



Scott Walker, Governor
Dave Ross, Secretary

DENTISTRY EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
May 4, 2016

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 – March 2, 2016 (4-7)

D. Administrative Updates

- 1) Staff Updates

E. APPEARANCE - Dr. Bruce Barrette and Dr. Guy Champaine, Presentation Regarding Patient Centered Curriculum Integrated Format Examination

F. Legislative/Administrative Rule Matters – Discussion and Consideration (8-10)

- 1) 2015 Act 269 Relating to Prescribing Controlled Substances Guidelines
- 2) Statement of Scope for DE 1-3 relating to Licensure and the Practice of Dental Hygiene
- 3) Update on DE 10 Relating to Mobile Dentistry
- 4) Update on Pending and Possible Rulemaking Projects

G. Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaison(s)
- 4) Administrative Updates
- 5) Education and Examination Matters
- 6) Credentialing Matters
- 7) Practice Matters
- 8) Legislative/Administrative Rule Matters

- 9) Liaison Report(s)
- 10) Informational Item(s)
- 11) Disciplinary Matters
- 12) Presentations of Petition(s) for Summary Suspension
- 13) Petitions for Designation of Hearing Examiner
- 14) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 15) Presentation of Proposed Final Decision(s) and Order(s)
- 16) Presentation of Interim Orders
- 17) Petitions for Re-Hearing
- 18) Petitions for Assessments
- 19) Petitions to Vacate Orders
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) 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. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a) 15 DEN 015 – Eugene Darkow, D.D.S. **(11-17)**
 - b) 15 DEN 070 – James Caple, D.D.S. **(18-22)**
 - c) 15 DEN 080 – Leland Judd, D.D.S. **(23-30)**
- 2) **Case Closures**
 - a) 15 DEN 103 **(31-33)**

J. Consulting with Legal Counsel

K. Deliberation of Items Received After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP)
- 6) Petition(s) for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Administrative Warnings
- 10) Review of Administrative Warning

- 11) Proposed Final Decisions and Orders
- 12) Matters Relating to Costs/Orders Fixing Costs
- 13) Case Closings
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

N. Board Member Training

ADJOURNMENT

NEXT MEETING DATE JULY 6, 2016

**DENTISTRY EXAMINING BOARD
MEETING MINUTES
March 2, 2016**

PRESENT: Debra Beres, RDH; Mark Braden, DDS; Eileen Donohoo, RDH (*arrived at 9:00 a.m.*); Leonardo Huck, DDS; Lyndsay Knoell, DDS; Timothy McConville, DDS; Wendy Pietz, DDS; Carrie Stempski, RDH; Beth Welter, DDS

STAFF: Brittany Lewin, Executive Director; Amber Cardenas, Legal Counsel; Nifty Lynn Dio, Bureau Assistant; and other Department staff

CALL TO ORDER

Lyndsay Knoell, Chair, called the meeting to order at 8:30 a.m. A quorum of eight (8) members was confirmed.

ADOPTION OF AGENDA

MOTION: Debra Beres moved, seconded by Leonardo Huck, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Debra Beres moved, seconded by Leonardo Huck, to approve the minutes of January 6, 2016 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

Monitoring Liaison Delegated Authority

MOTION: Debra Beres moved, seconded by Carrie Stempski, to delegate authority to the monitoring liaison to approve or deny a request from a respondent. Motion carried unanimously.

(Eileen Donohoo arrived at 9:00 a.m.)

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS – DISCUSSION AND
CONSIDERATION**

Update on Assembly Bill 368 and Senate Bill 327 Relating to Regulation of Persons that Own or Operate Dental Practices

MOTION: Mark Braden moved, seconded by Leonardo Huck, to authorize Debra Beres to testify on behalf of the Dentistry Examining Board at the Senate Committee on Agriculture, Small Business, and Tourism Public Hearing regarding Senate Bill 327. Motion carried unanimously.

Update on Legislation and Pending and Possible Rulemaking Projects

MOTION: Debra Beres moved, seconded by Carrie Stempski, to request DSPPS draft a Scope Statement revising chapters 1-3 relating to licensure and the practice of dental hygiene and to authorize the Chair to approve 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.

APPEARANCE – DR. JACK GERROW, PRESENTATION ON EXAMINATIONS

MOTION: Eileen Donohoo moved, seconded by Mark Braden, to thank Dr. Jack Gerrow from the National Examining Board of Canada for his presentation regarding examinations at today’s meeting. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS

CRDTS Report and Steering Committee

MOTION: Eileen Donohoo moved, seconded by Leonardo Huck, to designate Beth Welter to serve on the CRDTS Steering Committee. Motion carried unanimously.

MOTION: Carrie Stempski moved, seconded by Beth Welter, to designate Eileen Donohoo to serve on the CRDTS Hygiene Exam Review Committee (HERC). Motion carried unanimously.

CLOSED SESSION

MOTION: Debra Beres moved, seconded by Mark Braden, 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, Chair, 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; Beth Welter – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:27 a.m.

(Debra Beres left at 10:30 a.m.)

RECONVENE TO OPEN SESSION

MOTION: Lyndsay Knoell moved, seconded by Eileen Donohoo, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:06 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Lyndsay Knoell moved, seconded by Eileen Donohoo, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

DELIBERATION DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Monitoring

Daniel Humiston, D.D.S.

MOTION: Eileen Donohoo moved, seconded by Wendy Pietz, to deny the request of Daniel Humiston, for modification to mentor requirements and sedation limitations.
Reason for Denial: Daniel Humiston, D.D.S. must comply with the terms of the order dated 05/06/2015. The Board modifies the order Section 4.b.2.ii.b: if he cannot meet the minimums, all patients shall be reviewed by the mentor. The Board revokes approval of Dr. Peter Hehli as mentor. Daniel Humiston, shall not perform any new sedations until he obtains a new mentor that is pre-approved by the Board. Motion carried unanimously.

(Timothy McConville recused himself and left the room for deliberation and voting in the matter of Daniel Humiston, D.D.S.)

Administrative Warnings

15 DEN 031 – P.J.C.

MOTION: Leonardo Huck moved, seconded by Timothy McConville, to issue an Administrative Warning in the matter of DLSC case number 15 DEN 031 against P.J.C. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

15 DEN 054 - Kristine M. Blumm

MOTION: Eileen Donohoo moved, seconded by Beth Welter, to **adopt** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kristine M. Blumm, DLSC case number 15 DEN 054. Motion carried unanimously.

Case Closures

13 DEN 111 – R.W.

MOTION: Lyndsay Knoell moved, seconded by Eileen Donohoo, to not close DLSC case number 13 DEN 111 against R.W. and to request further investigation. Motion carried unanimously.

14 DEN 105 – A.A.P.

MOTION: Timothy McConville moved, seconded by Mark Braden, to close DLSC case number 14 DEN 105, against A.A.P., for **Prosecutorial Discretion (P2)**. Motion carried unanimously.

14 DEN 106 – D.N.L., M.S.L., J.F.M.

MOTION: Eileen Donohoo moved, seconded by Leonardo Huck, to close DLSC case number 14 DEN 106, against D.N.L., M.S.L., and J.F.M., for **Prosecutorial Discretion (P6)**. Motion carried unanimously.

15 DEN 007 – A.A.P.

MOTION: Timothy McConville moved, seconded by Mark Braden, to close DLSC case number 15 DEN 007, against A.A.P., for **No Violation**. Motion carried unanimously.

15 DEN 025 – B.B., S.L.S.

MOTION: Eileen Donohoo moved, seconded by Beth Welter, to close DLSC case number 15 DEN 025, against B.B., and S.L.S., for **Insufficient Evidence**. Motion carried unanimously.

15 DEN 053 – R.L.C.

MOTION: Timothy McConville moved, seconded by Eileen Donohoo, to close DLSC case number 15 DEN 053, against R.L.C., for **No Violation**. Motion carried unanimously.

15 DEN 067 – D.S.

MOTION: Eileen Donohoo moved, seconded by Beth Welter, to close DLSC case number 15 DEN 067, against D.S., for **No Violation**. Motion carried unanimously.

(Wendy Pietz excused herself and left the room for deliberation and voting in the matter of D.S., DLSC case number 15 DEN 067)

15 DEN 083 – R.P.

MOTION: Timothy McConville moved, seconded by Beth Welter, to close DLSC case number 15 DEN 083, against R.P., for **Insufficient Evidence**. Motion carried unanimously.

ADJOURNMENT

MOTION: Eileen Donohoo moved, seconded by Carrie Stempski, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:16 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: 21 April 2016 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: 4 May 2016	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. 2015 Act 269 Relating to Prescribing Controlled Substances Guidelines 2. 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>21 April 2016</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.			

State of Wisconsin



2015 Assembly Bill 660

Date of enactment: **March 17, 2016**

Date of publication*: **March 18, 2016**

2015 WISCONSIN ACT 269

AN ACT *to repeal* 448.05 (6) (at); *to renumber* 440.035; *to amend* 440.035 (title), 448.05 (6) (a), 448.07 (1) (b) and 452.12 (4); and *to create* 227.01 (13) (zk) and 440.035 (2m) of the statutes; **relating to:** guidelines for prescribing controlled substances and the examination authority of the Medical Examining Board.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 227.01 (13) (zk) of the statutes is created to read:

227.01 (13) (zk) Are guidelines issued under s. 440.035 (2m).

SECTION 2. 440.035 (title) of the statutes is amended to read:

440.035 (title) General duties and powers of examining boards and affiliated credentialing boards.

SECTION 3. 440.035 of the statutes is renumbered 440.035 (1m).

SECTION 4. 440.035 (2m) of the statutes is created to read:

440.035 (2m) The medical examining board, the podiatry affiliated credentialing board, the board of nursing, the dentistry examining board, or the optometry examining board may issue guidelines regarding best practices in prescribing controlled substances, as defined in s. 961.01 (4), for persons credentialed by that board who are authorized to prescribe controlled substances.

SECTION 5. 448.05 (6) (a) of the statutes, as affected by 2013 Wisconsin Act 240, is amended to read:

448.05 (6) (a) Except as provided in pars. (am), and (ar), ~~and~~ (at), the board shall examine each applicant it

finds eligible under this section in such subject matters as the board deems applicable to the class of license or certificate which the applicant seeks to have granted. Examinations may be both written and oral. In lieu of its own examinations, in whole or in part, the board may make such use as it deems appropriate of examinations prepared, administered, and scored by national examining agencies, or by other licensing jurisdictions of the United States or Canada. The board shall specify passing grades for any and all examinations required.

SECTION 6. 448.05 (6) (at) of the statutes, as created by 2013 Wisconsin Act 240, is repealed.

SECTION 7. 448.07 (1) (b) of the statutes is amended to read:

448.07 (1) (b) The board shall maintain the register required by s. 440.035 (4) (1m) (d), which shall be divided according to the activity for which the registrant is licensed or certified. The board shall make copies available for purchase at cost.

SECTION 8. 452.12 (4) of the statutes is amended to read:

452.12 (4) REGISTER OF BROKERS AND SALESPERSONS. The board shall include in the register the board maintains under s. 440.035 (4) (1m) (d) the names of all brokers and salespersons whose licenses were revoked

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

within the past 2 years. The register shall be available for purchase at cost.
