

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
THOMAS RICHARD SEIDELMANN, D.D.S., :
 :
RESPONDENT. :

FINAL DECISION AND ORDER
93 DEN 029:

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

Thomas Richard Seidelmann, D.D.S.
1507 Tower Avenue # 218
Superior, WI 54880

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. Thomas Richard Seidelmann, (D.O.B. 11/23/51) is duly licensed in the State of Wisconsin as a dentist (license # 2709). This license was first granted on June 11, 1981.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 1507 Tower Avenue # 218, Superior, WI 54880.
3. Respondent has admitted that while actively engaged in the practice of dentistry, and prior to seeking inpatient treatment on February 3, 1993, he ingested up to 30 mg. valium, 30 mg. restoril and 45 mg. hydrocodone during a 24-hour period several days per week.

4. To acquire drugs, respondent did on a regular basis issue prescription orders for his business partners and his wife, which he then picked up at the pharmacy for his own use. Respondent also issued prescription orders to himself, using a business partner's name as the prescriber.

5. An assessment conducted March 4, 1993 by the Miller-Dwan Medical Center, Duluth, Minnesota indicated that Respondent exhibits chemical dependence for alcohol, barbituates and opioids. Respondent has participated in treatment including aftercare at The Duluth Clinic, Ltd.

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)(a),(f),(g), and (L), and Wis. Adm. Code secs. DE 5.02(1), (4) and (6).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Thomas Richard Seidelmann shall be SUSPENDED for a period of not less than five (5) years.

(a) IT IS FURTHER ORDERED that the SUSPENSION shall be STAYED for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

i. 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 upon Respondent's practice during the prior three (3) month period.

ii. If the Board denies the petition by 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.

iii. Upon a showing by Respondent of complete, successful and continuous compliance for a period of five (5) years with the terms of paragraph (b), below, the Board shall grant a petition by Respondent for return of full licensure.

(b) CONDITIONS OF STAY

i. Respondent must remain in a program acceptable to the Board for the treatment of alcohol and chemical dependency. As a part of treatment, Respondent must attend therapy on a schedule as recommended by his therapist; attendance, however, shall be required at least one (1) time per month. In addition, Respondent must attend Alcoholics or Narcotics Anonymous at least two (2) time(s) per week.

ii. Upon request of the Board, Respondent 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. Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

iv. Respondent must participate in a program of random witnessed monitoring for controlled substances and alcohol in his blood and/or urine on a frequency of not less than four (4) times per month. If the physician or therapist supervising his plan of care or his employer deems that additional blood or urine screens are warranted, Respondent shall submit to such additional screens. Specimen collection and reporting procedures designated by the Minnesota Board of Dentistry in its Order dated March 25, 1994 concerning Respondent shall be acceptable, provided that the drug monitoring program complies in all respects with the provisions of this Order.

Respondent 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 Respondent fails to appear upon request; or if a drug or alcohol screen proves positive; or if Respondent refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

Respondent understands and agrees that the accuracy of the monitoring obtained is his responsibility. For the purposes of actions affecting respondent's license, it shall be presumed that all confirmed positive reports are valid. Respondent shall have the burden of proof to establish an error in testing or fault in chain of custody regarding a positive monitoring report.

v. Respondent shall provide his employer and any prospective employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment. In addition, Respondent shall immediately provide his employer with a copy of any denial of an extension of stay under this Order.

vi. Respondent 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 the counselor evaluating his attendance and progress in therapy as well as evaluating his level of participation at NA/AA meetings.

vii. Respondent shall refrain from access to or the administration of controlled substances in his work setting in Wisconsin until such time as access or administration is approved by the Board, provided that respondent may administer controlled substances in his work setting in the state of Wisconsin, and in his work setting outside the state of Wisconsin with patients who are residents of the state of Wisconsin according to the following Protocol. All records generated in connection with the following protocol shall be considered as "monitoring records" for purposes of this Order.

PROTOCOL

Thomas Richard Seidelmann, D.D.S. (respondent) is subject to an Order of the Wisconsin Dentistry Examining Board dated _____, 1994. The Order requires respondent to administer controlled substances only in the manner set forth in this protocol.

The purpose of this protocol is to limit and document the access of respondent to controlled substances.

1. Definitions. For purposes of this protocol:
 - a) the term controlled substances shall have the meaning set forth in Chapter 161, Wisconsin Statutes, as amended from time to time.
 - b) the term licensed professional shall mean a person holding a certificate to practice as a dental hygienist from the Dentistry Examining Board or a person who is certified as a registered nurse or licensed as a licensed practical nurse by the Board of Nursing, and who has acknowledged, in writing, this protocol and who has agreed, in writing, to monitor respondent's administration of controlled substances in accordance with this protocol.
2. Licensed Professional Monitoring. Respondent's administration of controlled substances in his work setting shall be monitored by licensed professionals.

3. Beginning Inventory. Each day that respondent desires to administer controlled substances in his work setting, two licensed professionals shall first make a complete and accurate inventory of all controlled substances available to respondent in his work setting. Such inventory shall be recorded by the licensed professionals in writing.
4. Adjustments To Inventory. Each such day, the licensed professionals shall keep an accurate, written record of additions to and withdrawals from the inventory of controlled substances available to respondent in his work setting. The record of withdrawals shall include the date, patient name for whom the withdrawal is made, type and amount.
5. Ending Inventory. Each day that respondent has administered controlled substances from his work setting, two licensed professionals shall make an inventory of the controlled substances available to respondent in his work setting at the end of the day. The inventory shall be recorded by the licensed professionals in writing. The licensed professionals shall then determine whether there were any withdrawals of controlled substances during the day that have not been appropriately accounted for. The licensed professionals shall immediately make a report to the Wisconsin Dentistry Examining Board in the event there appears to have been any withdrawals from the controlled substances available to the respondent that have not been appropriately accounted for.
6. Security. All controlled substances available to respondent in his work setting shall be under the secure control of the licensed professionals at all times. Without limiting the generality of the foregoing statement,

(i) All controlled substances and all records relating thereto shall be kept in a locked cabinet with the keys available only to the licensed professionals. The locks for such cabinets shall be changed within thirty (30) days after the effective date of this protocol, and shall be changed each time a licensed professional who had access to the cabinet is no longer entitled to access to the cabinet.

(ii) All withdrawals from the inventory for administration by respondent shall be made by a licensed professional and the licensed professional shall retain visual contact of the controlled substances from the time of withdrawal until they have been administered to a patient, or until they have been returned to the locked cabinet, or have been disposed of (wasted) by the licensed professional. Disposal of controlled substances by the licensed professional shall be witnessed by another individual and shall be documented in a log maintained with other controlled substances records. Respondent shall administer controlled substances in his work setting only under the direct visual observation of a licensed professional.

7. Reporting. The licensed professionals shall immediately report to the Wisconsin Dentistry Examining Board any improper use or administration of controlled substances by respondent, or any use or administration that is not in accordance with this protocol. If the licensed professionals are uncertain whether the protocol has been violated, they shall report the occurrence and seek advice from the Wisconsin Dentistry Examining Board.

Dated _____.

Acknowledgment

The undersigned, being a licensed professional as defined in this protocol, hereby acknowledges receipt of a copy of the protocol and agrees to monitor the withdrawal and administration of controlled substances by Thomas R. Seidelmann, D.D.S. in his work setting in the state of Wisconsin. The undersigned understands that failure to comply with the foregoing protocol could jeopardize the certificate or license of the undersigned. The undersigned understands that neither Thomas R. Seidelmann, D.D.S., nor any of his associates can retaliate against the undersigned for monitoring the administration of controlled substances in accordance with the foregoing protocol.

Dated _____.

Name

Title.

.....

viii. Respondent 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) Respondent 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 respondent'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 be come effective upon the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By: Thomas G. Brandt DDS July 5, 1994
On behalf of the Board Date

jwh

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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
THOMAS RICHARD SEIDELMANN, D.D.S.,	:	93 DEN 029
RESPONDENT	:	

It is hereby stipulated between Thomas Richard Seidelmann, personally on his own behalf and his attorney, Steven J. Seiler, 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 Wisconsin 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 respondent. If the Board accepts the Stipulation, respondent's's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of respondent shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. Also attached to this Stipulation are copies of respondent's's health care records for review by the Board in conjunction with their consideration of the attached Final Decision and Order.

8. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the 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.

9. The Division of Enforcement joins respondent in recommending the Wisconsin Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Thomas Richard Seidelmann
Thomas Richard Seidelmann

5/24/94
Date

Steven J. Seiler
Steven J. Seiler, Attorney for Respondent

5/24/94
Date

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

May 31, 1994
Date

jwh
Doc: