

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MARK T. KNICKELBINE, D.D.S.,
RESPONDENT

FINAL DECISION AND ORDER

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

Mark T. Knickelbine
6110 West Capitol Drive
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. Mark T. Knickelbine, D.D.S. (D.O.B. 03/08/57) is duly licensed as a dentist in the state of Wisconsin (license #2960). This license was first granted on June 24, 1982.
2. Dr. Knickelbine's most recent address known to the Wisconsin Dentistry Examining Board is 6110 West Capitol Drive, Milwaukee, WI 53216.
3. Dr. Knickelbine is suffering from the disease of chemical dependency.
4. On March 1, 1989, the Wisconsin Dentistry Examining Board took disciplinary action against Dr. Knickelbine's license to practice dentistry in the state of Wisconsin. A true and correct copy of the 3/1/89 order of the Board is attached to this Order as Exhibit A and incorporated by reference into this Order.

5. On July 3, 1991, the Wisconsin Dentistry Examining Board issued a disciplinary order modifying its 3/1/89 order affecting Knickelbine's license to practice dentistry in the state of Wisconsin. A true and correct copy of the 7/3/91 order of the Board is attached to this Order as Exhibit B and incorporated by reference into this Order.

6. On or about November 26, 1991, Dr. Knickelbine sought reactivation of his DEA registration without approval of the Board and in violation of the conditions and limitations in effect against Dr. Knickelbine's license.

7. On exact dates unknown, but at least in January, 1992, Dr. Knickelbine consumed controlled substances in violation of the conditions and limitations in effect against Dr. Knickelbine's license.

CONCLUSIONS OF LAW

By the conduct described above, Mark T. Knickelbine is subject to disciplinary action against his license to practice as a dentist in the state of Wisconsin, pursuant to Wis. Stats. §447.07(3), and Wis. Adm. Code §§DE 5.02.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Mark T. Knickelbine (#2960) to practice as a dentist in the state of Wisconsin shall be **SUSPENDED** for an INDEFINITE PERIOD of time.

IT IS FURTHER ORDERED that Dr. Knickelbine may petition the Board at any time for a stay of the suspension of his licensure. The petition should include documentation continuous abstinence from the consumption of alcohol and controlled substances by Dr. Knickelbine for a period of at least ninety (90) days prior to submission of the petition. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

Upon its determination that Mark T. Knickelbine can safely and competently return to the active practice of dentistry, the Board may stay the suspension for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

- i. Mark T. Knickelbine may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon Dr. Knickelbine's practice during the prior three (3) month period.
- ii. If the Board denies the petition by Dr. Knickelbine for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a

request for hearing.

iii. Upon a showing by Respondent of successful compliance for a period of five (5) years with the terms of paragraph (b), below, Dr. Knickelbine may petition for return of full licensure.

(b) CONDITIONS OF STAY

i. Dr. Knickelbine shall maintain successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. As a part of treatment, Dr. Knickelbine must attend therapy on a schedule as recommended by his therapist; the Board may, however, in its discretion establish a minimum number of therapy sessions per month. In addition, Dr. Knickelbine must attend Alcoholics or Narcotics Anonymous on a schedule as recommended by his treatment provider.

ii. Upon request of the Board, Dr. Knickelbine shall provide the Board with current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records.

iii. Dr. Knickelbine shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Dr. Knickelbine must participate in a program of random witnessed monitoring for controlled substances and alcohol in his blood and/or urine on a frequency to be established by the Board in conjunction with the granting of a petition for a stay of suspension. If the physician or therapist supervising his plan of care or his employer deems that additional blood or urine screens are warranted, Dr. Knickelbine shall submit to such additional screens.

Dr. Knickelbine shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, as well as for all costs incurred in conjunction with the monitoring and reporting required.

To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for evaluation. The facility must agree to maintain a custody record of all specimens, and to confirm positive test results with gas chromatography or mass spectrometry. It shall further agree to file an immediate report directly with the Dentistry Examining Board upon such failures to participate as: if Dr. Knickelbine fails to appear upon request; or if a drug or alcohol screen proves positive; or if Dr. Knickelbine refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Dr. Knickelbine understands and agrees that the accuracy of the monitoring obtained is his responsibility. For the purposes of further actions affecting Dr. Knickelbine's license, it shall be presumed that all confirmed positive reports are valid. Dr. Knickelbine shall have the burden of proof to

establish an error in testing or fault in chain of custody regarding a positive monitoring report.

v. Dr. Knickelbine shall arrange for quarterly reports to the Dentistry Examining Board from his employer evaluating his work performance; from the monitoring facility providing the dates and results of the screenings performed; and from his counselor evaluating Dr. Knickelbine's attendance and progress in therapy as well as evaluating his level of participation at NA/AA meetings.

vi. Dr. Knickelbine shall not prescribe, dispense, administer or order any controlled substances for any person until such time such actions are approved by the Board. Dr. Knickelbine shall not apply for reactivation of his DEA registration without obtaining prior approval from the Dentistry Examining Board.

vii. Dr. Knickelbine shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

(c) Dr. Knickelbine may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

(d) Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Dr. Knickelbine's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

(e) This Order shall become effective upon the date of its signing.

DENTISTRY EXAMINING BOARD

By: Thomas B. Brant DDS 3-4-92
A Member of the Board Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MARK T. KNICKELBINE, D.D.S.,	:	92 DEN 004
RESPONDENT	:	

It is hereby stipulated between Mark T. Knickelbine, personally on his own behalf and Steven M. Gloe, 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 Dr. Knickelbine's licensure by the Division of Enforcement (92 DEN 004). Dr. Knickelbine consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Knickelbine 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. Dr. Knickelbine 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. Dr. Knickelbine 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.

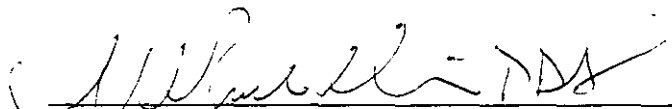
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties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


of Dr. Knickelbine shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement [and, if applicable, the member of the Dentistry Examining Board assigned as an advisor in this investigation] may appear before the Dentistry Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Dr. Knickelbine in recommending the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.


Mark T. Knickelbine, D.D.S.

3-3-92
Date


Steven M. Gloe, Attorney
Division of Enforcement

3-4-92
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
THE LICENSE OF	:	FINAL DECISION
	:	AND ORDER
MARK T. KNICKLEBINE, D.D.S.,	:	ADOPTING STIPULATION
RESPONDENT.	:	

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

Mark T. Knicklebine
825 North 25th, Apt. 212
Milwaukee, WI 53233

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. Mark T. Knicklebine, D.D.S., Respondent herein, is duly licensed to practice dentistry in the State of Wisconsin. His license bears #2960 and was granted June 24, 1982.
2. On an unknown number of occasions, Respondent abused narcotic analgesics, including meperidine which is a Schedule II controlled substance pursuant to Wis. Stats sec. 161.16(3)(k).
3. Respondent obtained meperidine by ordering it directly from the supplier using DEA form 222 and by diverting meperidine which he obtained by writing prescriptions in the name of patients and other persons.
4. Respondent has completed inpatient treatment for chemical dependency at the McBride Center for the Impaired Professional, and is currently undergoing continuing treatment with that program.
5. Respondent has been diagnosed as having Multiple Sclerosis (MS). However, his neurologist recently advised him that the diagnosis of MS may be incorrect. Respondent has been advised to be retested for MS.

EXHIBIT A

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction of this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 447.07(3)(f) and (1).

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

3. Meperidine is a Schedule II controlled substance as defined in Wis. Stats. sec. 161.01(4) and 161.016(3)(k).

4. By diverting meperidine, which was obtained by use of a prescription written to patients or others. Respondent violated Wis. Stats. sec. 161.43(1)(a).

5. By violating Wis. Stats. sec. 161.43(1)(a), Respondent engaged in unprofessional conduct as defined by Wis. Adm. Code sec. DE 5.02(6).

6. By violating Wis. Stats. sec. 161.43(1)(a), Respondent is subject to discipline pursuant to Wis. Stats. sec. 447.07(3)(f) and (1).

7. By abusing narcotic analgesics including meperidine, Respondent engaged in unprofessional conduct as defined by Wis. Adm. Code sec. DE 5.02(6).

8. By engaging in unprofessional conduct, as defined by Wis. Adm. Code DE 5.02(6), Respondent is subject to discipline pursuant to Wis. Stats sec. 447.07(3)(f).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that the voluntary surrender by Mark T. Knicklebine, D.D.S., of his unlimited license to practice dentistry in the State of Wisconsin is accepted and a limited license to practice dentistry is granted with the following terms and conditions.

a. The limitations set forth herein shall remain in full force and effect for a period of five (5) years from the date the Dentistry Examining Board issues this Final Decision and Order, or until the Dentistry Examining Board issues an order modifying this Final Decision and Order.

b. Roland E. Herrington, M.D., Medical Director at the McBride Center for the Impaired Professional in Milwaukee, Wisconsin shall be Dr. Knicklebine's supervising physician throughout the full term of this limited license. In the event that Dr. Herrington is unable or unwilling to serve as supervising physician, the Dentistry Examining Board shall, in its sole discretion, select a successor supervising physician.

c. Dr. Knicklebine shall participate in all components of the Impaired Professional's Program at the McBride Center in Milwaukee, Wisconsin or at such other facilities which are under the direction and control of the McBride Center and which are located within the State of Wisconsin as his

supervising physician shall determine to be appropriate for his rehabilitation. Dr. Knicklebine shall comply with all recommendations of his supervising physician for inpatient or outpatient treatment or both and shall comply with all aspects of the treatment program as recommended by his supervising physician.

d. Dr. Knicklebine shall abstain from any and all personal use of controlled substances as defined in Wis. Stats. sec. 161.01(4) except when necessitated by a legitimate medical condition, and then only with the prior approval of the supervising physician.

e. Dr. Knicklebine shall abstain from any and all personal use of alcohol.

f. Dr. Knicklebine shall report all medications and drugs, over-the-counter or prescription, taken by him to his supervising physician within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs for him. The terms of this subparagraph shall not be deemed to modify or negate Dr. Knicklebine's obligations as set forth in subparagraph (d) of this Proposed Decision.

g. Dr. Knicklebine shall supply, on at least a weekly basis, random monitored urine or blood specimens within 24 hours of a request for said specimen made by the supervising physician or his designee. The supervising physician or his designee shall determine whether the specimen shall be a urine specimen or a blood specimen or both. Collection of these specimens shall be observed and verified by persons designated by the supervising physician. If the supervising physician or his designee deems that additional blood or urine screens are warranted, Respondent shall submit to such additional screens as requested or recommended.

h. If any urine or blood specimen is positive or suspected positive for any controlled substances or alcohol, Dr. Knicklebine shall promptly submit to additional tests and examinations as the supervising physician or his designee shall determine to be appropriate to clarify or confirm the positive or suspected positive urine or blood test results.

i. Dr. Knicklebine shall not prescribe, dispense, administer or order any controlled substances for any person. Dr. Knicklebine shall voluntarily surrender his DEA registration to prescribe, dispense, administer and order controlled substances to the Drug Enforcement Administration within ten (10) days of the date the Dentistry Examining Board issues this Final Decision and Order. Dr. Knicklebine shall not make reapplication for a DEA registration until the terms of the limited license have been satisfied or until the Dentistry Examining Board modifies the terms of the limited license to permit the prescribing, dispensing, administering or ordering of controlled substances.

j. The supervising physician shall submit formal written reports to the Dentistry Examining Board every ninety (90) days commencing ninety (90) days after the date the Dentistry Examining Board issues this Final Decision and Order. The report shall assess Dr. Knicklebine's progress in his rehabilitation program and set forth the results of the random urine and blood

screens. Dr. Knicklebine shall be responsible for the timely filing of these reports. The supervising physician and Dr. Knicklebine shall report immediately to the Dentistry Examining Board any suspected violations of this Final Decision and Order granting this limited license including, but not limited to any positive or suspected positive blood or urine screens.

k. Dr. Knicklebine shall provide and keep on file with his supervising physician and all treatment facilities and personnel current releases which comply with state and federal laws authorizing release of all his medical and treatment records and reports to the Dentistry Examining Board and permit his supervising physician and his treating physicians and therapists to disclose and discuss the progress his treatment and rehabilitation with the Dentistry Examining Board. Copies of such releases shall be filed simultaneously with the Dentistry Examining Board.

l. Within six (6) months of the date of this order, Dr. Knicklebine shall undergo whatever tests his neurologist recommends to determine whether he suffers from MS. Dr. Knicklebine shall arrange to have his neurologist report his diagnosis to the Board. If the diagnosis remains MS, Dr. Knicklebine shall cooperate in establishing a monitoring program to assure that the disease is not interfering with his ability to competently and safely practice dentistry.

m. Dr. Knicklebine shall appear before the Dentistry Examining Board at least annually to review the progress of his treatment and rehabilitation. Dr. Knicklebine may petition the Dentistry Examining Board for modification of the terms of his limited license, and the Dentistry Examining Board shall consider Dr. Knicklebine's petition at the time it meets with Dr. Knicklebine to review the progress of his rehabilitation. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stats. sec. 227.01(3)(a) and Dr. Knicklebine shall not have a right to any further hearings or proceedings on any denial in whole or in part of his petition for modification of his limited license.

n. Any violation of this Order shall be construed as conduct such that the public health, safety or welfare imperatively requires emergency suspension of the Respondent's license, and may form the basis of a summary suspension of Dr. Knicklebine's license to practice dentistry in the State of Wisconsin, or may form the basis for additional disciplinary action.

Dated at Madison, Wisconsin, this 1st of March, 1989.

DENTISTRY EXAMINING BOARD

by Karen A. Leary, DDS
A member of the Board

RH:eaj
DOEATTY-505

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
THE LICENSE OF	:	
	:	STIPULATION
MARK T. KNICKLEBINE, D.D.S.,	:	
RESPONDENT.	:	

It is hereby stipulated and agreed between Mark T. Knicklebine, D.D.S., Respondent and Ruth E. Heike, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of the pending investigation of Mark T. Knicklebine's Dentistry license by the Division of Enforcement (case file 88 DEN 20). Mark T. Knicklebine consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights in this matter, including the right to have a formal disciplinary complaint filed, the right to a hearing on the allegations against him at which the State has the burden of proving the 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 own behalf and to compel their attendance by subpoena, the right to testify on his own behalf, 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. The Dentistry Examining Board has jurisdiction of this matter pursuant to Wis. Stats. sec. 447.07.

4. This Stipulation may be submitted directly to the Wisconsin Dentistry Examining Board without further notice to either party.

5. The attached Final Decision and Order may be made and entered without prior notice to any party.

6. In the event any portion of this Stipulation or the attached Final Decision and Order is not accepted by the Wisconsin Dentistry Examining Board, the entire Stipulation and Final Decision and Order shall be void and have no effect.

7. The Respondent and Ruth E. Heike, Attorney for the Department of Regulation and Licensing, Division of Enforcement, may appear before the Wisconsin Dentistry Examining Board and argue in favor of acceptance of this Stipulation and the entry and issuance of the attached Final Decision and Order.

8. Respondent admits he used meperidine, a Schedule II controlled substance, on a number of occasions for nonmedical purposes and without a prescription by a licensed physician.

9. Respondent admits he obtained meperidine by ordering directly from suppliers using DEA form 222 and by writing prescriptions for various persons and diverting the drug to himself.


10. Respondent has entered the McBride Center for the Impaired Professional, has completed the inpatient program, and is currently undergoing continuing treatment with that program.

11. Respondent has been diagnosed as having Multiple Sclerosis (MS). However, he has recently been advised by his neurologist that the test results may be incorrect, and he has been advised to be retested.

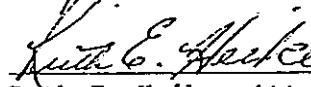
12. Respondent agrees to complete the testing recommended by his neurologist within 6 months of the date the Dentistry Examining Board issues the attached Final Decision and Order. He agrees to have his neurologist report the findings to the Dentistry Examining Board. He further agrees that if the diagnosis remains MS, he will cooperate with the Dentistry Examining Board to establish a monitoring program to assure that the Dentistry Examining Board will be alerted if the disease progresses to the point that it affects his ability to safely and competently practice dentistry.

13. In order to resolve this matter, Respondent agrees to the entry and issuance of the attached Final Decision and Order.

1/11/89
Date


Mark I. Knicklebine, D.D.S.

1/17/89
Date


Ruth E. Heike, Attorney
Department of Regulation and Licensing
Division of Enforcement

REH:ej
DOEATTY-506

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

MARK T. KNICKELBINE, D.D.S.
RESPONDENT.

:
:
:
MODIFICATION OF
FINAL DECISION AND ORDER
:

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

Mark T. Knickelbine, D.D.S.
6110 W. Capitol Drive
Milwaukee, WI 53216

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. Mark T. Knickelbine, D.D.S. ("Knickelbine"), was granted a limited license to practice in the State of Wisconsin pursuant to license # 2960 on March 1, 1989.
2. Knickelbine's limited license imposed a five (5) year monitoring period in connection with his chemical dependency.
3. Knickelbine's has lapsed in his recovery on two occasions, most recently on or about June 23, 1991 when he used a drug in violation of the terms of his limited license.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in

EXHIBIT B

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 Mark T. Knickelbine is subject to disciplinary action pursuant to sec. 447.07, Wis. Stats.

ORDER

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

IT IS FURTHER ORDERED, that consistent with Respondent Mark T. Knickelbine's agreement and in lieu of other discipline the Final Decision and Order, dated March 1, 1989, is modified as follows:

i. Subpart b. of the second paragraph of the Order is amended to read:

b. Sheila Sorkin, M.D. of the McBride Center for Impaired Professional in Milwaukee, WI shall be Dr. Knickelbine's supervising physician throughout the full term of this limited license. No change in the supervising physician may be made unless Dr. Knickelbine selects the successor and obtains the Board's approval. No successor will be approved unless such physician is willing and able to carry out the requirements of the Order.

ii. Subpart c. of the second paragraph of the Order is amended to read:

c. Dr. Knickelbine shall participate in all components of the Impaired Profession's Program at McBride Center in Milwaukee, WI or at such other facilities which are under the direction and control of the McBride Center and which are located within the State of Wisconsin as his supervising physician shall determine to be appropriate for his rehabilitation. Dr. Knickelbine shall comply with all recommendations of his supervising physician for inpatient or outpatient treatment or both and shall comply with all aspects of the treatment program as recommended by his supervising physician.

Pursuant to the recommendation of his supervising physician, Dr. Knickelbine will make arrangements to receive inpatient treatment within four (4) months from July 3, 1991. If he is unable to enter a facility under the direction and control of McBride, he will select a health care facility acceptable to the Board. If the supervising physician must be changed to accommodate treatment at another facility, Dr. Knickelbine must make the necessary arrangements for such a change.

Prior to inpatient treatment and until this Order is further modified, Dr. Knickelbine must attend Alcoholics or Narcotics Anonymous at least five times per week. To verify his attendance, Dr. Knickelbine must maintain a log signed by the secretary or other person in charge. Commencing thirty (30) days from July 3, 1991, Dr. Knickelbine will furnish the Board copies of log entries every thirty (30) days verifying his attendance during the preceding thirty (30) day period.

iii. Subpart g. of the second paragraph of the Order is amended to read:

g. Dr. Knickelbine shall supply, on at least a twice a week basis, random witnessed urine or blood specimens within 24 hours of a request for said specimen made by the supervising physician or her designee. The supervising physician shall determine whether the specimen shall be a urine specimen or a blood specimen or both. Collection of these specimens shall be observed and verified by persons designated by the supervising physician. If the supervising physician or his employer deems that additional blood or urine screens are warranted, Dr. Knickelbine shall submit to such additional screens.

iv. Insert subpart o. to the second paragraph of the Order:

o. Dr. Knickelbine will arrange for quarterly reports to the Board from his employer evaluating his work performance. The first report will be due thirty (30) days from July 31, 1991, and thereafter every ninety (90) days.

Dr. Knickelbine will report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

IT IS FURTHER ORDERED, that investigative files # 91 DEN 65 be closed.

Dated this 3 day of July, 1991.

WISCONSIN DENTISTRY EXAMINING BOARD

by: Eva C. O'Neil DDS

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARK T. KNICKELBINE, D.D.S.	:	
RESPONDENT.	:	

It is hereby stipulated between Mark T. Knickelbine, personally on his own behalf and the Department of Regulation and Licensing, Division of Enforcement, by its attorney Richard Castelnuevo, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Mark T. Knickelbine ("Respondent") 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 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 the attached Modification of Final Decision and Order, Respondent admits the facts in the Findings of Fact, and agrees that the Board may reach the Conclusions of Law and enter the Order set forth in par. 6 below.

6. Respondent specifically agrees that the Board in lieu of other action authorized by law may enter an Order modifying the Final Decision and Order, dated March 1, 1989, as follows:

i. Subpart b. of the second paragraph of the Order is amended to read:

b. Sheila Sorkin, M.D. of the McBride Center for Impaired Professional in Milwaukee, WI shall be Dr. Knickelbine's supervising physician throughout the

full term of this limited license. No change in the supervising physician may be made unless Dr. Knickelbine selects the successor and obtains the Board's approval. No successor will be approved unless such physician is willing and able to carry out the requirements of the Order.

ii. Subpart c. of the second paragraph of the Order is amended to read:

c. Dr. Knickelbine shall participate in all components of the Impaired Profession's Program at McBride Center in Milwaukee, WI or at such other facilities which are under the direction and control of the McBride Center and which are located within the State of Wisconsin as his supervising physician shall determine to be appropriate for his rehabilitation. Dr. Knickelbine shall comply with all recommendations of his supervising physician for inpatient or outpatient treatment or both and shall comply with all aspects of the treatment program as recommended by his supervising physician.

Pursuant to the recommendation of his supervising physician, Dr. Knickelbine will make arrangements to receive inpatient treatment within four (4) months from July 3, 1991. If he is unable to enter a facility under the direction and control of McBride, he will select a health care facility acceptable to the Board. If the supervising physician must be changed to accommodate treatment at another facility, Dr. Knickelbine must make the necessary arrangements for such a change.

Prior to inpatient treatment and until this Order is further modified, Dr. Knickelbine must attend Alcoholics or Narcotics Anonymous at least five times per week. To verify his attendance, Dr. Knickelbine must maintain a log signed by the secretary or other person in charge. Commencing thirty (30) days from July 3, 1991, Dr. Knickelbine will furnish the Board copies of log entries every thirty (30) days verifying his attendance during the preceding thirty (30) day period.

iii. Subpart g. of the second paragraph of the Order is amended to read:

g. Dr. Knickelbine shall supply, on at least a twice a week basis, random witnessed urine or blood specimens within 24 hours of a request for said specimen made by the supervising physician or her designee. The supervising physician shall determine whether the specimen shall be a urine specimen or a blood specimen or both. Collection of these specimens shall be observed and verified by persons designated by the supervising physician. If the supervising physician or his employer deems that additional blood or urine screens are warranted, Dr. Knickelbine shall submit to such additional screens.

iv. Insert subpart o. to the second paragraph of the Order:

o. Dr. Knickelbine will arrange for quarterly reports to the Board from his employer evaluating his work performance. The first report will be due thirty (30) days from July 31, 1991, and thereafter every ninety (90) days.

Dr. Knickelbine will report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

7. 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 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.


8. 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.

9. Respondent agrees that complainant's attorney, Richard M. Castelnuovo, 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.

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


Mark T. Knickelbine

7-3-91
Date


Richard M. Castelnuovo, Attorney
Division of Enforcement

July 3, 1991
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 March 5, 1992.