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STATE OF WISCONSIN
BEFORE THE
DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
BENJAMIN C. VAN HORN, D.D.S. : FINAL DECISION
TO PRACTICE DENTISTRY IN THE : AND ORDER
STATE OF WISCONSIN :

The State of Wisconsin, Dentistry Examining Board, having considered the above entitled matter and having reviewed the record and the proposed decision of the Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, In the Matter of the License of Benjamin C. Van Horn, D.D.S. to Practice Dentistry in the State of Wisconsin. Let a copy of this order be served on the Respondent by certified mail.

Dated this 8th day of November, 1978.

John F. Lueck

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :

Benjamin C. Van Horn, D.D.S. :
111 East Wisconsin Avenue :
Milwaukee, Wisconsin 53202 :

PROPOSED
DECISION

TO PRACTICE DENTISTRY IN THE :
STATE OF WISCONSIN :

A complaint was filed in the above-entitled matter on October 10, 1977 by Dennis Curran, Chief Investigator for the Department of Regulation and Licensing. The complaint alleged that respondent, a licensed dentist, made wholesale purchases of Ritalin, a Schedule II controlled substance, and that the Ritalin was ordered not for the use by the respondent in his dental practice but to treat a medical condition afflicting respondent's family and that such conduct constituted conduct unbecoming a professional person in violation of s. 447.07, Wis. Stats. and Wis. Admin. Code s. DE 2.19.

A prehearing conference was held on the matter on Monday, December 5, 1977. A copy of the memorandum prepared subsequent to the conference is included in the record.

One provision of the order issued after the prehearing conference was that this matter be adjourned until following a determination In The Matter of the License of Charles Laux to Practice Dentistry in the State of Wisconsin.

On August 28, 1978 a stipulation between the parties was filed with the examiner. A copy of the stipulation is attached.

No hearing was held in the above-entitled matter for the reason that the facts alleged in the complaint were admitted by the respondent.

RECOMMENDATION

Upon consideration of the pleadings filed, the admissions of the respondent and the stipulation filed in the above-entitled matter, the examiner recommends that the Dentistry Examining Board make as its final decision in this matter the findings of fact, conclusions of law, and order as set forth below which are based on the stipulation submitted by the parties.

FINDINGS OF FACT

1. That Benjamin Van Horn, D.D.S., (hereinafter Van Horn) is licensed to practice dentistry in the State of Wisconsin holding license number 0233G and that such license was issued on June 18, 1965.

2. That Van Horn made wholesale purchases of Ritalin, a Schedule II controlled substance within the meaning of s. 161.01(4), Wis. Stats., at the following time and in the following amount: date of order - May 6, 1976: quantity ordered - 1,000: date shipped to respondent: May 12, 1976.

3. That Ritalin tablets ordered by Van Horn as related in paragraph 2 above were not used by Van Horn in his dental practice and that all of the tablets were used to treat a medical condition afflicting a member of Van Horn's family.

4. Van Horn has been ordering Ritalin on a wholesale basis to treat a family member for non-dental purposes for a period of 10 years.

CONCLUSIONS OF LAW

That the actions of respondent Benjamin C. Van Horn in purchasing and administering a controlled substance outside the scope of his dental practice constitutes unprofessional conduct by conduct unbecoming a professional person within the meaning of sec. 447.07(3)(a), (5), Wis. Stats., and sec. DE 2.19 Wis. Admin. Code.

ORDER

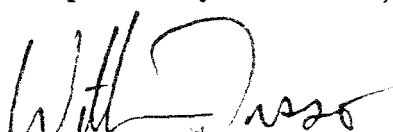
NOW THEREFORE, IT IS ORDERED that respondent Benjamin C. Van Horn, D.D.S. cease and desist from the purchasing and administering any controlled substances as defined in Chapter 161, Wis. Stats. for purposes outside the scope of and other than in the course of his dental practice.

OPINION

The above findings of fact, conclusions of law and order are those stipulated to by the parties. The examiner sees no compelling reason why the final decision and order should be different from that stipulated to by the parties.

Dated at Madison, Wisconsin.
August 31, 1978

Respectfully submitted,


William Dusso, Examiner