



**TELECONFERENCE/VIRTUAL
DENTISTRY EXAMINING BOARD**
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Christian Albouras, (608) 266-2112
May 6, 2020

The following agenda describes the issues that the Dentistry Examining 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 record of the actions of the Dentistry Examining Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Pledge of Allegiance**
- B. Adoption of Agenda (1-4)**
- C. Approval of Minutes of March 4, 2020 (5-7)**
- D. Introductions, Announcements and Recognition**
 - 1) Diana Whalen, Dental Hygienist Member (Replaces: Debra Beres)
- E. Conflicts of Interest**
- F. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Delegation of Authorities
 - 3) Board Members – Term Expiration Dates
- G. Administrative Rule Matters – Discussion and Consideration**
 - 1) Scope Amending DE 2, Relating to Reciprocal Credentials for Service Members, Former Service Members and Their Spouses **(8-10)**
 - 2) Pending or Possible Rulemaking Projects
- H. Legislative and Policy Matters – Discussion and Consideration**
- I. COVID-19 – Discussion and Consideration**
 - 1) Licensure Requirements
 - 2) Supplies and Armamentarium
 - 3) DEB Statements Regarding Practice Restrictions During the Emergency
- J. Board Position Statements-Discussion and Consideration**

K. Report of Recommendations from the Dentistry Examining Board Licensure Forms Committee – Discussion and Consideration

L. Discussion and Consideration of Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

M. Public Comments

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.).

N. Division of Legal Services and Compliance (DLSC) Matters

- 1) Stipulations, Final Decisions and Orders**
 - a. 16 DEN 105 – Stephen A. Sevenich, DDS **(11-22)**
 - b. 17 DEN 129, 18 DEN 030, 18 DEN 160, 19 DEN 020, 19 DEN 038 – Patrick J. Crawford, DDS **(23-31)**
 - c. 18 DEN 042 – Raymond J. Mazuchowski, DDS **(32-39)**
 - d. 18 DEN 064 – John R. Ulloa, DDS **(40-45)**
 - e. 18 DEN 070 – Joseph D. Uker, DDS **(46-54)**
 - f. 18 DEN 083 – Paul V. Krueel, DDS **(55-60)**
- 2) Administrative Warnings**
 - a. 18 DEN 025 – M.E.G. **(61-62)**

- b. 18 DEN 067 – B.L.B. **(63-64)**
- c. 19 DEN 092 – E.D.I. **(65-66)**
- 3) **Case Closing(s)**
 - a. 18 DEN 067 – A.K.F. **(67-211)**
 - b. 18 DEN 088 – S.S. **(212-214)**
 - c. 18 DEN 098 & 18 DEN 106 – Y.W. **(215-222)**
 - d. 18 DEN 112 – L.T.N. **(223-225)**
 - e. 18 DEN 117 – M.S.B. **(226-229)**
 - f. 18 DEN 120 – P.M.M. **(230-237)**
 - g. 18 DEN 122 – M.J.C. **(238-248)**
 - h. 18 DEN 131 – D.P.S. **(249-255)**
 - i. 18 DEN 141 – L.T.N. **(256-258)**
 - j. 18 DEN 142 – B.B.C. **(259-263)**
 - k. 19 DEN 031 – J.R.F. **(264-269)**
 - l. 19 DEN 045 – S.B.S. **(270-274)**
 - m. 19 DEN 111 – T.S.N. **(275-280)**
 - n. 19 DEN 156 – E.C.I. **(281-284)**
 - o. 20 DEN 002 – C.S. & A.F. **(285-288)**

O. Deliberation on Order Fixing Costs

- 1) James F. Murphy, DDS (DHA Case Number SPS-18-0036/DLSC Case Number 17 DEN 080) **(289-313)**

P. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

S. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT DATE: SEPTEMBER 2, 2020

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**DENTISTRY EXAMINING BOARD
MEETING MINUTES
MARCH 4, 2020**

PRESENT: Lisa Bahr, RDH; Matthew Bistan, DDS; Shaheda Govani, DDS; Leonardo Huck, DDS; Herbert Kaske, DDS (*arrived at 9:07 a.m.*); Dennis Myers, Wendy Pietz, DDS; Katherine Schrubbe, RDH; Peter Sheild, DDS

STAFF: Christian Albouras, Executive Director; Jameson Whitney, Legal Counsel; Sharon Henes, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Matthew Bistan, Chairperson, called the meeting to order at 9:01 a.m. A quorum was confirmed with eight (8) board members present.

ADOPTION OF AGENDA

MOTION: Katherine Schrubbe moved, seconded by Dennis Myers, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 8, 2020

MOTION: Dennis Myers moved, seconded by Peter Shield, to approve the Minutes of January 8, 2020 as published. Motion carried unanimously.

(Herbert Kaske arrived at 9:07 a.m.)

AMERICAN ACADEMY OF DENTAL SLEEP MEDICINE LETTER

MOTION: Dennis Myers moved, seconded by Peter Sheild, to request that Board counsel draft a letter to the American Academy of Dental Sleep Medicine thanking them for their inquiry and referring them to the relevant statutes and rules and delegating the Chairperson to review content of the letter prior to submission. Motion carried unanimously.

CLOSED SESSION

MOTION: Dennis Myers moved, seconded by Lisa Bahr, 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.). Matthew Bistan, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Lisa Bahr-yes; Matthew Bistan-yes; Shaheda Govani-yes; Leonardo Huck-yes; Herbert Kaske-yes; Dennis Myers-yes; Wendy Pietz-yes; Katherine Schrubbe-yes; and Peter Sheild-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:05 a.m.

CREDENTIALING MATTERS

Application Reviews

Gregory Goggans

MOTION: Dennis Myers moved, seconded by Shaheda Govani, to approve the Dentist application of Gregory Goggans, once all requirements are met. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Stipulations, Final Decisions and Orders

MOTION: Dennis Myers moved, seconded by Shaheda Govani, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 17 DEN 128 – Robert J. Blumenthal, D.M.D.
2. 18 DEN 020 – Neela Lalani, D.M.D.
3. 18 DEN 086 – J. William Franta, D.D.S.
4. 18 DEN 146 – Jeffrey G. Putney, D.D.S.

Motion carried unanimously.

17 DEN 129, 18 DEN 160, 19 DEN 020, 19 DEN 038 – Patrick J. Crawford, D.D.S.

MOTION: Herbert Kaske moved, seconded by Katherine Schrubbe, to reject the Finding of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Patrick J. Crawford, D.D.S., DLSC Case Numbers 17 DEN 129, 18 DEN 160, 19 DEN 020, 19 DEN 038. Motion carried unanimously.

Case Closings

MOTION: Dennis Myers moved, seconded by Peter Sheild, to close the DLSC cases for the reasons outlined below:

1. 18 DEN 050 – A.A.P. – Insufficient Evidence
2. 18 DEN 057 – A.A.P. – Insufficient Evidence
3. 18 DEN 061 – A.A.P. – No Violation
4. 18 DEN 074 – E.A.B. – No Violation
5. 18 DEN 093 – R.G.M. – Prosecutorial Discretion (P5)
6. 18 DEN 114 – W.R.M. – Prosecutorial Discretion (P2)
7. 18 DEN 123 – L.A.M. – No Violation
8. 18 DEN 132 – R.D.M. – No Violation
9. 18 DEN 133 – A.V.P. – No Violation
10. 19 DEN 110 – T.S.N. – No Violation
11. 19 DEN 142 – T.S.N. – No Violation
12. 19 DEN 146 – J.L.Z. – Prosecutorial Discretion (P2)

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Dennis Myers moved, seconded by Lisa Bahr, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:55 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Peter Sheild moved, seconded by Herbert Kaske, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Lisa Bahr moved, seconded by Herbert Kaske, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:56 a.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: 23 April 2020 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: 6 May 2020	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters 1. Scope Amending DE 2 Relating to Reciprocal Credentials for Service Members, Former Service Members and Their Spouses (2019 Act 143) 2. Updates on Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <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>		4/23/2020	
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 2

Relating to: Reciprocal credentials for service members, former service members and their spouses

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 rule is to implement 2019 Act 143.

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:

2019 Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a license in Wisconsin if the person resides in Wisconsin and holds a license in good standing granted by a different jurisdiction to practice dentistry or dental hygiene. The license can be renewed indefinitely.

This proposed rule will promulgate rules necessary to implement 2019 Act 143.

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

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. [s. 15.08(5)(b), Stats.]

The department or credentialing board, as appropriate, may promulgate rules necessary to implement this section. [s. 440.09 (5), Stats.]

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

60 hours

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

Service members, former service members and spouses of service members or former service members applying for a dentist or dental hygienist license.

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:

There is no existing or proposed federal regulation that addresses dental licensure.

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 economic impact. It is not likely to have a significant economic impact on small businesses.

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

Authorized Signature

Date Submitted