

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

ORDER GRANTING A STAY
AND MODIFYING LIMITATIONS

BLAIR D. MOLDENHAUER, D.M.D.,

RESPONDENT

LS 0201092 DEN

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

Blair D. Moldenhauer
238 West Main Street
Sun Prairie, WI 53590

Attorney Daniel Krueger
3 S. Pinckney St Ste 816
Madison, WI 53708-2666

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

On July 2, 2008, Blair D. Moldenhauer (Respondent) appeared before the board requesting a stay of the suspension of his license based on an Order of the board dated January 9, 2002. After deliberation on the information presented, the board decided to grant a 3 month stay of the suspension of Dr. Moldenhauer's license and to modify some of the limitations placed on his license in the January 9, 2002 Order.

THEREFORE IT IS ORDERED THAT a three (3) month stay of the suspension of Respondent's license is granted from the effective date of this order.

IT IS ALSO ORDERED THAT the limitations placed on Respondent's license in the January 9, 2002 Order remain in effect unless modified by this Order. The limitations are modified as follows:

1. The limitations in the first and second paragraphs of limitation number one (1) are removed. The third paragraph is modified to state that: Respondent is required to attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, upon a frequency as recommended by the Board or its designee, but not less than one meeting per week. Attendance of Respondent at such meetings shall be verified and reported monthly to the department monitor.
2. Limitation number two (2) is modified to state that: Respondent shall abstain from all personal use of controlled substances as defined in Sec. 161.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the Department Monitor.
3. Limitation number four (4) is modified to state that: Respondent shall refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, or which may create false positive screening results, or which may interfere with respondent's treatment and rehabilitation. Respondent shall report all medications and drugs, over-the-counter or prescription, taken by respondent to the Department Monitor within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Within 24 hours of a request by the Board or its designee, Respondent shall provide releases which comply with state and federal laws authorizing release of all health care records by the person who prescribed, dispensed, administered or ordered this medication for respondent. These releases shall also authorize the department monitor, the Board or its designee to discuss the Respondent's health care with the person who prescribed, dispensed, administered or ordered this medication. The terms of this paragraph shall not be deemed to modify or negate Respondent's obligations as set forth in this Order.

4. Limitation number six (6) is modified to state that: Respondent shall provide and keep on file with the Department Monitor, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all urine, blood and hair specimen screen results and medical and treatment records and reports to, and permitting all treating physicians and therapists to disclose and discuss the progress of respondent's treatment and rehabilitation with the Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board.

5. Limitation number seven (7) is modified to require the Respondent to enroll and begin participation in a drug and alcohol monitoring program which is approved by the department pursuant to Wis. Admin. Code s. RL 7.11 within 30 days of the signing of this order. The remainder of the requirements remain in effect.

6. Limitation number eight (8) is modified to state that Respondent shall keep the Department Monitor informed of Respondent's location and shall be available for contact by the Department Monitor at all reasonable times.

7. Limitation number nine (9) is modified to state that: The approved drug monitoring program shall report immediately to the Department Monitor any failure of Respondent to provide a urine, blood or hair specimen within five (5) hours from the time it was requested; or of any inability to locate Respondent to request a specimen. The laboratory shall immediately report all urine specimens suspected to have been tampered with and all urine, blood or hair specimens that are positive or suspected to be positive for controlled substances or alcohol to the Department Monitor.

8. Limitation number eleven (11) is removed

9. Limitation number twelve (12) is modified to state that: Respondent is responsible for compliance with all of the terms and conditions of this Order and the Order dated January 9, 2002. It is the responsibility of Respondent to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order, including any failures of the laboratory or collection sites to conform to the terms and conditions of this Order.

10. Limitation number thirteen (13) is modified to state that: If the Board or its designee determines that the laboratory or collection sites have failed to satisfy the terms and conditions of this Order and the Order dated January 9, 2002, the Board or its designee may, at its sole discretion, direct that Respondent continue screens with a different laboratory or collection site which will conform to the terms and conditions of this Order and the Order dated January 9, 2002.

11. Limitation number fourteen (14) is modified to state that: Respondent may petition the Board for modification of the terms of this limited license. Any such petition shall be accompanied by a written recommendation from respondent's Mentor expressly supporting the specific modifications sought. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for modification of the limited license.

After five years of continuous active professional practice under this Order without relapse, and upon recommendation of the Mentor, Respondent may petition the Board for a termination of all limitations on the license, and restoration of an unlimited license. Such restoration shall be in the sole discretion of the Board, and denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for termination of the limitations and restoration of unlimited licensure.

12. Limitation number eighteen (18) is modified to state that: Respondent shall obtain and pay for the services of a Mentor acceptable to the Board to monitor Respondent's professional practice. The Mentor must be a dentist currently licensed to practice in the state of Wisconsin. The Mentor shall conduct at least a monthly meeting with Respondent, a review of patient records selected by the Mentor, and any other action deemed appropriate by the Mentor to determine that Respondent is continuing to practice in a professional and competent manner. In the event that the Mentor is unwilling or unable to continue to serve, the Board or its designee in its sole discretion may select a successor. The Mentor shall have no duty or liability to any patient or third party, and the Mentor's sole responsibility is to the Board.

13. Limitation number nineteen (19) is modified to state that: Respondent shall arrange for his Mentor to provide monthly formal written reports to the Department Monitor. These reports shall assess Respondent's work performance and compliance with the practice restrictions contained in this Order.

14. Limitation number twenty-one (21) is removed.

15. Limitation number twenty-two (22) is modified to state that: Respondent shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

16. Limitation number twenty-three (23) is modified to state that Respondent shall furnish a copy of this Order and the Order dated January 9, 2002 to all present employers immediately upon issuance of this Order, and to any prospective employer when respondent applies for employment as a health care provider. EMPLOYERS WHO ARE DEA REGISTRANTS ARE INFORMED THAT IF RESPONDENT HAS BEEN CONVICTED OF ANY FELONY RELATING TO CONTROLLED SUBSTANCES, THE EMPLOYER MUST RECEIVE A WAIVER OF 21 CFR §1301.76 UNDER 21 CFR §1307.03 BEFORE EMPLOYING RESPONDENT.

IT IS ALSO ORDERED that the following limitations are added to Respondent's license:

1. There must be another licensed dentist in the office at all times that Respondent is practicing. The other dentist may not be an employee of Respondent.

2. Within six (6) months of the date of this Order, Respondent must submit evidence to the Department Monitor that he attended and completed board approved continuing education programs including four (4) hours of ethics and jurisprudence, eight (8) hours of contemporary techniques in restorative dentistry and four (4) hours in record keeping. None of these hours may be counted toward Respondent's continuing education requirement.

This Order becomes effective on the date of its signing.

Signed November 5, 2008.

Dr. Lori Barbeau, Chair
Dentistry Examining Board