



Scott Walker, Governor
Dave Ross, Secretary

DENTISTRY EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
November 5, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Pledge of Allegiance

B. **Adoption of Agenda (1-3)**

C. **Approval of Minutes – September 3, 2014 (4-7)**

D. Administrative Matters

1) 2015 Meeting Dates

- Wednesday, January 7, 2015
- Wednesday, March 4, 2015
- Wednesday, May 6, 2015
- Wednesday, July 8, 2015
- Wednesday, September 2, 2015
- Wednesday, November 4, 2015

E. Legislative and Administrative Rule Matters – Discussion and Consideration (8-12)

- 1) Update on Prescribing Hydrocodone Combination Products
- 2) Update on Amending DE 2, 5, 6 Relating to Foreign Trained Dentists
- 3) Update on Amending DE 10 Relating to Mobile Dentistry
- 4) Scope Implementing 2013 Act 345 Relating to Informed Consent **(9-10)**
- 5) Scope Implementing 2014 Act 354 Relating to Dental Hygienist's Administration of Nitrous Oxide **(11-12)**
- 6) Update on Pending and Possible Rulemaking Projects

F. Informational Items

- 1) Central Regional Dental Testing Service, Inc. (CRDTS) Hygiene Examination Review Committee (ERC) Report **(12-14)**

- 2) Jeffery J. Becker, D.D.S. **(15-27)**
 - a) Final Decision and Order – 13 DEN 001, 13 DEN 124 and 13 DEN **129 (15-20)**
 - b) Administrative Injunction – 14 UNL 077 **(21-27)**

G. Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Education and Examination Matters
- 4) Credentialing Matters
- 5) Practice Matters
- 6) Legislative/Administrative Rule Matters
- 7) Liaison Report(s)
- 8) Informational Item(s)
- 9) Disciplinary Matters
- 10) Presentations of Petition(s) for Summary Suspension
- 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Orders
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Orders
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Appearances from Requests Received or Renewed
- 22) Speaking Engagement(s), Travel, or Public Relation Request(s)

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. s. 19.85(1)(a),); to consider licensure or certification of individuals (Wis. Stat s. 19.85(1)(b), Stats.; to consider closing disciplinary investigations with administrative warnings (Wis. Stat. s. 19.85 (1)(b), and 440.205,); to consider individual histories or disciplinary data (Wis. Stat. s. 19.85 (1)(f),); and to confer with legal counsel (Wis. Stat. s. 19.85(1)(g),).

I. Credentialing Matters

- 1) **9:00 AM APPEARANCE:** A.A. – Review of Dental Faculty License Application **(28-37)**
- 2) **9:15 AM APPEARANCE:** G.M., D.D.S. – Review of Dental Faculty License Application **(38-47)**
- 3) **9:30 AM APPEARANCE:** M.A. – Review of Dental Faculty License Application **(48-61)**
- 4) A.M., D.M.D. – Review of Dental License Application by Endorsement **(62-222)**
- 5) H.A., B.D.S., A.E.G.D. – Review of Dental License Application by Examination **(223-241)**

J. Presentation and Deliberation on Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance (DLSC)

- 1) 12 DEN 091 – Rebecca J. Swenson, D.D.S. **(242-247)**

K. Disciplinary Matters

- 1) Case Status Report **(248)**
- 2) Case Closing(s)
 - a. 14 DEN 048 – S.M., D.D.S. **(249-251)**

L. Monitoring Matters (252-253)

- 1) Steven R. Schnoll, D.D.S. – Requesting Modifications (Impairment) **(254-274)**
- 2) Robert Pultz, D.D.S. – Requesting Full Licensure **(275-306)**

M. Consulting with Legal Counsel

N. Deliberation of Items Received After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 1) Monitoring Matters
- 2) Professional Assistance Procedure (PAP)
- 3) Petition(s) for Summary Suspensions
- 4) Proposed Stipulations, Final Decisions and Orders
- 5) Administrative Warnings
- 6) Review of Administrative Warning
- 7) Proposed Decisions
- 8) Matters Relating to Costs
- 9) Case Closings
- 10) Case Status Report
- 11) Proposed Interim Orders
- 12) Petitions for Assessments and Evaluations
- 13) Petitions to Vacate Orders
- 14) Remedial Education Cases
- 15) Motions
- 16) Petitions for Re-Hearing
- 17) Appearances from Requests Received or Renewed

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

P. Open Session Items Noticed Above not Completed in the Initial Open Session

ADJOURNMENT

**DENTISTRY EXAMINING BOARD
MINUTES
SEPTEMBER 3, 2014**

PRESENT: Debra Beres, RDH; Mark Braden, DDS; Eileen Donohoo, RDH; Leonardo Huck, DDS; Lyndsay Knoell, DDS; Timothy McConville, DDS; Wendy Pietz, DDS; Carrie Stempski, RDH Beth Welter, DDS

STAFF: Brittany Lewin, Executive Director; Gretchen Mrozinski, Legal Counsel; Karen Rude-Evans, Bureau Assistant

CALL TO ORDER

Lyndsay Knoell, Chair, called the meeting to order at 8:33 a.m. A quorum of nine (9) members was confirmed.

ADOPTION OF AGENDA

MOTION: Eileen Donohoo moved, seconded by Deb Beres, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 9, 2014

MOTION: Eileen Donohoo moved, seconded by Deb Beres, to approve the minutes of July 9, 2014 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Scope Statement Amending DE 2 Relating to Foreign Trained Applicants for Dental Licensure

MOTION: Lyndsay Knoell moved, seconded by Leonardo Huck, to approve the Scope Statement on DE 2 relating to foreign trained applicants for dental licensure for submission to the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

CLOSED SESSION

MOTION: Lyndsay Knoell moved seconded by Carrie Stempski, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary

data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Lyndsay Knoell read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Debra Beres-yes; Mark Braden-yes; Eileen Donohoo-yes; Leonardo Huck-yes; Lyndsay Knoell-yes; Timothy McConville-yes; Wendy Pietz-yes; Carrie Stempski-yes; and Beth Welter -yes. Motion carried unanimously.

The Board convened into closed session at 10:05 a.m.

PROPOSED SUMMARY SUSPENSION

JOHN R. KREGENOW, D.D.S.

DLSC CASE NUMBERS 11 DEN 098, 13 DEN 121, 14 DEN 038 AND 14 DEN 161

Lyndsay Knoell recused himself and left the room for deliberation and voting in the matter concerning John R. Kregenow, D.D.S., DLSC case numbers 11 DEN 098, 13 DEN 121, 14 DEN 038 and 14 DEN 161.

MOTION: Eileen Donohoo moved, seconded by Beth Welter, to confirm that the DLSC has given notice of the petition of summary suspension to respondent **John R. Kregenow, D.D.S.**, in accordance with Wis. Admin. Code § SPS 6.05. Motion carried unanimously.

MOTION: Leonardo Huck moved, seconded by Tim McConville, to find pursuant to Wis. Admin. Code § SPS 6.04(1) probable cause that the respondent has engaged in, and/or is likely to engage in, unprofessional conduct and that the unprofessional conduct is such that the public health, safety or welfare imperatively requires emergency suspension of respondent John R. Kregenow's, D.D.S, license to practice dentistry immediately to protect the public health, safety and welfare. **John R. Kregenow, D.D.S., DLSC case numbers 11 DEN 098, 13 DEN 121, 14 DEN 038 and 14 DEN 161.** Motion carried unanimously.

MOTION: Tim McConville moved, seconded by Leonardo Huck, to issue an order summarily suspending the license of respondent **John R. Kregenow, D.D.S.**, to practice dentistry in the state of Wisconsin and order that such suspension continue until the effective date of a final decision and order issued in the disciplinary proceedings against respondent, unless otherwise ordered by the Board, or unless the license is restored under Wis. Admin. Code § SPS 6.09. Motion carried unanimously.

PETITION FOR DESIGNATION OF HEARING OFFICIAL

Lyndsay Knoell recused himself and left the room for deliberation and voting in the matter concerning John R. Kregenow, D.D.S., DLSC case numbers 11 DEN 098, 13 DEN 121, 14 DEN 038 and 14 DEN 161.

MOTION: Eileen Donohoo moved, seconded by Leonardo Huck, to issue an order allowing the Department to designate a Hearing Official for an Order to Show Cause Hearing in the matter of the Summary Suspension of **John R. Kregenow, D.D.S., DLSC case numbers 11 DEN 098, 13 DEN 121, 14 DEN 038 and 14 DEN 161.** Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Mark Braden moved, seconded by Eileen Donohoo, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Margaret Aboagye, D.D.S, 13 DEN 064.** Motion carried unanimously.

Wendy Pietz recused herself and left the room for deliberation and voting in the matter concerning Michael A. Laska, D.D.S., case number 13 DEN 051.

MOTION: Deb Beres moved, seconded by Leonardo Huck, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Michael A. Laska, D.D.S, 13 DEN 051.** Motion carried unanimously.

CASE CLOSING(S)

MOTION: Deb Beres moved, seconded by Leonardo Huck, to close the following case(s) as recommended by the Division of Legal Services and Compliance:

- a) 14 DEN 045 (D.F., D.D.S.) for no violation (NV)

Motion carried unanimously.

MONITORING

MOTION: Lyndsay Knoell moved, seconded by Wendy Pietz, to deny the request for full licensure to **Gary Burkholder, D.D.S.** Motion carried unanimously.

MOTION: Wendy Pietz moved, seconded by Beth Welter, to approve the request for termination of the drug and alcohol treatment program and to deny the request for a reduction in drug and alcohol screens to **Bradley Byce, D.D.S.** Motion carried unanimously. **REASON FOR DENIAL OF THE REQUEST FOR A REDUCTION IN DRUG AND ALCOHOL SCREENS:** Lack of compliance with the Board Order.

The request from **Daniel Humiston, D.D.S.** was tabled.

MOTION: Mark Braden moved, seconded by Deb Beres, to approve the request for a reduction in drug screens to 13 per year plus one (1) hair test to **Jeffrey Slavik, D.D.S.** Motion carried unanimously.

MOTION: Lyndsay Knoell moved, seconded by Wendy Pietz, to deny the request for the removal of the limitation that he not perform third molar extractions to **Jeffrey Slavik, D.D.S., REASON FOR DENIAL:** Has not demonstrated minimum standard of competence to perform such procedure. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Deb Beres moved, seconded by Wendy Pietz, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 12:40 p.m.

AFFIRM ALL VOTES MADE IN CLOSED SESSION

MOTION: Lyndsay Knoell moved, seconded by Leonardo Huck, to affirm all votes made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Mark Braden moved, seconded by Deb Beres, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:41 p.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 24 October 2014 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: 5 November 2014	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Update on prescribing hydrocodone combination products 2. Update on amending DE 2, 5, 6 relating to foreign trained dentists 3. Update on amending DE 10 relating to mobile dentistry 4. Scope implementing 2013 Act 345 relating to informed consent 5. Scope implementing 2014 Act 354 relating to dental hygienist’s administration of nitrous oxide. 6. Update on pending and possible rulemaking projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>24 October 2014</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 5 and 14

Relating to: Informed consent

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to implement 2013 Act 345 by creating a chapter on informed consent and updating standards of conduct chapter.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Currently the rules do not address informed consent. 2013 Act 345 created a reasonable dentist standard for informing patients of reasonable alternate modes of treatment and about the benefits and risks of those treatments. This standard requires disclosure only of information that a reasonable dentist would know and disclose under the circumstances. The proposed rule will implement the newly created statutory provisions into the current rules governing the practice of dentistry and make any additional changes in the standards of conduct chapter that would make the rules consistent with the statute.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

447.02(2)(i) The examining board shall promulgate rules specifying the provisions for implementing s. 447.40.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

50 hours

6. List with description of all entities that may be affected by the proposed rule:

Dentists and patients

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. It is not likely to have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Chair Signature

Date Submitted

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 3, 7, 11

Relating to: Certificate for dental hygienist to administer nitrous oxide inhalation analgesia

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to implement 2013 Act 354 by developing educational requirements for a dental hygienist to administer nitrous oxide inhalation analgesia.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Dentistry Examining Board shall grant a certificate to administer nitrous oxide inhalation analgesia to a dental hygienist who is licensed by the Board and completes education requirements established by rule. The proposed policy is to develop rules regarding the education requirements and update the practice of dental hygiene and anesthesia chapters, as necessary, to implement 2013 Act 354.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

447.02(2)(j) The examining board shall promulgate rules specifying the educational requirements for a dental hygienist licensed under this chapter to administer nitrous oxide inhalation analgesia under s. 447.06(2)(e)4.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

125 hours

6. List with description of all entities that may be affected by the proposed rule:

Dental hygienists, dentists and patients

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. It is not likely to have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Chair Signature

Date Submitted

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Karen Rude-Evans, Bureau Assistant, On Behalf of Executive Director Brittany Lewin		2) Date When Request Submitted: 9/29/2014 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: November 5, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? CRDTS Hygiene ERC Report - Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Review the report from CRDTS Hygiene ERC Member Cathy Martin. Ms. Martin will be available for questions at the meeting.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

CRDTS Hygiene Examination Review Committee 2014

Report by Catherine E. Martin R.D.H. November 5, 2014

- California and Kentucky are 2 of the latest states to join CRDTS. The CRDTS Hygiene national exam is accepted by over 40 state dental boards. The CRDTS Hygiene clinical examination is a 3rd party evaluation of those applying for licensure and does not include a written or an additional computer portion.
- Medical Clearance forms will be included in the Hygiene Candidates manuals in 2015. There are no changes in medical clearance criteria from the 2013 exam.
- Teeth with *Invisalign* stays & partially erupted teeth will be prohibited areas in a treatment selection for deposit removal.
- There will be NO changes in content, scoring, health history criteria, or treatment selection in the 2015 Hygiene Exam. Statistics prove once again that it is a reliable and valid examination for those entering a self-regulated profession.
- Electronic scoring devices have been utilized by CRDTS for over *10 years* providing accurate test results in a timely fashion to candidates, Dental Boards, and state regulating agencies.
- Hygiene ERC meeting was held July 12-13, 2014, which I attended in Kansas City, MO.
- I attended the CRDTS 2 day Annual Meeting in August. It included numerous workshops available to all CRDTS examiners, dental & dental hygiene faculty, and to all member state dental boards.
Dr. Ron Tankersley spoke on 'Dental Ethics', *"Public trust is easy to lose & difficult to restore"*.
- CRDTS executive team members in Hygiene & Dental are always available and willing to meet with State Dental Boards upon request.
- I am available as a resource regarding the Dental Hygiene clinical examination administered nationally by Central Regional Dental Testing Service, Inc.

Catherine E. Martin RDH
Central Regional Dental Testing Service, Inc. CRDTS.org
Hygiene Examination Review Committee Member
CEMartin@madisoncollege.edu

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FINAL DECISION AND ORDER

JEFFERY J. BECKER, D.D.S.,
RESPONDENT.

Department of Legal Services and Compliance
Case Nos. 13 DEN 001, 13 DEN 124 and 13 DEN 129

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

Dr. Jeffery J. Becker, D.D.S.
Todd W. Newkirk, J.D.
Frank R. Recker & Associates, Co., LPA
85 East Gay Street, Suite 910
Columbus, OH 43215

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 administrative law judge presiding over these matters. The administrative law judge, acting on behalf of the Wisconsin Dentistry Examining Board, has reviewed this Stipulation and considers it acceptable.

Accordingly, the administrative law judge in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jeffrey J. Becker, D.D.S., (dob September 8, 1959) is licensed in the state of Wisconsin to practice dentistry, having license number 4706-15, first issued on July 21, 1995, and current through September 30, 2015. The most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) for Respondent is Affordable Dentures, 6015 West Forrest Home Avenue, Unit 1, Milwaukee, Wisconsin 53220.

2. The Division has received allegations that Respondent violated laws related to controlled substances, practiced in a manner that created an unacceptable risk of harm to patients, and administered improper doses of anesthetics.

3. Respondent neither admits nor denies the allegations. He has chosen to resolve these matters by stipulation rather than proceeding to a hearing. Therefore, in resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining 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).

ORDER

1. The attached Stipulation is accepted.

2. The Board accepts the permanent SURRENDER of Respondent Jeffery J. Becker, D.D.S.' license to practice dentistry in the state of Wisconsin, license number 4706-15.

3. Respondent Jeffery J. Becker, D.D.S., is on notice that he may not engage in the practice of dentistry in the state of Wisconsin, nor may he hold himself out as one so licensed or otherwise authorized to practice dentistry in this state.

4. This SURRENDER constitutes Respondent's permanent relinquishment of his license to practice dentistry in Wisconsin, his right to renew his license to practice dentistry in the state of Wisconsin and his right to reapply for a license to practice dentistry in the state of Wisconsin.

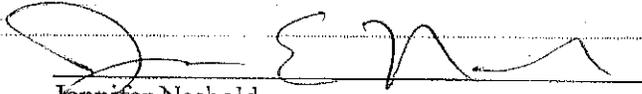
5. Respondent shall immediately return all indicia of Wisconsin licensure to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

ADMINISTRATIVE LAW JUDGE

by:



Jennifer Nashold
Administrative Law Judge

10-24-14
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEFFERY BECKER, D.D.S.,
RESPONDENT.

STIPULATION

Department of Legal Services and Compliance
Case Nos. 13 DEN 001, 13 DEN 124 and 13 DEN 129

Respondent Jeffery Becker, D.D.S., 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. Respondent is represented by Attorney Todd Newkirk.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (Board) or its designee. 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 order, if adopted in the form as attached.

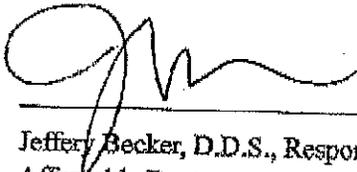
adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board or its designee, 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 or its designee, the parties agree not to contend that the Board or its designee have 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 or its designee in open or closed session, without the presence of Respondent or Respondent's attorney, 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.

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

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

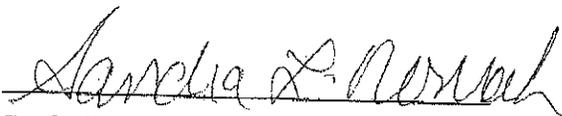


Jeffery Becker, D.D.S., Respondent Date
Affordable Dentures
6015 West Forrest Home Avenue, Unit 1
Milwaukee, WI 53220

10-17-14

Todd W. Newkirk, Attorney for Respondent
Frank R. Recker & Associates, Co., LPA
85 East Gay Street, Suite 910
Columbus, OH 43215

Date



Sandra L. Nowack, Lead Attorney Date
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098

10/17/14

5. If the terms of this Stipulation are not acceptable to the Board or its designee, 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 or its designee, the parties agree not to contend that the Board or its designee have been prejudiced or biased in any manner by the consideration of this attempted resolution.

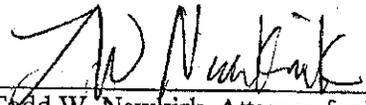
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board or its designee in open or closed session, without the presence of Respondent or Respondent's attorney, 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.

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

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

Jeffery Becker, D.D.S., Respondent
Affordable Dentures
6015 West Forrest Home Avenue, Unit 1
Milwaukee, WI 53220

Date



Todd W. Newkirk, Attorney for Respondent
Frank R. Recker & Associates, Co., LPA
85 East Gay Street, Suite 910
Columbus, OH 43215

10-23-14
Date

Sandra L. Nowack, Lead Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098

Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION :
INVOLVING :
: ADMINISTRATIVE INJUNCTION
JEFFERY J. BECKER, D.D.S., :
RESPONDENT. :

Division of Legal Services and Compliance Case No. 14 UNL 077

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

Dr. Jeffery J. Becker, D.D.S.
Todd W. Newkirk, J.D.
Frank R. Recker & Associates, Co., LPA
85 East Gay Street, Suite 910
Columbus, OH 43215

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jeffrey J. Becker, D.D.S., (dob September 8, 1959) was previously licensed in the state of Wisconsin to practice dentistry, having had license number 4706-15, first issued on July 21, 1995. On August 6, 2014, a hearing official summarily suspended Respondent's license to practice dentistry. On October 24, 2014, the Administrative Law Judge accepted Respondent's voluntarily permanent surrender that license.

2. Respondent reports his current address as 6015 West Forrest Home Avenue, Unit 1, Milwaukee, Wisconsin 53220.

3. Between approximately August 6, 2014, and September 14, 2014, Respondent engaged in the practice of dentistry in Wisconsin without a credential authorizing him to practice dentistry in Wisconsin.

4. Respondent agrees that he will not be present at any location in the state of Wisconsin in which dentistry is practiced, except as a patient.

5. Respondent agrees that, as of the date of this Order, if Respondent is present at any location in the state of Wisconsin in which dentistry is practiced and he is not a patient, his presence is conclusive evidence that he is holding himself out as one authorized to engage in the practice of dentistry in Wisconsin.

6. Respondent denies the conduct set out in paragraph 3, but is represented by counsel and agrees to the Conclusions of Law and Order below.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Wisconsin Statute § 447.01(8), defines “dentistry” as:

the examination, diagnosis, treatment, planning or care of conditions within the human oral cavity or its adjacent tissues and structures.

3. Pursuant to Wis. Stat. § 447.03(1)(a), no person may practice or offer to practice dentistry unless he or she is licensed that authorizes him or her to practice dentistry.

4. The conduct described above constitutes the unlicensed practice of dentistry, contrary to Wis. Stat. § 447.03(1)(a).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed to practice dentistry in the state of Wisconsin, Respondent is enjoined and prohibited from the practice of dentistry in the state of Wisconsin, and from holding himself as one so authorized. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

3. Based on the parties’ Stipulation, Respondent’s presence at any location in which dentistry is practiced in Wisconsin, except as a patient, shall be conclusive evidence that

Respondent was holding himself out as one authorized to practice dentistry in the state of Wisconsin.

4. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 28th day of October, 2014.

By: 
Michael J. Berndt, Chief Counsel
On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINSTRATIVE INJUNCTION INVOLVING :
 : STIPULATION
JEFFERY J. BECKER, D.D.S., :
RESPONDENT. :

Division of Legal Services and Compliance Case No. 14 UNL 077

Respondent Jeffery J. Becker, D.D.S., 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 denies the allegations, but agrees that the Findings of Fact are sufficient to justify the Conclusions of Law and Order attached and has consented to entry of this Order of Injunction

4. 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. Respondent is represented by Todd Newkirk.

5. The parties enter into this Stipulation as part of the agreed upon resolution in DLSC Case Nos. 13 DEN 001, 13 DEN 124 and 13 DEN 129.

5. The parties enter into this Stipulation as part of the agreed upon resolution in DLSC Case Nos. 13 DEN 001, 13 DEN 124 and 13 DEN 129.

6. The parties agree that Respondent shall not be present at any location in which dentistry is practiced in the state of Wisconsin except as a patient.

7. The parties agree that Respondent's presence at any location in which dentistry is practiced in the state of Wisconsin, except as a patient, shall be conclusive evidence that he is holding himself out as one authorized to practice dentistry in the state of Wisconsin, in violation of the Administrative Injunction granted in this matter.

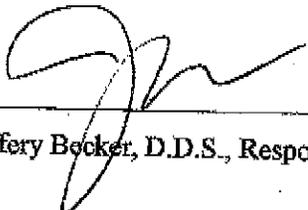
8. Respondent agrees to the adoption of the attached Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Order of Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's order, if adopted in the form as attached.

9. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

10. The parties to this Stipulation agree that the attorney for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

11. Respondent is informed that should the Department adopt this Stipulation; the Department's Order of Injunction is a public record and will be published in accordance with standard Department procedure.

12. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.



Jeffery Becker, D.D.S., Respondent Date

10-17-14
Date

Todd W. Newkirk, Attorney for Respondent
Frank R. Recker & Associates, Co., LPA
85 East Gay Street, Suite 910

Date

6. The parties agree that Respondent shall not be present at any location in which dentistry is practiced in the state of Wisconsin except as a patient.

7. The parties agree that Respondent's presence at any location in which dentistry is practiced in the state of Wisconsin, except as a patient, shall be conclusive evidence that he is holding himself out as one authorized to practice dentistry in the state of Wisconsin, in violation of the Administrative Injunction granted in this matter.

8. Respondent agrees to the adoption of the attached Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Order of Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's order, if adopted in the form as attached.

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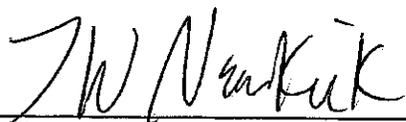
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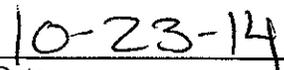
12. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.

Jeffery Becker, D.D.S., Respondent

Date

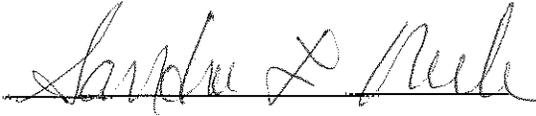


Todd W. Newkirk, Attorney for Respondent
Frank R. Recker & Associates, Co., LPA
85 East Gay Street, Suite 910
Columbus, OH 43215



Date

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Sandra L. Nowack, Lead Attorney Date
State Bar Number 1025643
Department of Safety and Professional Services
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