

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

ROBERT H. HOOVER, D.D.S.,
RESPONDENT.

FINAL DECISION AND ORDER
94 DEN 139

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

Robert H. Hoover
50 South Madison Street
Sturgeon Bay, WI 54235

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. Robert H. Hoover (D.O.B. 7/12/48) is duly licensed in the state of
Wisconsin as a dentist (license # 5001440). This license was first granted on
June 4, 1975.

2. Respondent's latest address on file with the Department of
Regulation and Licensing is 50 South Madison Street, Sturgeon Bay, WI 54235.

3. On October 27, 1994, Respondent was absent from his dental office.
An unlicensed dental assistant was on duty.

4. On October 27, 1994, Respondent's patient, WM, called the unlicensed dental assistant and complained of pain in the lower right side of his mouth. The dental assistant reviewed the patient's dental record, observed existing X-rays and diagnosed the source of pain as tooth 31 or 32. The dental assistant then made a referral appointment for the patient to an oral surgeon and issued a verbal prescription order in Respondent's name for Penicillin VK and Diflunisal.

5. Respondent has approved the conduct of the dental assistant as described in paragraph 4.

CONCLUSIONS OF LAW

By the conduct described above, Robert H. Hoover 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) and (j), and Wis. Adm. Code sec. DE 5.02(21).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Robert H. Hoover is REPRIMANDED for his conduct in this matter.

IT IS FURTHER ORDERED, that the license of the Respondent is LIMITED in that for a period of one year from the date of this Order:

a. Respondent shall maintain a log of all prescription orders, dispensing, and administration of drugs in his dental practice.

b. The log shall be a separate document from the individual patient records and shall list in chronological order the following:

1. patient name,
2. date prescription order issued/ drug dispensed/ drug administered,
3. name of person issuing, dispensing or administering drug,
4. drug ID, strength, dosage,
5. number of refills authorized,
6. condition for which patient is being treated.

c. Every three months during the period of this Order, Respondent shall submit an accurate copy of the log entries for the preceding three months to the Department Monitor, Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935, for review. Upon request the Respondent shall produce the log for review by an investigator of the Division of Enforcement.

IT IS FURTHER ORDERED that the Respondent shall, within sixty (60) days of the date of this Order pay the partial costs of the investigation and prosecution of this action in the sum of Two Hundred Dollars (\$200.00) to the Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

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

WISCONSIN DENTISTRY EXAMINING BOARD

By:

Thomas B. Blum DDS
A Member of the Board

Date

9-6-95

jh

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
ROBERT H. HOOVER, D.D.S.,	:	94 DEN 139
RESPONDENT	:	

It is hereby stipulated between Robert H. Hoover, personally on his own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

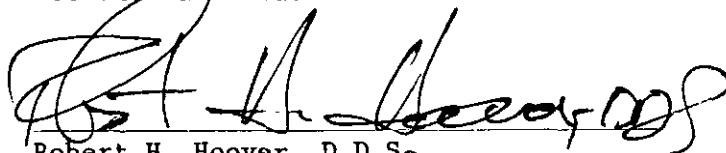
3. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

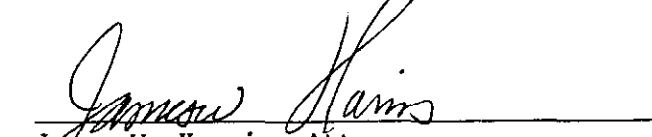
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties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

6. The parties to this stipulation agree that the attorney for the Division of Enforcement 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.

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


Robert H. Hoover, D.D.S.

8-71-95
Date


James W. Harris, Attorney
Division of Enforcement

August 28, 1995
Date

jh

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 12, 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.)