

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

FILE COPY

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DOUGLAS F. PIERRE, D.D.S.
RESPONDENT.

FINAL DECISION AND ORDER

87 DEN 9

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

Douglas F. Pierre, D.D.S.
2626 South Oneida
Green Bay, WI 54304

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Douglas F. Pierre, is and was at all times relevant to the facts set forth herein a dentist licensed in the State of Wisconsin pursuant to license # 5000682.

2. On November 21, 1985, respondent prescribed 70 Allopurinol 100 mg. tablets for a purported patient "Vincent Neil." In fact, no such patient existed, and respondent had the prescription filled at a pharmacy and retained the medication for his own use. Allopurinol is typically used to reduce uric acid concentrations in gout patients.

3. On November 25, 1988, respondent prescribed 70 Indomethacin 25 mg capsules, for a purported patient "Jerry Dalsing." In fact, no such patient existed, and respondent had the prescription filled at a pharmacy and retained the medication for his own use. Indomethacin is a nonsteroidal anti-inflammatory agent typically used

for gouty arthritis and other arthritis patients, and which has undesirable side effects in 30-60% of patients.

4. On August 26, 1986, respondent prescribed Lomotil, a Schedule V controlled substance, for Bobbi Jo Rondeau, who is an employee of his, on more than one occasion, that this is an anti-diarrheal drug, that he prescribed it for her on occasion when she needed it so she could continue to work, that she had a bowel condition and did have anti-diarrheal drugs prescribed by her physician on occasion, that this prescription was not for a dental condition and was not charted in Ms. Rondeau's chart, although she had such a chart in respondent's office.

5. On July 1, 1985 through April 6, 1987, respondent prescribed Butalbital, a Schedule III controlled substance, and Valium and Lorazepam, Schedule IV controlled substances, on 17 occasions to Frances Vandenberg, who was an employee of respondent. Respondent states that this was for stress and bruxism, but failed to chart the prescriptions or dental condition. The board finds that these prescriptions were not for a legitimate dental purpose.

6. The Board has received allegations of other similar incidents of respondent prescribing medications purportedly for others but actually for himself, and of respondent prescribing for non-dental conditions. The Board has elected not to proceed on those allegations, in the exercise of its prosecutorial discretion.

CONCLUSIONS OF LAW

7. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to § 447.07(3), Wis. Stats.

8. The Board is authorized to enter into the attached Stipulation pursuant to § 227.44(5), Wis. Stats.

9. The conduct described in paragraphs 2-6, above, violated one or more of the following: §447 07(3)(a) and (f), Wis. Stats. and §§ DE 5.02(3) and (6) and 11.07(6), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

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

IT IS FURTHER ORDERED, that Douglas F. Pierre, D.D.S., is hereby REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall pay the costs of this matter in the amount of \$1000, within 30 days of this order.

IT IS FURTHER ORDERED, that respondent's license is LIMITED in the following respects:

- a. Douglas F. Pierre shall not prescribe or dispense, or attempt to prescribe or dispense, any prescription medication for himself or any member of his staff, nor for any of his children or spouse.
- b. Douglas F. Pierre shall neither possess or ingest any prescription medication without a valid prescription from a licensed practitioner for a bona fide medical or dental condition.
- c. Douglas F. Pierre shall not prescribe or dispense, or attempt to prescribe or dispense, any medication for any person not a bona fide patient who has a current chart in his office, and in such case only for a bona fide dental condition. All such prescriptions or dispensed medications shall be fully set forth in the patient's chart. If telephoned to a pharmacy, the name of the pharmacy shall be noted in the chart, and if prescribed by written prescription, a legible photocopy (or legible NCR or legible carbon copy) of the prescription shall be kept in the chart. The board or division may audit the respondent's charts at any time during normal business hours.

IT IS FURTHER ORDERED, that the board closes file 87 DEN 9 as to all other allegations of inappropriate prescribing contained in that file. Nothing in this Order shall affect the status of file 89 DEN 74, also known as count I of LS9106181DEN, or any other allegations or complaints against respondent.

Dated this 2 day of Sept, 1992.

WISCONSIN DENTISTRY EXAMINING BOARD

by: Thomas G. Brundt DDS
a member of the Board

akt

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
DOUGLAS F. PIERRE, D.D.S.	:	
Respondent.	:	87 DEN 9

It is hereby stipulated between the above Respondent, personally on his own behalf, and the Department of Regulation and Licensing, Division of Enforcement by its undersigned attorney as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by Stipulation and without the necessity of a hearing on the formal complaint which has been issued in this matter.
2. Respondent is aware and understands his rights with respect to disciplinary proceedings, including the right to a statement of the allegations against him; a 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 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 obtained legal advice before signing this Stipulation.
5. With respect to the attached Decision and Order, Respondent admits the facts set forth in the Findings of Fact, and further agrees that the Board may enter the Order.
6. 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 Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution. The prosecuting attorney will remind the

Stipulation
Page 2

Board of its obligation to base all decisions solely on evidence legally before it, and not upon any settlement discussions. Additionally, the parties agree not to contend that the Judge or Board's consideration of this stipulation and order has biased or prejudiced its consideration of any decision that may arise out of the hearing held on any other complaint or proceeding against respondent.

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

8. Respondent agrees that an attorney for the Division of Enforcement may appear at any deliberative meeting of the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, with respect to this Stipulation but that appearance is limited to statements solely in support of this Stipulation, and to answering questions asked by the Board and its staff, and for no other purpose.

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

Douglas F. Pierre D.D.S.
Respondent

8/3/92
Date

P. Scott Assett
Attorney for Respondent

8/10/92
Date

Arthur Thexton
Prosecuting Attorney

7/31/92
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 September 8, 1992.