

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	:	
	:	FINAL DECISION AND ORDER
KENNETH F. LUEDTKE,	:	91 DEN 057
RESPONDENT.	:	

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

Kenneth F. Luedtke, D.D.S.
4939 West Fond du Lac Avenue
Milwaukee, WI 53216

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. Kenneth F. Luedtke (D.O.B. 03/10/40) is duly licensed in the state of Wisconsin as a dentist (license #015 5000666). This license was first granted on June 2, 1969.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 4939 West Fond du Lac Avenue, Milwaukee, WI 53216.
3. During the course of treatment of patient RF, among others, Respondent dispensed Restoril, Vicoden and Vicoden ES from a supply of manufacturer's samples maintained by him in his offices. It was the intent of Respondent that the patient would use the medications outside of the dentist office.
4. Respondent did not maintain an inventory record of the drug samples received and kept on the premises by him, nor did he maintain any record of the dispensing of drug samples to patients.
5. Title 21 USC section 827 requires that an accurate record of the

stock of controlled substances in the possession of a person be maintained. Title 21 CFR 1304 requires that records of the dispensing of controlled substances be maintained either in a separate record or in a form that information concerning the dispensing is readily retrievable.

CONCLUSIONS OF LAW

By the conduct described above, Kenneth F. Luedtke 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(1) and Wis. Adm. Code sec. DE 5.02(5) and (23).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Kenneth F. Luedtke is hereby REPRIMANDED.
2. The license of Kenneth F. Luedtke to practice dentistry in the State of Wisconsin is hereby LIMITED as follows: the licensee shall not maintain, administer, or dispense controlled substances from, or in connection with, his dentistry practice.
3. The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."
4. This Order shall become effective upon the date of its signing.

DENTISTRY EXAMINING BOARD

By: 

A Member Of The Board

Date 11/4/92

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
KENNETH F. LUEDTKE,	:	91 DEN 057
RESPONDENT	:	

It is hereby stipulated between Kenneth F. Luedtke, 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 Respondent'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 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. Attached to this stipulation is the current licensure card of the Respondent. If the Board accepts the stipulation, the Respondent's license shall be re-issued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept the stipulation, the license will be returned to the Respondent with a notice of the Board's decision..

7. 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.

8. 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.

Kenneth F. Luedtke DDS
Kenneth F. Luedtke, D.D.S.

8-12-92
Date

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

8/14/92
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 November 5, 1992.