Stipulation and Order is adopted by the Board shall become a part of the record and may be considered by the Board in any future matter relating to this Stipulation and Order.

5. In the event the Board in its discretion does not approve this settlement 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; provided, however, that if this should occur and thereafter an administrative contested case is initiated pursuant to Minn. Stat. ch. 14 and § 150A.08, Licensee agrees not to raise any objection on any administrative level or in any court action to the Board's proceeding and hearing the case on the basis that the Board has become prejudiced or disqualified due to its review and consideration of this stipulation and the record referenced in paragraph 4 above.

6. This stipulation is based upon the following facts:

a. Licensee purchased Dental Outreach of the Twin Cities, Inc., on August 6, 1986, and enrolled with the Minnesota Department of Human Services as a Medical Assistance provider as of August 8, 1986. Dental Outreach was a mobile dental clinic which contracted with nursing homes throughout the Minneapolis and St. Paul metropolitan area to provide dental services to nursing home residents. Between October 13, 1986 and October 12, 1990, Licensee obtained $25,242.34 by submitting fraudulent claims for payment to the Minnesota Department of Human Services (DHS).

b. Licensee was charged with seven counts of theft by false representation in violation of:

1) Minn. Stat. § 609.52, subd. 2(3), 2(3)(d), 3(1), 3(2), 3(3)(d), 3(5) (1986);

2) Minn. Stat. § 609.52, subd. 2(3), 2(3)(c), 3(2), 3(4)(d), 3(7) (1987);

3) Minn. Stat. § 609.52, subd. 2(3), 2(3)(c), 3(2), 3(4)(d), 3(7) (1988); and Minn. Stat. § 609.52, subd. 2(3), 2(3)(c), 3(3)(d)(iv), 3(5) (1989).

c. Licensee pled guilty to two of the seven counts of theft by false representation, and on November 30, 1992, Licensee received a sentence of five years probation with a stay of imposition on each of the two charges on the condition that he repay $7,500 to the Department of Human Services, remain law abiding, and have no similar offenses.

7. Licensee admits and acknowledges that for the purposes of this stipulation, the facts and conduct specified in paragraph 6 above constitute violations of Minn. Stat. § 150A.08, subd. 1(1), (2), (6), (13) (1994) and Minn. R. 3100.6200 A, I (1993) and are grounds for disciplinary action by the Board. Licensee further acknowledges and admits that the Board has a reasonable basis in law and fact to justify the action specified in the order and waives any argument that no such reasonable basis exists.

8. Licensee and the Committee agree and recommend that the Board issue an order accepting the voluntary SURRENDER of Licensee's license to practice dentistry in the State of Minnesota as follows:

a. Licensee shall surrender to the Board his current dental license by delivering personally or by certified mail such license to the Minnesota Board of Dentistry, c/o Patricia H. Glasrud, Executive Director, Suite 70, 2700 University Avenue West, St. Paul, Minnesota 55114, within ten (10) days after receipt by Licensee of this Stipulation and Order.

b. Licensee shall not engage in any act which constitutes the practice of dentistry as defined in Minn. Stat. § 150A.05 (1994) and shall not imply to former patients or the public by words or conduct that Licensee is a licensed dentist in the State of Minnesota.

c. Licensee may not apply for relicensure in the State of Minnesota until such time as Licensee performs the following acts:

1) Licensee shall meet with a complaint committee of the Board to review the allegations made against him.

2) At the time Licensee meets with a complaint committee, Licensee shall submit proof that he has made complete restitution in the amount of $7,500.00 to the Minnesota Department of Human Services.

Licensee's performance of the above-referenced acts will not create a presumption that Licensee should be granted a license to practice dentistry in the State of Minnesota, and Licensee shall have the burden of proving that he is qualified for licensure and capable of practicing dentistry in a safe and competent manner. After meeting with Licensee, the complaint committee shall make a recommendation to the full Board as to whether Licensee should be granted a license.

9. After receiving Licensee's application for relicensure the Board may, at any regularly scheduled meeting, take any of the following actions:

a. Grant a license to Licensee;

b. Grant a license to Licensee with limitations and conditions; or

c. Deny Licensee's application for relicensure based upon Licensee's failure to meet his burden of proof.

10. This Stipulation and Order shall not limit the authority of the Board to proceed against Licensee by initiating a contested case hearing or by any other appropriate means on the basis of any conduct of Licensee justifying disciplinary action which is not specifically referenced in paragraph 6 above.

11. Any appropriate federal or state court may, upon application of the Board, enter an order enforcing any or all of the terms of this Stipulation and Order and granting the Board costs, reasonable attorney fees, and other appropriate relief for enforcing this Stipulation and Order.

12. If Licensee violates this Stipulation and Order, the Board may impose discipline pursuant to the following procedure:

a. 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 alleged violation and of the time and place of the hearing. Within five 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.

b. 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 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.

c. At the hearing, the Board will determine whether to impose further disciplinary action, including an additional period of suspension or revocation of Licensee's license.

13. 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 the Committee's right to initiate a proceeding against Licensee pursuant to Minn. Stat. ch. 14 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 hereinabove.

14. Licensee admits that Licensee has been advised to seek legal counsel. ~~but that Licensee voluntarily has decided not to retain legal counsel~~. Furthermore, Licensee acknowledges that he has read, understands, and agrees to this Stipulation and Order and has freely and voluntarily signed it. In signing the Stipulation and Order, Licensee acknowledges

that he is fully aware that it must be approved by the Board. The Board may either approve the Stipulation and Order as proposed, approve it subject to specified changes, or reject it. If the Board approves the stipulation or makes a change acceptable to Licensee, the Board will issue the order and it will take effect. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect, except as specified in paragraph 5 above.

15. This Stipulation and Order is classified as public data pursuant to Minn. Stat. § 13.41, subd. 4 (1994). 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, and shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

16. This Stipulation and Order contains the entire agreement between the parties hereto, there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

17. Upon this Stipulation and Order and all other evidence made available to the Board, the Board may at any time after it has adopted this Stipulation and Order issue it to Licensee without further notice. Copies of the Stipulation and Order when issued by the Board shall be served either personally or by first class mail on Licensee. This Stipulation and Order is effective upon service.

CONSENT:

| LICENSEE | COMPLAINT COMMITTEE |
|---|---|
| FLOYD D. TRAUTMANN, D.D.S. | By: PATRICIA H. GLASRUD<br>Executive Director |
| Dated: June 2, 1995 | Dated: July 25, 1995 |

## ORDER

Upon consideration of this stipulation and all the files, records and proceedings herein by the Board,

IT IS HEREBY ORDERED that the Board accepts the voluntary SURRENDER of Licensee's license to practice dentistry in the State of Minnesota;

IT IS FURTHER ORDERED that all other terms of this stipulation are adopted by the Board this 2 day of July, 1995.

MINNESOTA BOARD
OF DENTISTRY

By: _____
GEORGE KINNEY, JR., D.D.S.
President

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

| | | |
|---|---|---|
| IN THE MATTER OF<br>DISCIPLINARY PROCEEDINGS AGAINST<br>FLOYD D. TRAUTMANN, D.D.S.,<br>RESPONDENT | :<br>:<br>:<br>: | STIPULATION<br>93 DEN 051 |

It is hereby stipulated between Floyd D. Trautmann, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Trautmann's licensure by the Division of Enforcement (93 DEN 051). Dr. Trautmann consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Trautmann understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to his under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Trautmann is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Dr. Trautmann agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation is the current licensure card of Floyd D. Trautmann. If the Board accepts the Stipulation, Dr. Trautmann's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of

Dr. Trautmann shall be returned to his with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Dentistry Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Dr. Trautmann in recommending the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

| | |
|---|---|
| Floyd D. Trautmann, D.D.S. | 9/20/95<br>Date |
| Steven M. Gloe, Attorney<br>Division of Enforcement | 9.22.95<br>Date |

SEP 2 1995

# NOTICE OF APPEAL INFORMATION

**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

**The Date of Mailing this Decision is:**

NOVEMBER 6, 1995

## 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

## 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)