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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST A. O. BRAATZ, D.D.S., RESPONDENT	: : : : :	FINAL DECISION AND ORDER

The State of Wisconsin, Dentistry Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Dentistry Examining Board. Let a copy of this order be served on the respondent by certified mail.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is A. O. Braatz.

A party aggrieved by this decision may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings will be held and serving the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin Dentistry Examining Board.

Dated this 27 day of October, 1982.

Robert C. Walker DDS

pc017-552

BEFORE THE STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST A. O. BRAATZ, D.D.S., RESPONDENT.	: : : : :	PROPOSED DECISION

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.16 are:

A. O. Braatz, D.D.S.
1700 North Main Street
Racine, Wisconsin 53402

State of Wisconsin Dentistry Examining Board
1400 East Washington Avenue, Room 178
P. O. Box 8936
Madison, Wisconsin 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave., Room 183
P. O. Box 8936
Madison, Wisconsin 53708

A hearing was held in the above-captioned matter commencing at 9:30 a.m. on August 2, 1982, in Room 179A at 1400 East Washington Avenue, Madison, Wisconsin. Appearing for the Complainant was attorney Pamela M. Stach, Division of Enforcement, Department of Regulation and Licensing. Respondent did not appear nor did anyone appear purporting to represent him.

Based upon the evidence in the record and the pleadings and other documents filed in this matter, the Examiner recommends that the State of Wisconsin Dentistry Examining Board adopt as its Final Decision the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A. O. Braatz, D.D.S., hereafter referred to as Respondent, residing at 1700 North Main Street, Racine, Wisconsin, is duly licensed to practice dentistry in the State of Wisconsin pursuant to license #2000712, and has been so licensed since 1924.

2. On July 5, 1979 Respondent ordered and subsequently received One Thousand (1000) 1½ grain pentobarbital capsules, and Five Hundred (500) 10 mg. dextroamphetamine capsules, under Bureau of Narcotics and Dangerous Drugs registration number AB 3558434.

3. Pentobarbital is a barbituric acid derivative classified as a Schedule II Controlled Substance as defined by Wis. Stats. sections 161.01(4) and 161.16(7)(b). Dextroamphetamine is a sympathomimetic amine with central nervous system stimulant activity, and is also classified as a Schedule II Controlled Substance, as defined by Wis. Stats. sections 161.01(4) and 161.16(5)(a).

4. As set forth in Wis. Stats. sec. 161.15, Schedule II Controlled Substances have high potential for abuse, and such abuse may lead to severe psychic or physical dependence.

5. At some time subsequent to July, 1979, Respondent dispensed approximately 750 pentobarbital 1½ grain capsules to his daughter-in-law, Iris Braatz, otherwise than in the course of legitimate professional practice. Iris Braatz was not a patient of Respondent at the times pentobarbital was dispensed to her, and said drug was dispensed without benefit of adequate dental examination or diagnosis and without justification for dentistry purposes.

6. Respondent dispensed dextroamphetamine capsules to a friend, Helene Gaisler, otherwise than in the course of legitimate professional practice. Helene Gaisler was not a patient of respondent at the times dextroamphetamine was dispensed to her and said drug was dispensed without benefit of adequate dental examination or diagnosis and without justification in dentistry procedures.

7. Respondent knew or should have known that Helene Gaisler was providing to other individuals dextroamphetamine dispensed to her.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this case pursuant to Wis. Stats. sec. 447.07.

2. Dispensing Controlled Substances other than in the course of legitimate professional practice fails to meet the minimal standards of acceptable dentistry and falls within the meaning of conduct unbecoming a professional person for the purposes of Wis. Stats Sec. 447.07(5).

3. Conduct unbecoming a professional person constitutes unprofessional conduct pursuant to Wis. Stats sec. 447.07(5) (1977).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of A. O. Braatz, D.D.S. to practice dentistry in the State of Wisconsin be, and it hereby is, revoked. Dr. Braatz shall surrender his license to the office of the Dentistry Examining Board forthwith.

IT IS FURTHER ORDERED that should Dr. Braatz apply to the Board for reinstatement of his license, such reinstatement shall not be granted until he has demonstrated current qualification to practice by taking an examination in such dental subjects as may be required by the Board.

OPINION

The Findings of Fact herein are fully supported by the evidence of record, which includes a signed statement by Dr. Braatz admitting the substantive allegations of the Complaint. Because Dr. Braatz failed to appear at the time set for hearing or to otherwise contest those allegations, they are entirely unrebutted. Dr. Braatz' only response to the Complaint was a letter received by the Hearing Examiner on May 26, 1982 in which he indicates that at the time of the letter he was a patient at Alvarado Community Hospital, San Diego, California, after having suffered a stroke. Dr. Braatz also indicates that he had closed his office and retired as of March 1, 1982; and that he has "no intention of any form of practice."

While there is no reason to doubt the veracity of Dr. Braatz' representations relating to his permanent retirement, it is nonetheless necessary to take appropriate disciplinary action in this case. This is so because the purposes of discipline include not only protecting the public from further acts of misconduct by the Respondent, but, as well, deterring other licensees from similar acts of misconduct and demonstrating to the public the Board's displeasure with such unprofessional conduct. State v. Aldrich, 71 Wis.2d 206 (1976), State v. Kern, 203 Wis. 178.

Dr. Braatz' actions in this case demonstrate a total disregard of his professional responsibilities. In his signed statement, Dr. Braatz states in regard to his dispensing of dextroamphetamine:

> "I gave the dextroamphetamine I ordered in July, 1979 to my girlfriend Helen Gaisler because she wanted to loose (sic) weight. Mrs. Gaisler in turn gave some of the medications to her friends who also wanted to loose (sic) weight. None of them lost weight."

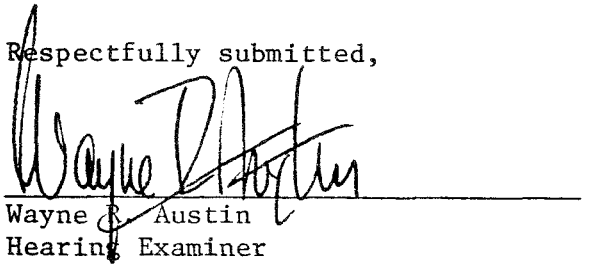
In regard to his dispensing of pentobarbital to his daughter-in-law, Dr. Braatz states:

> "The pentobarbital I ordered . . . were for my daughter-in-law who had been in a car accident. My daughter-in-law, Iris Braatz, could not get the medication when she wanted it."

The indiscriminate dispensing of dangerous Schedule II Controlled Substances to individuals who are not patients for non-dental purposes simply cannot be excused or justified. It is therefore deemed that nothing less than the revocation of Dr. Braatz' license would be appropriate.

Dated this 20th day of September, 1982.

Respectfully submitted,



Wayne R. Austin
Hearing Examiner

WRA:bdk
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