

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RANDY DEE MCGRATH, D.D.S.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER
91 DEN 043

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

Randy Dee McGrath, D.D.S.
1302 South 60th Street
West Allis, WI 53214

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 Dee McGrath (D.O.B. 03/29/54) is duly licensed in the state
of Wisconsin as a dentist (license #015 0002471). This license was first
granted on May 19, 1980

2. Randy Dee McGrath latest address on file with the Department of Regulation and Licensing is 1302 South 60th Street, West Allis, WI 53214..

3. On at least three occasions, to-wit: 9/1/89, 10/11/89, and 3/15/90, Dr. Randy Dee McGrath wrote prescriptions for herself for controlled substances (percocet and Darvon) outside of the course of the legitimate practice of dentistry.

CONCLUSIONS OF LAW

By the conduct described above, Randy Dee McGrath is subject to disciplinary action against her 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) and DE5.02(6)..

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The attached stipulation is accepted.

2. Randy Dee McGrath, D.D.S., shall successfully participate in and complete a course of education and training consisting of at least 14 hours in the clinical, legal and ethical issues in prescribing controlled substances.

The course outline must be pre-approved by the Board no later than two 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 she intends to study. Respondent shall submit certification of the successful completion of the approved course of study within six 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: 

Date: 11/4/92

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
RANDY DEE McGRATH, D.D.S.,	:	91 DEN 043
RESPONDENT	:	

It is hereby stipulated between Randy Dee McGrath, D.D.S., personally on her 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 Randy Dee McGrath's licensure by the Division of Enforcement. Respondent 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 she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

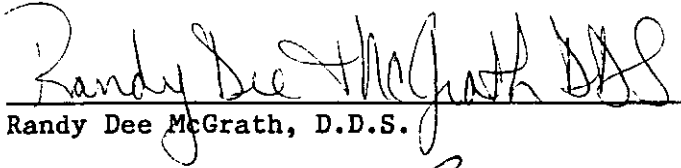
3. Respondent is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

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.

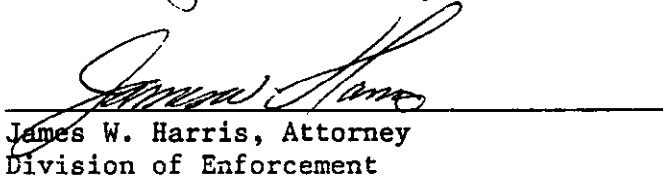
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties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


Randy Dee McGrath, D.D.S.

8/31/92
Date


James W. Harris, Attorney
Division of Enforcement

9/9/92
Date

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing r 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 November 5, 1992.