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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DONALD LEWANDOWSKI, D.D.S., RESPONDENT.	: : : : :	FINAL DECISION AND ORDER

The State of Wisconsin, Dentistry Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Dentistry Examining Board. Let a copy of this order be served on the respondent by certified mail.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is Donald Lewandowski, D.D.S.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin, Dentistry Examining Board.

Dated this 7 day of March, 1984.

Donald J. Schuler, DDS.

pc017-552

BEFORE THE
STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DONALD LEWANDOWSKI, D.D.S., RESPONDENT.	:	PROPOSED DECISION

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.16 are:

Donald Lewandowski, D.D.S.
2017 West Howard Avenue
Milwaukee, Wisconsin 53220

State of Wisconsin
Dentistry Examining Board
1400 East Washington Avenue, Room 178
P. O. Box 8936
Madison, Wisconsin 53708

Department of Regulation & Licensing
Division of Enforcement
1400 East Washington Avenue, Room 183
P. O. Box 8936
Madison, Wisconsin 53708

The hearing examiner has received a Stipulation executed by Donald Lewandowski, respondent herein; by Michael O. Bohren, attorney for respondent; and by Pamela M. Stach, attorney for complainant. A copy of the Stipulation is attached hereto and made a part hereof.

Based upon the Stipulation and the pleadings on file herein, the examiner recommends that the Dentistry Examining Board adopt as its Final Decision the following Findings of Fact, Conclusions of Law and Order, which are the terms agreed upon and stipulated to by the parties.

FINDINGS OF FACT

1. That Donald Lewandowski, D.D.S., respondent herein, is duly licensed to practice dentistry in the State of Wisconsin and that his license bears number 4001286 and was granted on July 2, 1956.

2. That Respondent provided dental care and treatment for Tom Guerin from April 7, 1978 through May 19, 1981.

3. That Respondent repeatedly prescribed Percodan for Tom Guerin during the course of his dental care and treatment.

4. That Percodan is an analgesic containing Oxycodone and a Schedule II Controlled Substance as defined in Wis. Stats. secs. 161.01(4) and 161.16(2)(a) and (b) with significant abuse and dependency potential.

5. That Respondent's conduct in providing dental care and treatment for Tom Guerin failed to meet the minimal standards of acceptable dentistry in the following respects.

(a) Respondent repeatedly prescribed Percodan, a Schedule II Controlled Substance with significant abuse and dependency potential to Tom Guerin for excessive periods of time without sufficient dental justification.

(b) Respondent failed to adequately record and monitor the amount of Percodan he prescribed for Tom Guerin.

CONCLUSIONS OF LAW

1. That the Dentistry Examining Board has jurisdiction in this matter pursuant to Wis. Stats. sec. 447.07.

2. That failure to meet the minimal standards of acceptable dentistry falls within the meaning of conduct unbecoming a professional person and as such constitutes unprofessional conduct under Wis. Stats. sec. 447.07(5) (1977).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Donald Lewandowski, D.D.S., to practice dentistry in the State of Wisconsin be, and hereby is, suspended for a period of sixty (60) days, commencing April 19, 1984 and ending June 17, 1984.

IT IS FURTHER ORDERED that on March 22, 1984, Donald Lewandowski, D.D.S. shall attend a continuing education symposium of 6 credits sponsored by the Marquette Dental School and entitled, "Use and Abuse of Modern Pain Pills in Clinic Dentistry". Lewandowski shall be required to complete an exit interview with the course instructor, Raymond Quock and shall permit Dr. Quock to report the results to the Dentistry Examining Board.

IT IS FURTHER ORDERED that on or before December 31, 1984, Donald Lewandowski, D.D.S., shall be required to attend one additional pharmacology or continuing education course of at least 6 credits in the area of narcotic substances. Lewandowski must have this course approved by the Dentistry Examining Board prior to Lewandowski's attendance and Lewandowski must complete an exit interview in the same manner as specified above.

IT IS FURTHER ORDERED that the costs of attendance at the required courses shall be the responsibility of Donald Lewandowski, D.D.S.

IT IS FURTHER ORDERED that Counts I, III, IV, and V of the Complaint herein be, and hereby are, dismissed.

(In the event the Dentistry Examining Board does not accept this Proposed Decision as its final decision in the matter, this case shall be returned to the hearing examiner for further proceedings with a statement from the Board as to why the Proposed Decision was not approved.)

Dated at Madison, Wisconsin this 6th day of March, 1984.

Respectfully submitted,

Wayne R. Austin
Hearing Examiner

912-138

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
DONALD LEWANDOWSKI, D.D.S., RESPONDENT.	:	

It is hereby stipulated between Donald Lewandowski, D.D.S., personally and by his attorney, Michael O. Bohren, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. That Donald Lewandowski, D.D.S., Respondent herein, is duly licensed to practice dentistry in the State of Wisconsin and that his license bears number 4001286 and was granted on July 2, 1956.

2. That a complaint consisting of 5 counts was filed against Respondent on July 7, 1982 and was duly served upon Respondent on that date. Subsequently, the original Complaint was amended and was filed on June 23, 1983.

3. That Respondent has read the Amended Complaint and understands the nature of the allegations against him.

4. That the Respondent and his counsel are aware of and understand each of the Respondent's rights, including the right to a hearing on the allegations against him at which time the State has the burden of proving these allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses in his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decisions 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 rights afforded the Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and Wisconsin Administrative Code.

5. That the Respondent freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph four above.

6. That Respondent, for purposes of this Stipulation, admits the allegations contained in Count II of the Amended Complaint, to-wit:

a. That Respondent provided dental care and treatment for Tom Guerin from April 7, 1978 through May 19, 1981.

b. That Respondent repeatedly prescribed Percodan for Tom Guerin during the course of his dental care and treatment.

c. That Percodan is an analgesic containing Oxycodone and a Schedule II Controlled Substance as defned in Wis. Stats. sec. 161.01(4) and 161.16(2)(a) and (b) with significant abuse and dependency potential.

d. That Respondent's conduct in providing dental care and treatment for Tom Guerin failed to meet the minimal standards of acceptable dentistry in the following respects.

1. Respondent repeatedly prescribed Percodan, a Schedule II Controlled Substance with significant abuse and dependency potential to Tom Guerin for excessive periods of time without sufficient dental justification.

2. Respondent failed to adequately record and monitor the amount of Percodan he prescribed for Tom Guerin.

e. That failure to meet the minimal standards of acceptable dentistry falls within the meaning of conduct unbecoming a professional person and as such constitutes unprofessional conduct under Wis. Stats. sec. 447.07(5) (1977).

7. That in consideration of the above admissions, the parties hereto agree to the imposition of the following discipline:

a. Respondent's license to practice dentistry in the State of Wisconsin shall be suspended for a period of 60 days commencing April 19, 1984. and ending June 17, 1984.

b. That on March 22, 1984 Respondent shall attend a continuing education symposium of 6 credits sponsored by the Marquette Dental School and entitled, "Use and Abuse of Modern Pain Pills in Clinic Dentistry". Respondent shall be required to complete an exit interview with the course instructor, Raymond Quock and shall permit Dr. Quock to report the results to the Dentistry Examining Board.

c. That on or before December 31, 1984, Respondent shall be required to attend one additional pharmacology or continuing education course of at least 6 credits in the area of narcotic substances. Respondent must have this course approved by the Dentistry Examining Board prior to Respondent's attendance and Respondent must complete an exit interview in the same manner as specified in paragraph 7b above.

d. That the costs of attendance at the required courses shall be the responsibility of Respondent.

8. That in consideration of the above admissions and stipulations of fact, Complainant moves for dismissal of the remaining allegations of the Amended Complaint; Counts I, III, IV, and V.

9. That the parties to this Stipulation understand that the Department of Regulation and Licensing, Division of Enforcement, will take no further action against Respondent's license based on the allegations contained in the Amended Complaint unless Respondent violates the terms and conditions of this Stipulation in which event the Department may reinstate the Amended Complaint and reinstitute proceedings against Respondent, or may take such other action against Respondent as is provided for within Wis. Stats. sec. 447 and Wis. Adm. Code sec. Ch. DE.

10. That this agreement in no way prejudices the Dentistry Examining Board from any future action against the Respondent based on any acts not alleged in the present Amended Complaint which might be violative of the Wisconsin Dentistry Examining Board statutes and rules.

11. That all parties hereto agree that the attorney for Complainant may appear before the Dentistry Examining Board to argue on behalf of acceptance of this Stipulation.

12. This Stipulation, if adopted by the Hearing Examiner and the Wisconsin Denistry Examining Board, shall become effective immediately upon the issuance of the written Order by the Wisconsin Dentistry Examining Board.

13. It is expressly understood by the parties hereto that the terms agreed to and the admissions made in this Stipulation are intricately related to each other and are, therefore, made contingent upon the acceptance of this Stipulation in its entirety by the designated Hearing Examiner and the Wisconsin Dentistry Examining Board. Failure to accept this Stipulation in its entirety or failure to grant the motion referred to in paragraph 8 above by both the Hearing Examiner and the Dentistry Examining Board gives the parties hereto the right to declare the terms of this Stipulation null and void and restores the parties to their respective positions as they existed at the time of execution of this Stipulation.

Dated: 3/5/84

Michael O. Bohren
Attorney for Respondent

Dated: 3/6/84

Pamela M. Stach
Attorney for the Department of
Regulation and Licensing
Division of Enforcement

I, Donald Lewandowski, D.D.S., having read the above Stipulation and having discussed its contents with my attorney and understanding its terms, do hereby freely and voluntarily enter into this Stipulation.

Dated: 3/5/84

Donald Lewandowski, D.D.S.
Respondent

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