

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 :
: FINAL DECISION AND ORDER
RONALD E. KRAMER, D.D.S., : ADOPTING STIPULATION
RESPONDENT. :

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

Ronald E. Kramer, D.D.S.
1642 Blair Avenue
St. Paul, MN 55104

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. That Ronald E. Kramer, Respondent herein, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 447, Wis. Stats., to practice dentistry in the State of Wisconsin.
2. That Ronald E. Kramer holds a license as a dentist, number 4335, granted January 3, 1992.
3. That the Respondent's date of birth is December 5, 1963 and current address is 1642 Blair Avenue, St. Paul, Minnesota 55104.
4. From June 1988 through at least July 1990, while enrolled as a dental student and dental resident, Dr. Kramer was diagnosed with and received treatment for cocaine and alcohol abuse and dependence. Dr. Kramer's course of treatment in this time period included three inpatient stays at three different facilities and a discharge from treatment against medical advise, and at least one relapse to the abuse of cocaine. Dr. Kramer acknowledged that use of cocaine did interfere with his ability to practice as a student of dentistry, and that any future use may affect his ability to safely and reliably practice dentistry.

5. On or about January 19, 1993, after having obtained licensure to practice dentistry in the State of Wisconsin, Dr. Kramer again relapsed to the abuse of cocaine and alcohol. Dr. Kramer's current diagnoses from his current treatment facility, Hazelden Foundation, Center City, Minnesota, are chemical dependency to cocaine in a continuous pattern, chemical dependency to alcohol in a continuous pattern, co-existing addictive behavior.

6. Respondent, in consideration of this investigation and pursuant to the attached Stipulation, is willing to cooperate and abide by all requirements of the Dentistry Examining Board for resolution of this matter.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 447.07(3), and Wis. Adm. Code Ch. DE 5.

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

3. Respondent's having abused cocaine and alcohol and practiced or attempted to practice dentistry while his ability to practice was impaired by drugs or alcohol violated sec. 447.07(3)(g), Wis. Stats., and sec. DE 5.02(4), Wis. Adm. Code, and subjects Respondent to disciplinary under sec. 447.07(3), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the STIPULATION of the parties, attached hereto, is ACCEPTED.

IT IS FURTHER ORDERED that effective on the date of this Order, the dentistry license of Ronald E. Kramer, Respondent, shall be SUSPENDED for a period of not less than five (5) years. During the period of imposed suspension under this Order, Respondent may work as a dental hygienist under appropriate supervision of a licensed dentist. The Board in its discretion may restore Respondent's license to full, unlimited status only upon petition by Respondent after completion of the aforesaid suspension period, and a showing that Respondent has complied with all terms and conditions of this Order, and a demonstration that Respondent may practice dentistry without condition or limitation.

IT IS FURTHER ORDERED that Ronald E. Kramer shall immediately surrender to the U.S. Drug Enforcement Administration his registration to prescribe, purchase, possess and administer controlled substances, and shall not apply again for such registration until further order of the Board.

1. Stay of Suspension. Following 6 months of imposed suspension, upon written petition of the Respondent, and a showing that Respondent has complied with all terms and conditions of this Order, the suspension shall be stayed for a period of three months, conditioned upon compliance with the conditions and limitations outlined in paragraph 2., below.

a. The Respondent 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 on the Respondent for rehabilitation and practice during the prior three (3) month period.

b. The Board may without hearing deny an application for extension of the stay, or commence other appropriate action, upon receipt of information that Respondent has violated any of the terms or conditions of this Order. If the Board denies the petition by the Respondent 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.

c. Upon a showing by Respondent of successful compliance for a period of five years with the terms of paragraph 2., below, the Board may grant a petition by the Respondent for return of full licensure.

d. The applications for extension under 1.a. and all required reports under 2.a-c. shall be due on the following dates:

February 1, 1994, and each and every May 1, August 1, November 1, and February 1, that this Order remains in effect, thereafter

2. CONDITIONS OF STAY AND LIMITATIONS. The initial stay of suspension and any subsequent stay shall be conditioned upon continuing compliance by Respondent from the date of this Order with the following terms and limitations:

a. Non-Prescription Use of Drugs and Alcohol Prohibited. Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed by a practitioner for legitimate medical purposes. Respondent shall have his physician report in writing to the supervising physician or therapist under paragraph 2.b.(1) all medications prescribed to the Respondent within 3 days of such prescribing.

b. Rehabilitation, Monitoring and Treatment Program. Respondent shall continue to participate in a rehabilitation, monitoring and treatment program acceptable to the Board for the treatment of chemical abuse. Such program shall consist of the following elements and requirements:

(1) AODA Rehabilitation. Respondent shall continue to participate in an AODA rehabilitation program under the care and supervision of a qualified physician or therapist (hereinafter, "supervising physician or therapist"), at an accredited drug and alcohol abuse/dependency treatment facility. Respondent shall obtain from the Dentistry Examining Board prior approval of the drug and alcohol abuse/dependency treatment facility and the supervising physician or therapist. The supervising physician or therapist shall be responsible for the Respondent's total rehabilitation program. Respondent shall immediately provide a copy of this order to his supervising physician or therapist. Respondent shall participate in and comply with all recommendations for treatment, subject to the requirements of this Order.

(2) Individual/Group Therapy. The rehabilitation program shall include and Respondent shall participate in individual and/or group

therapy sessions for the first year of the stayed suspension upon a schedule as recommended by the supervising physician or therapist, but not less than once weekly. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the Board. After the first year of stayed suspension, this requirement for therapy sessions may be modified only upon written petition, and a written recommendation by the supervising physician or therapist expressly supporting the modifications sought. A denial of such petition for modification shall not be deemed a denial of the license under sec. 227.01(3) or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

(3) AA/NA Meetings. Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, upon a frequency as recommended by the supervising physician or therapist, but not less than one meeting per week. Attendance of Respondent at such meetings shall be verified and reported monthly to the supervising physician or therapist.

(4) Drug Screening. Respondent's rehabilitation program shall include and Respondent shall participate in a program of random, witnessed collection of urine and/or blood specimens for monitoring for the presence of all controlled substances and alcohol in his blood and/or urine on a frequency of not less than four times per month for the duration of this Order.

All urine screens shall include testing and reporting of the specific gravity of the urine specimen.

The random drug and alcohol screening program shall include weekends and holidays for collection of specimens. Failure of the drug and alcohol screening program to be conducted on a random basis shall be deemed a violation of this Order and may result in denial of extension of Stay of Suspension, disapproval of the monitoring facility or program, or other action as deemed appropriate by the Board.

The Respondent shall appear and provide a specimen not later than 5 hours following a request for a specimen, but in no event later than the same calendar date that the request is made.

If the physician or therapist supervising the Respondent's plan of care, Respondent's employer, the Dentistry Examining Board or the Department of Regulation and Licensing, Division of Enforcement deems that additional blood or urine screens are warranted, Respondent shall submit to such additional screens as requested or recommended. The supervising physician or therapist shall exceed the above stated minimum frequency for obtaining drug and alcohol screens to prevent ability of Respondent to predict that no further screens will be required for a given period because the minimum frequency for that period has been met.

The Respondent shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board. Respondent

shall immediately provide a copy of this Order to the monitoring facility conducting the collection of specimen and/or chemical analyses upon specimens for the random witnessed drug and alcohol screening program.

To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for analysis for all controlled substances and alcohol. Any specimen that yields a positive result for any controlled substance or alcohol shall be immediately subjected to a gas chromatography-mass spectrometry(hereinafter, "GC-MS") test to confirm the initial positive screen results. The monitoring facility shall agree to immediately file a written report directly with the Dentistry Examining Board, the supervising physician or therapist, and the Respondent's supervising dentist upon any of the following occurrences: if the Respondent fails to appear for collection of a specimen as requested; or if a drug or alcohol screen and confirmatory GC-MS test prove positive; or if the specific gravity of a urine specimen is below 1.008; or if the Respondent refuses to give a specimen for analysis upon a request authorized under the terms of this Order. Respondent shall arrange for quarterly reports from the monitoring facility directly to the Board and to Respondent's supervising physician or therapist providing the dates and results of specimen analyses performed. Such reports shall be due on dates specified in paragraph 1.d. above.

The monitoring facility shall further agree to keep a formal record of the chain of custody of all specimens collected and subjected to analysis. The facility shall further agree to preserve any specimens which yielded positive results for any controlled substance or alcohol, or specific gravity below 1.008, pending further written direction from the Board or the Department.

(5) Quarterly Reports. Respondent shall arrange for quarterly reports from his supervising physician or therapist directly to the Board evaluating and reporting:

- (a) A summary of Respondent's progress in his rehabilitation program to date, and all recommendations for continuing rehabilitation treatment,
- (b) Respondent's attendance in NA/AA meetings,
- (c) Respondent's participation in and results of his random witnessed urine and/or blood screening program.

Such quarterly reports shall be due on the dates specified under paragraph 1.d. of this Order.

(6) Immediate Reports. Respondent shall arrange for agreement by his supervising physician or therapist to report immediately to the Board any conduct or condition of Respondent that may constitute a danger to the public in his practice of Dentistry, and any occurrence that constitutes a failure on the part of the Respondent to comply with the requirements of this Order or treatment recommendations by the supervising physician or therapist, including

any indications of consumption of alcohol or unauthorized use of any controlled substances, notice of any positive blood and/or urine screen for alcohol or controlled substances, and any urine specimen that is below a specific gravity of 1.008.

c. Practice of Dentistry: Limitations and Conditions. Any practice of Dentistry by Respondent during the period of this Order shall be subject to the following terms and conditions:

(1) Full Compliance with Order Required. Respondent shall not practice as a dentist in any capacity unless he is in full compliance with the rehabilitation and treatment programs as specified and approved under this Order.

(2) No Self Employment or Independent Practice as a Dentist. Respondent shall not be self employed as or work independently as a dentist. Respondent may only practice dentistry in the employment of, under the supervision of and in the same location and premises of another licensed dentist, who shall agree to be his supervising dentist pursuant to the terms of this Order.

Terms for Modification of Prohibition on Self Employment or Solo Practice as a Dentist. Respondent may petition the Board for modification of this prohibition against self employment or independent practice as a dentist after 6 months of supervised practice and compliance by Respondent with all terms and conditions of this Order. Such petition shall also include a written recommendation of the supervising physician or therapist specifically addressing the modification sought. The Board in its discretion may at any time modify any of the terms regarding independent practice by Respondent as a dentist, including removal of authorization under this Order of Respondent to practice independently as a dentist, as the Board deems appropriate in the circumstances. Modification of these terms and conditions, or removal of authorization under this Order of Respondent to practice independently as a dentist shall not be deemed a class 1 or class 2 proceeding under sec. 227.01(3) or 227.42, Wis. Stats., or Ch. RL 1 or 2, Wis. Adm. Code, and shall not be subject to any right to a further hearing or appeal.

(3) Ordering Controlled Substances Prohibited. Respondent shall not place nor be responsible for the placing of any orders for the purchase of any controlled substances, except as monitored and specifically approved, in writing, by his supervising dentist and Respondent shall not sign any invoices or receipts for controlled substances.

(4) Administration and Prescribing of Controlled Substances Prohibited. Respondent shall not order, purchase, stock, administer, dispense or prescribe any controlled substances. Any patient requiring administration, dispensing, prescription, or pre-medication of controlled substances shall be referred to another dentist or physician as appropriate.

(5) Provision of Copy of Order to Employers. Respondent shall provide his employer and any prospective employers with a copy of

this Stipulation and Final Decision and Order immediately upon issuance of this Order, and upon any change in employment.

(6) Quarterly Reports. Respondent shall arrange for his supervising dentist to provide directly to the Board quarterly written reports evaluating Respondent's work performance, which shall include reports or information required under subparagraph (7) and (8) hereunder. Such reports shall be due on the dates specified in paragraph 1.d. of this Order.

(7) Monitoring of Access to Drugs. Respondent shall obtain agreement from his supervising dentist to monitor Respondent's access to and accountability for handling of controlled substances and other abuseable prescription drugs in order to reasonably detect loss, diversion, tampering, or discrepancy relating to controlled substances and other abuseable prescription drugs. Respondent's supervisor shall include in the quarterly reports a description of Respondent's access to controlled substances and other abuseable drugs and the monitoring thereof. Any loss, diversion, tampering, or discrepancy shall be immediately reported to the Board.

(8) Controlled Substances Audits. In addition to the foregoing subparagraph (7), Respondent shall obtain from his supervising dentist agreement to conduct accountability audits of all schedule II controlled substances every three months for the duration of this Order. The audit shall be conducted by and certified by a licensed dentist other than respondent, who shall be approved by the Board. A summary of all audits required under this subparagraph shall be included in the quarterly report following the audit, however, any discrepancy or missing drugs indicated by the audits shall be immediately reported in writing to the Board.

(9) Immediate Reports. Respondent shall arrange for agreement by his supervising dentist to immediately report to the Board and to the supervising physician or therapist any conduct or condition of Respondent that may constitute a violation of this Order or a danger to patients or the public.

d. Consents for Release of Information. Respondent shall provide and keep on file with his supervising physician/therapist and all treatment facilities and personnel current releases which comply with state and federal laws, authorizing release of all his medical and drug and alcohol counseling, treatment and monitoring records to the Dentistry Examining Board and the Department of Regulation and Licensing, Division of Enforcement, and permitting his supervising physician/therapist and treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation and all matters relating thereto with the Dentistry Examining Board or its duly authorized representatives or agents. Copies of these releases shall be filed simultaneously with the Dentistry Examining Board and the Division of Enforcement. Respondent shall also provide and keep on file with his current employer(s) current releases authorizing release of all employment records and reports regarding Respondent to the Dentistry Examining Board and the Division of Enforcement, and authorizing his employer to discuss with the Board or its authorized agents and representatives Respondents employment history, progress and status and all matters relating thereto. Copies of these

employment records releases shall be filed simultaneously with the Board and the Division of Enforcement.

e. Notification of Change of Address and Employment. The Respondent shall report to the Board any change of employment status, residence address or phone number within five (5) days of any such change.

3. Terms for Modification of Order. Following successful compliance with and fulfillment of the provisions of paragraph 2. of this Order for a period of two years, the Respondent may petition the Board, in conjunction with an application for extension of the stay of suspension, for modification of the conditions or limitations for stay of suspension. Any such petition shall be accompanied by a written recommendation of the Respondent's supervising physician or therapist expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under sec. 227.01(3), or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

4. Respondent Responsible for Costs and Expenses. Respondent shall be responsible for all costs and expenses of complying with this Order and for arranging any alternative means for covering such costs and expenses.

5. Board/Department Inspections. The Board or the Department in its discretion may conduct unannounced inspections and/or audits, and make copies, of Dentistry records and inventory of controlled substances and other abusable drugs where Respondent is employed or practices as a dentist.

6. Violations of Order. Violation of any of the terms of this Order or of any law substantially relating to the practice of Dentistry may result in a summary suspension of the Respondent's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; or the imposition of other additional discipline, including revocation of license.

7. Effective Date. This Order shall become effective immediately upon issuance by the Dentistry Examining Board, except for provisions 2.a., which is effective the date of signing by Respondent.

DENTISTRY EXAMINING BOARD

By: Thomas G. Brantson 11-3-93
A Member of the Board Date

I, Ronald E. Kramer, have read and understood all parts of this Order and attached Stipulation, and pursuant to the attached Stipulation, hereby consent to the entry of the foregoing Final Decision and Order by the Wisconsin Dentistry Examining Board.

Dated this 27 day of October 1993, 1991.

Ronald E. Kramer
Ronald E. Kramer, Respondent

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RONALD E. KRAMER, D.D.S.,
RESPONDENT.

:
:
:
:
:
:
:

STIPULATION
93 DEN 12

It is hereby stipulated between Ronald E. Kramer, D.D.S., personally and on his own behalf, and Robert T. Ganch, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of the license of the above named Respondent to practice as a dentist in the State of Wisconsin, investigative file #93 DEN 12. The Respondent consents to the resolution of this investigation by this Stipulation and without the issuance of a formal complaint.

2. The Respondent understands that by the signing of the Stipulation, the following rights are voluntarily and knowingly waived, including: the right to a hearing on the allegations against the Respondent, at which 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 the Respondent; the right to call witnesses on behalf of the Respondent and to compel their attendance by subpoena; the right of the Respondent to testify, the right to file objections to any proposed Decisions 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 under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. The Respondent admits the facts and conduct described in the attached Findings of Fact and agrees to the adoption, entry and issuance of the attached Findings of Fact, Conclusions of Law and Order Adopting Stipulation by the Dentistry Examining Board.

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

5. 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 Adopting Stipulation without further notice, pleading, appearance or consent of the parties.

6. This Stipulation and the attached Final Decision and Order shall not prejudice the Dentistry Examining Board from taking any further action regarding any conduct of the Respondent not stated in the attached Final Decision and Order.

7. The Division of Enforcement joins the Respondent in recommending the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order Adopting Stipulation. All parties agree that the attorney for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor to this case may appear before the Dentistry Examining Board in support of this Stipulation and attached Final Decision and Order. All parties further agree that the attorney for the Division of Enforcement and the Board Advisor for this case may respond to questions of the Dentistry Examining Board during its deliberation in closed session.

October 27, 1993
Date

Ronald E. Kramer D.D.S.
Ronald E. Kramer, D.D.S.
Respondent

October 29, 1993
Date

Robert T. Ganch
Robert T. Ganch, Attorney
Division of Enforcement

Wisconsin Dentistry Examining Board

11-3-93
Date

Thomas G. Brunell DDS.
A member of the Board

RTG
ATY2/4997
10/25/93

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 4, 1993.