

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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## STATE OF WISCONSIN BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

JOHN R. TULLY, D.D.S.,  
RESPONDENT.

FINAL DECISION AND ORDER  
89 DEN 073

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

John R. Tully, D.D.S.  
7210 New Washburn Way  
Madison, WI 53719

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. John R. Tully (D.O.B. 04/16/47) is duly licensed in the state of  
Wisconsin as a dentist (license #015 0002426). This license was first granted  
on January 3, 1980.

2. John R. Tully's latest address on file with the Department of  
Regulation and Licensing is 7210 New Washburn Way, Madison, WI 53719.

3. During the course of treatment of patient TT the Respondent failed to maintain adequate records, to-wit:

- a. failed to record the medical history of the patient resulting in a lack of information regarding allergies or underlying medical condition of the patient for use of a health care provider;
- b. failed to document prescription of controlled substances (Percodan) to patient, resulting in a lack of monitoring capability and exposure of patient to possible over-prescribing.

#### CONCLUSIONS OF LAW

By the conduct described above, Respondent is subject to disciplinary action against his license to practice as a dentist in the State of Wisconsin, pursuant to Wis. Stats. sec. 447.07(3), and Wis. Adm. Code DE5.02(5).

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached Stipulation is accepted.

2. John R. Tully, D.D.S., shall successfully participate in and complete a course of education and training consisting of at least 10 hours in modern dental record keeping, and of at least 20 hours in the clinical, legal, and ethical issues in the prescription of controlled substances.

The course outline must be pre-approved by the Board no later than 2 months after the date of this Order. No outline will be approved unless the Respondent provides the name of the institution offering the instruction, the name of the instructor, and the content of the course he intends to study. Respondent shall submit certification of the successful completion of the approved course of study to the Board within 6 months of the date of this Order.

The education completed pursuant to this requirement shall not be used to satisfy any continuing education requirement that may be instituted by the Board.

3. This Order shall be effective upon its signing.

DENTISTRY EXAMINING BOARD

by: Thomas G. Brantley Date: Sept 2, 1992

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
JOHN R. TULLY, D.D.S.,	:	89 DEN 073
RESPONDENT	:	

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It is hereby stipulated between John R. Tully, D.D.S., personally on his own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of John R. Tully's licensure by the Division of Enforcement. John R. Tully consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance 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 is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

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

6. The parties to this stipulation agree that the attorney for the

Division of Enforcement may appear before the Dentistry Examining Board for the purpose of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberation concerning the stipulation.

7. The Division of Enforcement joins the Respondent in recommending that the Dentistry Examining Board adopt this stipulation and issue the attached Final Decision and Order.

John R. Tully DDS  
John R. Tully, D.D.S.

8-13-92  
Date

James W. Harris  
James W. Harris, Attorney  
Division of Enforcement  
jh

8/17/92  
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, 4, 1992.**