

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

FINAL DECISION AND ORDER
92 DEN 063

CRAIG R. HOLTEY, D.D.S.,
RESPONDENT

The parties to this action for the purposes of Wis. Stats. sec 227.53 are:

Craig R. Holtey
201 Dakota Ave. S
P.O. Box 731
Hayward, WI 54843

Wisconsin Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in this matter, subject to the approval of the 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

1. Graig R. Holtey (D.O.B. 1/18/53) is duly licensed in the state of Wisconsin as a dentist (license # 2862). This license was first granted October 8, 1981.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 201 Dakota Ave. S., Box 731, Hayward, WI 54843.
3. On 12/8/86 Respondent attempted a root canal on tooth # 7 of patient DS. On 5/20/88 Respondent attempted a root canal on tooth # 20 of patient CP.
4. In both instances, Respondent failed to obtain pre-treatment and intra-treatment radiographs of the patient's teeth. Respondent also did not document in the patient record file measurements of the length of the canal. In both instances, Respondent failed to completely obturate the canal, necessitating subsequent remedial operative treatment of the teeth.

CONCLUSIONS OF LAW

By the conduct described above, Craig R. Holtey is subject to disciplinary action against his license to practice as a dentist in the state of Wisconsin, pursuant to Wis. Stats. sec. 447.07(3)(a) and (h), and Wis. Adm. Code sec. 5.02(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The stipulation of the parties is accepted.
2. Craig R. Holtey is hereby REPRIMANDED for his unprofessional conduct in this matter.
3. The license of Respondent is hereby LIMITED in that Respondent shall not engage in endodontic practice until he has submitted to the Board certification of successful completion of a course of education and training of not less than 30 hours in endodontic practice, which shall include both didactic and clinical instruction.

The course outline must be pre-approved by the Board no later than two months after the date of this Order. No outline will be approved unless the Respondent submits the name of the institution offering the instruction, the name of the instructor, and the content of the course. Respondent shall submit certification of successful completion of the approved course of study to the Board within six months of the date of this Order. Upon filing of the appropriate certification the limitation shall be removed without further Board action. No continuing education credit may be claimed for this required training.

4. Respondent shall pay the COSTS of investigation and prosecution of this action in the sum of \$ 400.00 to the Department of Regulation and Licensing within sixty days of the date of this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

This Order shall become effective upon the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By: Thomas G. Brandt DDS 9-1-93.
Chair Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
CRAIG R. HOLTEY, D.D.S.,	:	92 DEN 063
RESPONDENT	:	

It is hereby stipulated between Craig R. Holtey, personally on his own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

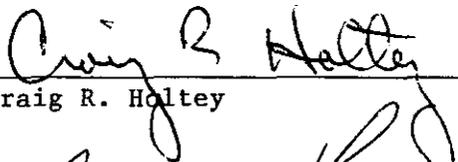
3. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

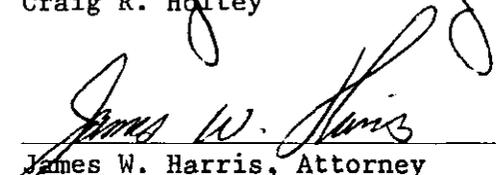
6. The Division of Enforcement joins Respondent in recommending the Wisconsin Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.



Craig R. Holtey

5-7-93

Date



James W. Harris, Attorney
Division of Enforcement

MAY 10, 1993

Date

jwh

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Dentistry Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Dentistry Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Dentistry Examining Board.

The date of mailing of this decision is September 3, 1993.