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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST STEVEN R. SCHNOLL, D.D.S., RESPONDENT.	:	FINAL DECISION AND ORDER

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

Steven R. Schnoll, D.D.S.
8606 West Wright Street
Wauwatosa, WI 53226

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

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of 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. Steven R. Schnoll, D.D.S., Respondent, DOB: November 1, 1957, is a dentist currently licensed and registered to practice dentistry in the state of Wisconsin; that his license, which bears #0003039 was granted August 6, 1982 and limited by an Order of the Dentistry Examining Board on March 6, 1991. That his last address reported to the Wisconsin Department of Regulation and Licensing is 8606 West Wright Street, Wauwatosa, WI 53226.

2. That on March 6, 1991, the Dentistry Examining Board entered a Final Decision and Order, based upon a stipulation, which limited Respondent's license to practice dentistry in the state of Wisconsin.

3. The basis for the March 6, 1991 discipline was Respondent having been criminally convicted of 5 counts of violating sec. 161.38(5), Wis. Stats., misdemeanor criminal offenses, for issuing prescriptions for hydrocodone bitartrate, a Schedule III controlled substance, which prescriptions were issued in the name of Respondent's spouse, but which Respondent filled and then consumed the controlled substances himself.

4. That the discipline imposed on March 6, 1991 was also based in part upon Respondent having entered into a substance abuse treatment program on May 2, 1990 and having abstained from the use of alcohol or controlled substances to the date of the issuance of the March, 1991 order.

5. That the limitations imposed upon Respondent's license in March, 1991 included the requirements that Respondent remain in treatment, abstain from the use of alcohol and controlled substances, and supply random monitored urine specimens to determine whether Respondent was abstaining from the use of alcohol and controlled substances.

6. That all of Respondent's random urine specimens tested have been negative for the use of alcohol or controlled substances. That all reports filed by Respondent's therapist have indicated cooperation with treatment and progress in treatment. That the Division of Enforcement has received no information or allegation that Respondent has failed to abstain from the use of alcohol and controlled substances.

7. That the limitations imposed in March of 1991 also included:

2. That Respondent shall not dispense controlled substances.

3. That Respondent shall not administer controlled substances.

4. That Respondent shall be allowed to prescribe controlled substances to his oral surgery patients, who are not members of his immediate family. For purposes of this paragraph, endodontic procedures shall not be considered oral surgery. For purposes of this paragraph, the only periodontal procedures which shall be considered oral surgery are full flap surgeries and bony restructuring."

8. That on March 27, 1991 Respondent first saw Patient X, who was complaining of pain in tooth #18. Respondent examined Patient X and found decay in tooth #18 under an existing stainless steel crown. Respondent recommended endodontic treatment if Patient X desired to retain tooth #18.

9. Patient X expressed her desire to retain tooth #18 and authorized Respondent to perform endodontic treatment (root canal) to tooth #18. In early April, 1991 Respondent completed the root canal and replaced the stainless steel crown on tooth #18 as an interim measure.

10. On April 23, 1991 Respondent did additional restorative treatment to Patient X's teeth. Among other things, Respondent found that tooth #31 had deep decay. Respondent removed the decay and an amalgam restoration was placed on top of a base. Respondent advised Patient X of the possible need for endodontic therapy on that tooth.

11. On April 24, 1991 Patient X complained to Respondent of cold/hot pain in the lower right quadrant.

12. On April 27, 1991 Patient X called Respondent and Respondent prescribed Dolobid 500 mg. (a non-controlled substance) 20 doses, for pain.

13. On April 30, 1991, because Patient X was not obtaining relief from the Dolobid, Respondent issued Patient X a prescription for Tylenol #3 (acetaminophen with codeine), a Schedule III controlled substance, 12 doses. Patient X filled the prescription, received the drug and took it as directed.

14. That the issuance of the April 30, 1991 prescription to Patient X for Tylenol #3, a controlled substance, was an appropriate prescription for her condition, but was in violation of the limitations placed on Respondent's license on March 6, 1991.

15. That although Respondent had indicated in Patient X's chart all other prescriptions he issued to her, there is no notation in her record indicating the issuance of the April 30, 1991 prescription.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to Wis. Stats., sec. 447.07(3).

2. The Wisconsin Dentistry Examining Board has authority to enter into this stipulated resolution, pursuant to Wis. Stats., sec. 227.44(5).

3. That Respondent's conduct in issuing a prescription for a controlled substance to Patient X on April 30, 1991 was a violation of a limitation placed upon his license to practice dentistry in the state of Wisconsin on March 6, 1991 and constitutes unprofessional conduct as defined by sec. 447.07(3), Wis. Stats., and Wis. Adm. Code sec. DE 5.02(17), for violating an order of the Dentistry Examining Board.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent, Steven R. Schnoll, D.D.S. is hereby REPRIMANDED for having violated an order of the Dentistry Examining Board.

IT IS FURTHER ORDERED that all limitations imposed by the March 6, 1991 Final Decision and Order of the Wisconsin Dentistry Examining Board remain in effect, unless specifically modified by a Board Order subsequent to March 6, 1991.

IT IS FURTHER ORDERED that Respondent's license is additionally limited until May 2, 1995, unless specifically modified by a Board Order subsequent to this date, as follows:

1. That Respondent shall maintain a log of all prescriptions for controlled substances which Respondent issues.

2. The log shall be a separate document from the individual patient's record and shall list in chronological order the following:

   a. Patient's name.

   b. Date prescription issued.

   c. Drug, strength, and units.

   d. Number of refills.

   e. Condition for which Respondent is treating the patient.

3. The log entry shall be made prior to or immediately after the issuance of the prescription.

4. Every three months, beginning three months from the date of this Order, Respondent shall send an accurate copy of the entries made in the log during that period to the Department of Regulation and licensing.

5. Respondent shall produce the log for inspection by investigators from the Wisconsin Department of Regulation and Licensing, Division of Enforcement at any time such production is requested.

Dated at Madison, Wisconsin the 6th day of May, 1992.

Thomas G Brandt DDS.

Thomas G. Brandt, D.D.S., Chairperson
Wisconsin Dentistry Examining Board

ATY2-1646

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
STEPHEN R. SCHNOLL, D.D.S., RESPONDENT	:	92 DEN 22

It is hereby stipulated and agreed, by and between, Stephen R. Schnoll, D.D.S., Respondent, personally on his own behalf; and, John R. Zwieg, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 92 DEN 22), which contains the allegation that Respondent violated a valid Order of the Dentistry Examining Board. 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 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 Respondent, his attorney if any, and the attorney for the Division of Enforcement may appear before the Dentistry Examining 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.

7. The parties to this stipulation agree that the member of the Dental Examining Board appointed as the investigative advisor in this matter may appear before the Dentistry Examining Board in open or closed session 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.

Dated this 2nd day of ~~March~~ April, 1992.

Stephen R.Schnoll, D.D.S.
Respondent

Dated this 23 day of March, 1992.

John R. Zwieg, Attorney
Department of Regulation & Licensing
Division of Enforcement

ATY2-1615

NOTICE OF APPEAL INFORMATION

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

Th 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 decisi n. (Th date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Dentisitry 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 Dentisitry Examining Board

within 30 days of service of this decision if there has been no petiti n f r rehearing, or within 30 days of service of the order finally disposing of th 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 b served upon, and name as the respondent, the following: the State of Wisconsin Dentisitry Examining board.

The date of mailing of this decision is May 8, 1992.