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FILE COPY

State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Carl A. Hambuch, Jr., D.D.S.
Respondent
Case No. 93 DEN 165

FINAL DECISION AND ORDER

The parties to this action for purposes of s. 227.53, Stats., are:

Carl A. Hambuch, Jr., D.D.S.
300 - 9th Avenue West
Ashland WI 54806

Dentistry Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties in this matter agree to the terms and conditions of the attached stipulation as the final decision of this matter. Accordingly, the Board adopts the Stipulation and makes the following:

FINDINGS OF FACT

1. Carl A. Hambuch, Jr., D.D.S., the respondent herein, is licensed in the state of Wisconsin to practice dentistry. Dr. Hambuch was first licensed on April 28, 1977, and he practices in Ashland, Wisconsin.
2. A complaint was filed that Dr. Hambuch was not consistently and reliably complying with universal infection control procedures in his practice. Investigation of that complaint demonstrated that Dr. Hambuch was not entirely familiar with universal infection control procedures and that his office procedures were deficient in some respects.

3. Investigation by the Division of Enforcement indicated that the clinic autoclave was not regularly tested, and no log of autoclave test results was maintained. An inspection of Dr. Hambuch's office by the Occupational Safety and Health Administration noted that sharps containers were not easily accessible at all places sharps (such as hypodermic needles and orthodontia wires) were used, and that there was no written Exposure Control Plan to eliminate or minimize employee exposure to blood borne pathogens.

4. Dr. Hambuch has undertaken abatement measures to come into compliance with regulations of the Occupational Safety and Health Administration, and universal infection control procedures.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07, Stats.

2. By failing to comply with universal infection control procedures in his practice, Dr. Hambuch violated s. 447.07(3)(a), Stats., and ss. DE 5.02(1), (5) and (20), Wis. Admin. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that Carl A. Hambuch, Jr., D.D.S., be and hereby is REPRIMANDED effective on the date of this Order.

IT IS FURTHER ORDERED that Dr. Hambuch shall maintain consistent compliance with universal infection control procedures hereafter.

Dated this 6th day of September 1995.

WISCONSIN DENTISTRY EXAMINING BOARD

Thomas C. Braselt DDS

A member of the Board

State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Carl A. Hambuch, Jr., D.D.S.
Respondent
Case No. 93 DEN 165

Stipulation

It is hereby stipulated between Carl A. Hambuch, Jr., D.D.S., personally and on his own behalf and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending proceedings concerning Dr. Hambuch's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Dentistry Examining Board for its consideration and adoption.
2. In resolution of these proceedings, Dr. Hambuch consents to the entry of the attached Final Decision and Order.
3. Dr. Hambuch is aware of and understands each of his rights, including:
 - the right to a hearing on the allegations against him, at which the state would have 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 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,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of his choosing, at his own expense,
 - all other rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. Dr. Hambuch is aware and understands that by signing this stipulation he voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.

5. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

Carl A. Hambuch, Jr., D.D.S.
Carl A. Hambuch, Jr., D.D.S.

7-20-95
Date

James E. Polewski
James E. Polewski
Attorney
Division of Enforcement

July 7 1995
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.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN DENTISTRY EXAMINING BOARD.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

SEPTEMBER 11, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)