

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD H. TRAN, D.D.S.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0008524**

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Division of Legal Services and Compliance Case No. 21 DEN 112

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Richard H. Tran, D.D.S.  
Greenfield, WI 53228

Wisconsin Dentistry Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Dentistry Examining Board. (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, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Richard H. Tran, D.D.S., (Year of Birth 1993) is licensed in the state of Wisconsin to practice dentistry, having license number 1001687-15, first issued on September 20, 2017 and current through September 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Greenfield, Wisconsin 53228.

2. At all times relevant to these matters, Respondent practiced dentistry at a clinic located in Madison, Wisconsin.

3. On October 7, 2021, the Board received a Complaint alleging that Respondent performed an unnecessary dental procedure on a patient and billed Medicare for the unnecessary

dental procedure. The Board opened the complaint to investigate the allegations and also requested an audit of Respondent's Continuing Education for the 2019-2021 biennium.<sup>1</sup>

4. On February 2, 2022, Respondent provided a written response to the allegations of the Complaint and his certificates of completion for his continuing education for the 2019 – 2021 biennium.

5. A review of Respondent's certificates of completion for his continuing education for the 2019 – 2021 biennium, showed that Respondent had completed 36.5 hours of continuing education, but that he had only completed one hour on the topic of responsible prescribing of controlled substances for the treatment of acute dental pain.

6. On February 2, 2022, a Department investigator followed up with Respondent via email asking if he had another continuing education credit on the topic of responsible prescribing of controlled substances for the treatment of acute dental pain. No response was received.

7. On February 10, 2022, a Department investigator sent an email to Respondent at his address on file and requested documentation confirming that he had completed the required continuing education in the area of responsible prescribing of controlled substances for the treatment of acute dental pain. No response was received.

8. On February 23, 2022, a Department investigator called Respondent and left him a voice mail message and requested that he provide the continuing education information in the area of responsible prescribing of controlled substances for the treatment of acute dental pain. No response was received.

9. Respondent failed to demonstrate compliance with the continuing education requirements for the 2019-2021 biennium.

10. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 447.07 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(25), by failing to cooperate in a timely manner with the board's investigation of complaints filed against the licensee.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 13.03(1m) by failing to complete two hours of continuing education in the topic of responsible prescribing of controlled

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<sup>1</sup> The Board does not recommend action on the underlying allegations.

substances for the treatment of acute dental pain during the 2-year period immediately preceding the renewal date.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a), and (f).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The license issued to Respondent to practice dentistry in the State of Wisconsin (license number 1001687-15), is LIMITED as follows:

- a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete two (2) hours in the topic of the responsible prescribing of controlled substances for the treatment of acute dental pain offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses, to fulfill the continuing education requirements of the 2019-2021 biennium.
  - i. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
  - ii. This education required by this limitation may only be used to satisfy the continuing education requirements for the 2019-2021 biennium.
  - iii. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
- b. Within ninety (90) days from the date of this Order, Respondent shall successfully complete three (3) hours of education in the topic of risk management, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
  - i. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
  - ii. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have

been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

- iii. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,129.00.

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

6. In the event Respondent violates any term of this Order, Respondent's license (1001687-15), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By:



A Member of the Board

5/3/2023

Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD H. TRAN, D.D.S.,  
RESPONDENT.

STIPULATION

ORDER 0008524

Division of Legal Services and Compliance Case No. 21 DEN 112

Richard H. Tran, D.D.S. (Respondent) and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (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 then be returned to the Division

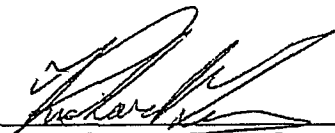
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

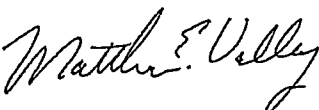
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Richard H. Tran, D.D.S., Respondent  
Greenfield, WI 53228  
License No. 1001687-15

3/24/23  
Date

  
Matthew Valley, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

3/27/2023  
Date