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1979

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

JAMES GOGGIN, JR., D.D.S., :

RESPONDENT. :

FINAL DECISION
AND ORDER
OF THE BOARD

The parties and their attorneys in this matter having agreed to the terms and conditions of the attached Stipulation, and the State of Wisconsin, Dentistry Examining Board having accepted the terms of the Stipulation;

NOW, THEREFORE, IT IS ORDERED that the Findings of Fact and Conclusions of Law set forth in the Stipulation annexed hereto shall be and hereby are made the Findings of Fact and Conclusions of Law of the State of Wisconsin, Dentistry Examining Board In The Matter of Disciplinary Proceedings Against James Goggin Jr., D.D.S., Respondent;

IT IS FURTHER ORDERED That the license of the respondent James Goggin, Jr., D.D.S. to practice dentistry in the State of Wisconsin shall be and hereby is suspended for a period of two months to commence on January 1, 1980, and that this suspension shall be for the actions described in paragraphs 4 through 6 of the Stipulation. Let a copy of this order be served on respondent by certified mail.

Explanation for modification. The order of suspension in this matter is modified from the Stipulation at the request of respondent to permit him time to notify and refer clients if necessary.

Dated this 5th of November, 1979.

State of Wisconsin
DENTISTRY EXAMINING BOARD

BY:

John F. Luick, D.D.S.

JAN 4 1980

BEFORE THE
STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	
	:	STIPULATION
JAMES GOGGIN, JR., D.D.S.,	:	
RESPONDENT	:	

A Complaint was filed in the above entitled matter on June 28, 1979 by John L. Kitslaar, III, Investigator, charging the Respondent with unprofessional conduct. The Respondent filed an Answer on July 25, 1979 in which he denied the charge. A prehearing conference was held on July 25, 1979 before Hearing Examiner William Dusso. Present at such conference were Attorney Paula Radcliffe Possin and John Kitslaar representing the Division of Consumer Complaints, the Respondent and his attorney, George E. Kunde. A schedule for discovery and for hearing was issued by Examiner Dusso.

Depositions of the Respondent and of Gary A. Andersen, a witness for the Complainant, were taken by Attorney Possin in Milwaukee on August 30, 1979.

A second prehearing conference was held before Examiner Dusso on September 19, 1979, in which the parties reached informal settlement prior to any hearing being held.

The Respondent has waived his right to a hearing in this matter by virtue of the stipulated agreement.

The parties and their attorneys agree and stipulate that the Dentistry Examining Board enter the following findings of fact, conclusions of law and order as the Final Decision of the Board in this matter. The parties also agree that the Board is not bound by this Stipulation but may modify the order in its Final Decision, without remanding the action for further proceedings:

FINDINGS OF FACT

1. JAMES W. GOGGIN, JR., D.D.S., of 7510 Portland Avenue, Milwaukee, Wisconsin 53213, hereafter referred to as the Respondent, was at all times material to this Complaint licensed under the provisions of Ch. 447, Wis. Stats., to practice as a dentist in the State of Wisconsin (license number 299G, granted on June 15, 1966).
2. Mark Tierney was a dental patient of the Respondent from approximately the fall of 1976 through December of 1977.
3. Between August, 1977 and December 20, 1977, the Respondent provided various dental services to patient Mark Tierney during approximately 8 or 9 dental appointments. The professional services he provided included the extraction of 2 wisdom teeth on separate occasions, treatment for infection that resulted from each extraction, and operative dentistry.

JAN 4 1980

4. Between August 13, 1977 and December 20, 1977 the Respondent prescribed for patient Mark Tierney schedule II controlled substances, as defined in sec. 161.01(4), Wis. Stats., on at least the following dates and for at least the following drugs, dosages, and quantities:

<u>Date</u>	<u>Drug/Dosage</u>	<u>Quantity</u>	<u>Prescription #</u>
8/13/77	Dilaudid 4 mg.	50	442506
10/ 1/77	Dilaudid 4 mg.	25	840447
10/14/77	Dilaudid 4 mg.	25	119274
10/28/77	Dilaudid 4 mg.	25	119639
11/ 4/77	Dilaudid 4 mg.	25	373528
11/ 8/77	Dilaudid 4 mg.	25	373923
11/12/77	Dilaudid 4 mg.	25	225755
11/18/77	Dilaudid 4 mg.	25	226073
11/18/77	Dilaudid 4 mg.	25	120166
11/23/77	Dilaudid 4 mg.	25	375733
12/20/77	Dilaudid 4 mg.	25	843535
12/20/77	Dilaudid 4 mg.	25	379039

5. The Respondent authorized several of the above prescription orders upon Mark Tierney's request without performing an accompanying dental exam.

6. The Respondent failed to maintain and preserve dental records relating to the treatment and care of patient Mark Tierney, and in particular, the preservation of records relating to prescriptions for controlled substances for Mr. Tierney.

CONCLUSIONS OF LAW

7. The Respondent, by prescribing schedule II controlled substances in the manner described in paragraphs 3-6 herein, is guilty of unprofessional conduct, by conduct unbecoming a professional person, within the meaning of Sec. 447.07(3)(a), (5), Wis. Stats., in the following respects:

a. By prescribing for Mark Tierney a schedule II controlled substance, hydromorphone hydrochloride a/k/a Dilaudid, in an excessive manner as to dosages, quantities, frequency and duration, as described in paragraphs 3 and 4 herein;

b. By prescribing for Mark Tierney a schedule II controlled substance, hydromorphone hydrochloride a/k/a Dilaudid, on several occasions without performing an accompanying dental exam.

The Respondent, by failing to properly maintain records of treatments rendered and medications prescribed, including controlled substances, as described in paragraph 6 herein, is guilty of unprofessional conduct unbecoming a professional person within the meaning of Sec. 447.07(3)(a), (5), Wis. Stats.

JAN 4 1980

ORDER

NOW THEREFORE, it is ordered that the license of the Respondent to practice dentistry in the State of Wisconsin shall be and hereby is suspended for a period of sixty (60) days from the date this Order is issued, and that the suspension shall be for the actions as described in paragraphs 4 through 6 of this Stipulation.

Paula Radcliffe Rossin
Paula Radcliffe Rossin
Attorney for Complainant

9/26/79
Date

James Coggin, Jr.
James Coggin, Jr., D.D.S.
Respondent

10-8-79
Date

George E. Kunde
George E. Kunde
Attorney for Respondent

Oct 5, 1979
Date

Approved:
William Dusso
William Dusso, Examiner

10-10-79
Date

882-775