

# 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

ROGER P. JOHNSON, D.D.S.  
3300 W. Kinnickinnic River Pkwy.  
Milwaukee, Wisconsin 53215

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:  
: FINAL DECISION  
: AND ORDER  
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:

TO PRACTICE DENTISTRY IN THE STATE  
OF WISCONSIN  
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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 Roger P. Johnson, 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 16<sup>th</sup> day of January, 1978.

John F. Lueck  
John F. Lueck, Secretary  
Dentistry Examining Board



<u>Pharmacy</u>	<u>Rx No.</u>	<u>Date</u>	<u>Patient</u>	<u>Dosage of Nembutal</u>
The Prescription Center, 709 N. Water St., Milwaukee, WI	529582	1/3/77	Mrs. Anton Simonsen	34-3/4 gr.
"	529985	1/14/77	Mrs. Ray O'Connell	34-3/4 gr.
"	530197	1/20/77	David Duffy	34-3/4 gr.
"	530802	2/7/77	Lorraine Stefan	34-3/4 gr.
"	532037	3/17/77	Paul Schlessinger	34-1 12 gr.
"	532083	3/21/77	David Duffy	34-1 1/2 gr.
"	532322	3/28/77	Horace Simson	34-1 1/2 gr.
Gimbel's Pharmacy 101 W. Wisconsin Ave. Milwaukee, WI 53201	468587	9/24/76	Horace Simson	24-3/4 gr.
"	470007	12/18/76	Esther Traynor	34-3/4 gr.
"	471822	4/4/77	Joe Stadler	34-3/4 gr.
Blust Drug Store 801 N. Cass Street Milwaukee, WI 53202	117212	2/7/77	Anita Duffy	34-3/4 gr.
"	117276	2/17/77	Anita Duffy	34-3/4 gr.
"	117364	3/13/77	David Duffy	24-1/2 gr.

5. That respondent voluntarily surrendered his DEA Certificate of Registration on April 29, 1977 for improperly obtaining Nembutal, a Schedule II Controlled Substance. Thereafter, respondent wrote at least 16 prescriptions for Controlled Substances subsequent to April 29, 1977 at the following Milwaukee pharmacies:

The Prescription Center	-	June 16; July 17, 28; August 1, 12, 19, 24, and 29, 1977
The Compounding Lab	-	July 21, 28; August 22, 30, 1977
R. K. Johnson Pharmacy	-	August 6; September 3, 1977
The Apothecary	-	September 1, 1977
Wisconsin Tower Pharmacy	-	September 2, 1977

6. Respondent is currently hospitalized at DePaul Rehabilitation Hospital for alcoholism and drug dependency;

7. Respondent has appeared at his dental office in an intoxicated condition. Respondent frequently missed appointments with patients, failed to complete pre-paid treatments and abruptly closed his office without providing referral or emergency services to patients;

8. That by the terms of a stipulation signed by respondent on 12/30/77, respondent has offered to voluntarily surrender his license to practice dentistry and has further agreed to a six month suspension of his license under certain terms and conditions which are set forth in the stipulation and repeated below in the order.

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## CONCLUSIONS OF LAW

1. That the acquisition of a Schedule II Controlled Substance, specifically Nembutal, by filling prescriptions for patients without dispensing the medication to those patients, as described in paragraph 4, above, constitutes immoral, dishonorable and unprofessional conduct in the course of practicing dentistry within the meaning of sec. 447.07(3)(a) and (5), Wis. Stats.;
2. That in prescribing Controlled Substances without a valid DEA registration, as described in paragraph 5, above, Respondent engaged in conduct unbecoming a professional person within the meaning of sec. 447.07(5), Wis. Stats.;
3. That the alcoholism and drug dependency of respondent constitutes unprofessional conduct by habitual intemperance within the meaning of sec. 447.07(5), Wis. Stats.;
4. That in missing appointments, failing to complete treatments and closing his office without providing referral emergency services to patients, the respondent has engaged in conduct unbecoming a professional person within the meaning of sec. 447.07(5) Wis. Stats.

## ORDER

WHEREFORE, it is ordered that the license to practice dentistry of respondent, Robert T. Johnson, #0419E, shall be and hereby is suspended for at least a six month period according to the following terms and conditions:

1. Said six months suspension shall commence on the date of issuance of this order by the Dentistry Examining Board;
2. Said suspension does not limit or prevent respondent from securing or maintaining employment in a clinical dental lab provided a license to practice dentistry is not required for such employment;
3. That at the end of the six month period the respondent may reapply for a limited reinstatement of his license to practice dentistry, but only upon a recommendation to the Board from Dr. Roland Herrington, Medical Director at DePaul Rehabilitation Hospital, Milwaukee, that respondent is physically and psychiatrically able to resume the practice of dentistry as limited by the Board;
4. That upon such recommendation from Dr. Herrington the Board may reinstate the license of the respondent to practice dentistry, subject to the following conditions and limitations:
  - a. The respondent may practice dentistry only in a structured setting approved by the Board and under the direct supervision of a dentist to be approved by the Board;
  - b. The respondent may not obtain DEA registration for controlled substances and may not have personal access to controlled substances;

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c. The respondent must abstain from any and all use of controlled substances as defined in Section 161.01(4) Wis. Stats.;

d. The respondent must participate in a program of rehabilitation and therapy to be directed by Dr. Herrington and which includes at least the following:

(1) Continued outpatient treatment at DePaul Rehabilitation Hospital and Wisconsin Family, Inc. Therapeutic Community as prescribed by Dr. Herrington;

(2) Weekly attendance at both Alcoholics Anonymous and Narcotics Anonymous;

(3) Weekly drug screening of a monitored, random, urine specimen collected from respondent;

(4) The filing by Dr. Herrington of a formal written report on the respondent's activities and progress, including results of urine drug screening, with the Dentistry Examining Board every ninety days or as requested, which may include recommendations by Dr. Herrington concerning modifications of conditions of the respondent's practice; the Board may act on such recommendations as it deems appropriate.

5. That upon successful completion of the rehabilitative program prescribed by Dr. Herrington, and detailed in Paragraph 4, above, as determined by Dr. Herrington and documented by him in a report to the Dentistry Examining Board, the Board may lift all limitations on the reinstatement of the respondent's license to practice dentistry except the requirement of periodic progress and drug screening reports by Dr. Herrington to the Board for as long as Dr. Herrington deems necessary; That upon such successful completion of rehabilitation the respondent will make restitution in the form of services or refunds to the parties injured by the Respondent's acts as alleged in the complaint and admitted in the answer as is reasonably possible and with the assistance of the Greater Milwaukee Dental Association;

6. Violation by the respondent of any of the terms of this Order shall constitute grounds for revocation of the respondent's license to practice dentistry in Wisconsin.

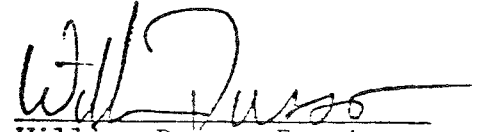
#### OPINION

The above order restates the manner of disposition agreed upon by the parties. Wis. Adm. Code s. 2.19 anticipates and provides for the limitation of a respondent's practice on a finding of conduct unbecoming a professional person. The severe limitations imposed upon the respondent and the strict monitoring procedure required by the order and agreed to by Dr. Herrington should achieve the result of adequately

protecting the public from harm caused by improper or unprofessional practices, while affording an opportunity to Dr. Johnson for returning to active, unlimited professional service through a program of rehabilitation and therapy.

Madison, Wisconsin  
January 12, 1978

Respectfully submitted,

  
William Dusso, Examiner