

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

FILE COPY

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

RANDY R. CIEPLUCH, D.D.S.,
RESPONDENT.

FINAL DECISION AND ORDER
90 DEN 68

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

Randy R. Ciepluch, D.D.S.
3500 W. Lisbon Avenue
Milwaukee, WI 53208

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

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Randy R. Ciepluch ("Ciepluch") is and was at all times relevant to the events set forth herein a dentist licensed to practice in the State of Wisconsin pursuant to license # 2260, granted on June 14, 1979.
2. In the course of his general practice, Ciepluch has offered and continues offer his employees dental treatment, including the prescription of controlled substances for complaints of pain and other indicated uses.
3. On certain occasions, Ciepluch failed to chart the prescriptions issued to certain employees he treated, as he claims was his practice with other patients.
4. Prior to 1991, Ciepluch permitted his employees to telephone in prescriptions to pharmacies.

5. Prior to 1991, Ciepluch had prescription pads in various locations in his office without securing access to these pads.

6. On one occasion prior to 1990, Ciepluch learned that an employee, who had a history of drug-related problems, attempted to pass a forged prescription prepared under Ciepluch's name. Ciepluch reprimanded the employee, but took no further action at that time to secure access to prescription pads.

7. Thereafter, the same employee forged prescriptions containing hydrocodone under the names of Ciepluch and his associate. Neither Ciepluch nor his associate were aware of these forgeries at the time of their occurrence.

8. On certain occasions prior to 1991, the same employee obtained controlled substances containing hydrocodone for her own use by telephoning in prescriptions from Ciepluch's office without the knowledge or authorization of Ciepluch or his associate.

9. On certain occasions prior to 1991, another employee obtained controlled substances containing hydrocodone for her own use by telephoning in prescriptions from Ciepluch's office without the knowledge or authorization of Ciepluch or his associate.

10. This other employee also altered a written prescription legitimately issued by Ciepluch's associate to provide for unauthorized refills.

11. Prior to 1991, Ciepluch failed to take appropriate steps to prevent unauthorized use of prescription privileges by his employees.

12. In 1991, Ciepluch established office procedures to preclude office personnel other than dentists from telephoning in prescriptions and to provide for storage of prescription pads in a central and secure location. By 1991, the two employees engaged in the conduct described herein had been terminated from Ciepluch's employ.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Secs. 15.08(5) and 447.07(3), Wis. Stats.

2. The Wisconsin Dentistry Examining Board is authorized to enter into the attached Stipulation pursuant to Sec. 227.44(5), Wis. Stats.

3. Respondent Randy R. Ciepluch is subject to discipline pursuant to Sec. 447.07(3)(a), Wis. Stats., engaging in unprofessional conduct.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Respondent Randy R. Ciepluch (license # 2260) be, and hereby is, REPRIMANDED.

IT IS FURTHER ORDERED, that consistent with the agreement of Respondent Randy R. Ciepluch, he shall:

1. not permit prescriptions to be telephoned into a pharmacy by his employees, unless the employee is authorized by law to prescribe controlled substances.
2. maintain all prescription pads in a secure and central location.
3. not telephone in, or permit anyone in his office to telephone in, any prescription for an employee who is receiving dental care in his office. For each written prescription issued to an employee in the ordinary course of treatment, he shall insure that the appropriate notation is entered in the employee's dental records.
4. protect written prescriptions from being altered by patients to obtain unauthorized refills through the use of a written notation on the prescription.

IT IS FURTHER ORDERED, that investigative file 90 DEN 68 be closed.

Dated this 8 day of January, 1992.

WISCONSIN DENTISTRY EXAMINING BOARD

by: Thomas G Brandt DDS

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
RANDY R. CIEPLUCH, D.D.S.	:	90 DEN 68
RESPONDENT.	:	

It is hereby stipulated between Randy R. Ciepluch, personally on his own behalf, and the Department of Regulation and Licensing, Division of Enforcement by its attorney Richard Castelnuovo, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Randy R. Ciepluch ("Respondent") by the Division of Enforcement (90 DEN 68). Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.
2. Respondent is aware and understands his rights with respect to disciplinary proceedings, including the right to a statement of the allegations against him; the right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel attendance of witnesses 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 voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.
4. Respondent is aware of his right to seek legal representation and has been provided the opportunity to obtain legal advice prior to execution of this Stipulation.
5. With respect to his future practice, Respondent assures the Board that he shall perform the following and agrees that the Board may enter an order to this effect:
 - a. Respondent shall not permit prescriptions to be telephoned into a pharmacy by his employees, unless the employee is authorized by law to prescribe controlled substances.
 - b. Respondent shall maintain all prescription pads in a secure and central location.
 - c. Respondent shall not telephone in, or permit anyone in his office to telephone in, any prescription for an employee who is receiving dental care in his office. For each written prescription issued to an employee in the ordinary course of treatment, he shall insure that the appropriate notation is entered in the employee's dental records.

d. Respondent shall protect written prescriptions from being altered by patients to obtain unauthorized refills through the use of a written notation on the prescription.

6. With respect to the attached Final Decision and Order, Respondent does not contest charges against him, and he agrees that the Board may make the findings set forth in the Findings of Fact, reach the conclusions set forth in the Conclusions of Law and enter the Order reprimanding Respondent and establishing certain practice standards.

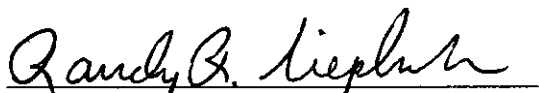
7. Respondent understands and agrees that should the Board adopt this Stipulation, the Final Decision and Order adopting the terms of the Stipulation may be published pursuant to Department policy in the Monthly Disciplinary Report and in the Wisconsin Regulatory Digest.

8. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that the 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.

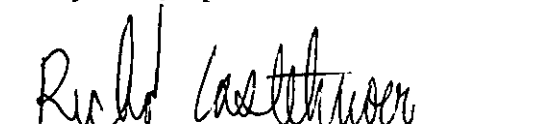
9. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

10. Respondent agrees that an attorney from the Division of Enforcement may appear at any deliberative meeting of the Board with respect to this Stipulation but that appearance is limited to statements solely in support of the Stipulation and for no other purpose.

11. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.


Randy R. Diepluch

12/9/91
Date


Richard M. Castelnovo, Attorney
Division of Enforcement

12/17/91
Date

NOTICE OF APPEAL INFORMATION

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

The 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 decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with The State of Wisconsin Dentistry 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 Dentistry Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the 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 be served upon, and name as the respondent, the following: The State of Wisconsin Dentistry Examining Board.

The date of mailing of this decision is JANUARY 9, 1992.