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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : Case No. LS0909042DEN
GLENN T. MAIHOFER, D.D.S, :
RESPONDENT. :

ORDER OF SUMMARY SUSPENSION

[Division of Enforcement Case # 09 DEN 082]

The Petition for Summary Suspension of August 28, 2009 was noticed to be presented at 8:45 a.m., or as soon as the matter could be heard, on September 2, 2009. At the time and place noticed, attorney John R. Zwieg appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. Glenn T. Maihofer, D.D.S., Respondent, appeared in person and by attorney Michael J. Fitzgerald, Glynn, Fitzgerald & Albee, S.C., his attorneys.

The Wisconsin Dentistry Examining Board, having considered:

1. The sworn August 28, 2009 Petition for Summary Suspension,
2. The August 31, 2009 Affidavit of Service of Notice of Presentation and Petition for Summary Suspension of Jan Johnson,
3. The August 31, 2009 Affidavit in Support of Petition for Summary Suspension of Tara Albedyll,
4. The statement of Dr. Glenn T. Maihofer, D.D.S.,

And the Board having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. Glenn T. Maihofer, D.D.S., Respondent, date of birth September 11, 1937, is licensed by the Dentistry Examining Board (Board) to practice dentistry in the State of Wisconsin, pursuant to license number 4001809, which was first granted June 27, 1962.

2. Respondent's last address reported to the Department of Regulation and Licensing (Department) is his office at 3970 N. Oakland Avenue, Suite 601, Shorewood, WI 53211.

Bases for Finding of Notice to Respondent

3. On August 28, 2009, copies of the August 28, 2009 Notice of Presentation and Petition for Summary Suspension were properly served on Respondent by mailing them by regular U.S. mail to Respondent's last address reported to the Department. This provided the notice required by Wis. Adm. Code § RL 6.05.

4. At 11:30 a.m. on August 30, 2009, Respondent called and left a message on Attorney Zwieg's office voice mail acknowledging that he received the Notice of Presentation and Petition for Summary Suspension. On August 31, 2009, Respondent called and informed Attorney Zwieg that he would be appearing at the presentation.

Bases for Summary Suspension

5. On June 22, 2006, Respondent was initially seen at the Neurology Clinic at Froedtert West Clinic in Milwaukee, Wisconsin, for memory related concerns. The findings of the mental status examination performed by the neurologist indicate abnormal: orientation, recent memory, attention span/concentration, language, abstractions, insight, executive functions and episodic memory. The diagnosis was mild Alzheimer's disease. The neurologist recommended that Respondent discontinue the practice of dentistry and seek disability.

6. Respondent continued to practice dentistry and did not return to the neurology clinic until May 7, 2009. At that

visit, his diagnosis was moderate Alzheimer's disease. Recommendations included a family conference with a social worker to discuss ways to limit and then end Respondent's work as a dentist. The visit note indicates that Respondent's family reported:

- a. His cognition had declined.
- b. He is slipping as a dentist and the assistant says he should stop.
- c. He freezes a tooth and then forgets which he has frozen.
- d. He cannot make simple entries in the ledger
- e. His work is declining in quality but he does not want to stop practicing.

7. A neuropsychological evaluation of Respondent was completed by a neuropsychologist on June 25, 2009. During the evaluation, Respondent denied any decline in the quality of his dentistry work. On July 2, 2009, Respondent was seen again by the neurologist, who concluded that Respondent's history, neurological examination, cognitive testing, laboratory studies, neuro-imaging and neuropsychological assessment were consistent with a memory disorder, likely Alzheimer's disease.

8. The neurologist advised Respondent to stop practicing as a dentist. He also told Respondent that his ethics required him to notify the dentistry licensing authorities of Respondent's condition. The neurologist sent a letter dated July 30, 2009 to the Division of Enforcement, which says that Respondent has impairments in thinking, memory, judgment, and decision-making ability and has no insight into his impairments.

9. Despite being advised by his neurologist to cease practicing due to his cognitive impairments, Respondent continues to treat dental patients. Respondent is a sole practitioner who practices dentistry 3 ½ days a week.

10. Respondent, by practicing or attempting to practice while his ability to perform services is impaired, as set out above, has violated Wis. Adm. Code § DE 5.02(4) and is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a).

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 447.07 and has authority to summarily suspend Respondent's license to practice dentistry in the State of Wisconsin, pursuant to Wis. Stat. § 227.53(3) and Wis. Adm. Code ch. RL 6.

2. Notice has been given to Respondent as required by Wis. Adm. Code § RL 6.05.

3. There is probable cause to believe that Respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of Respondent's license to practice dentistry.

ORDER

IT IS ORDERED that the license of Glenn T. Maihofer, D.D.S., to practice dentistry in the state of Wisconsin is summarily suspended, effective immediately upon Respondent receiving actual notice of this summary suspension order or upon service of this summary suspension order upon Respondent or his attorney under Wis. Adm. Code § RL 6.06(3), whichever is sooner.

IT IS FURTHER ORDERED that if no disciplinary proceeding is commenced within 10 days of the issuance of this Order, the suspension shall lapse.

IT IS FURTHER ORDERED that this Order continues to be in effect until the effective date of a final order and decision in a disciplinary proceeding commenced against Respondent, unless otherwise ordered by the Board.

IT IS FURTHER ORDERED that Respondent is hereby notified of his right, pursuant to Wis. Adm. Code § RL 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Dentistry Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

IT IS FURTHER ORDERED that in the event that Respondent requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

Wisconsin Dentistry Examining Board

By: Lori R. Barbeau DDS
A Member of the Board

9/2/09
Date