

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**State Of Wisconsin**

**Before The dentistry Examining Board**

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In The Matter Of Disciplinary Proceedings Against:

DANIEL E. TACHE, D.M.D.,

FINAL DECISION AND ORDER

Respondent

LS0203064DEN

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Division of Enforcement Case #99 DEN 026

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

Daniel E. Tache, D.M.D.

4660 W. College Ave.

Appleton, WI 54915

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 Wisconsin Dentistry Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Daniel E. Tache, D.M.D., personally on his own behalf, and by Michael J. Berndt, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Dentistry Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. Daniel E. Tache, D.M.D., 4660 W. College Avenue, Appleton, Wisconsin, 54915, was born June 7, 1948 and has been licensed and registered to practice dentistry in the state of Wisconsin since December 11, 1998, license #15-5089.

2. Dr. Tache is engaged in the practice of dentistry.

**COUNT I**

3. A.D., the patient herein, received dental care from Dr. Tache from approximately March 3, 1999 through August 31, 1999.

4. On March 30, 1999 Patient A.D. saw Respondent for her TMJ. During the course of her office visit Dr. Tache diagnosed her with strep throat. No diagnostic tests were performed and there is nothing recorded in the patient records regarding this diagnosis.

**COUNT II**

5. On March 30, 1999 Respondent prescribed Amoxicillin to the Patient A.D. for strep throat.

6. The patient was allergic to penicillin and reported this on her medical history provided to the Respondent at an office visit on February 4, 1999. This was also noted throughout the patient file.

7. Amoxicillin is a form of penicillin.

### **CONCLUSIONS OF LAW**

1. The Wisconsin Dentistry Examining Board has jurisdiction in this matter pursuant to § 447.07, Stats.

2. The Wisconsin Dentistry Examining Board has the authority to enter into this stipulated resolution without an evidentiary hearing pursuant to § 227.44 (5), Stats.

3. Dr. Tache's conduct as described in paragraphs 4 through 7 of the Findings of Fact was unprofessional conduct contrary to sec. 447.07(3)(a), Stats. and Wis. Admin. Code sec. DE 5.02(5) in that he practiced in a manner which substantially departed from the standard of care ordinarily exercised by a dentist which could have harmed a patient.

4. The Wisconsin Dentistry Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Tache.

### **ORDER**

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Daniel E. Tache, D.M.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Daniel E. Tache, D.M.D., will pay a forfeiture in the amount of \$300.00 to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935 within 60 days of the date of this final Decision and Order.

IT IS FURTHER ORDERED that Daniel E. Tache, D.M.D., will pay the costs of this proceeding in the amount of \$900.00 to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935 within 60 days of the date of this final Decision and Order.

IT IS FURTHER ORDERED that the pending investigation, 99 DEN 026, shall be, and hereby is, closed without further proceedings.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Dentistry Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

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

By: Bruce Barrette

3-6-02

Wisconsin Dentistry Examining Board

Date