

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
CATHERINE A. LARSEN, D.D.S.,	:	ADOPTING STIPULATION
RESPONDENT.	:	95 DEN 008

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

Catherine A. Larsen, D.D.S.
W6751 Firelane 5
Menasha, WI 54952

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. Catherine A. Larsen, 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. Catherine A. Larsen holds a license to practice dentistry in the State of Wisconsin, number 3121, granted June 23, 1983.
3. That the Respondent's date of birth is September 19, 1958 and current address is W6751 Firelane 5, Menasha, WI 54952.
4. From at least 1992 through May 1994, Respondent has abused alcohol and on numerous occasions such alcohol abuse has interfered with her practice of dentistry.
5. 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 alcohol and practiced or attempted to practice dentistry while her ability to practice was impaired by alcohol violated sec. 447.07(3)(g), Wis. Stats., and sec. DE 5.02(4), Wis. Adm. Code, and subjects Respondent to disciplinary action 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 Catherine A. Larsen, Respondent, shall be SUSPENDED for a period of not less than five (5) years. 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.

1. Stay of Suspension. The suspension of Respondent's license shall be stayed for a period of three months, conditioned upon full compliance with the terms, 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 all terms, 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, conditions or limitations 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, conditions and limitations of paragraph 2., below, the Board may grant a petition by the Respondent for return of full licensure.

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

AUGUST 1, 1995, AND EACH AND EVERY NOVEMBER 1,
FEBRUARY 1, MAY 1, AND AUGUST 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, conditions 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 her physician report in writing to the supervising physician or therapist under paragraph 2.c.(1) all medications prescribed to the Respondent within 3 days of such prescribing.

b. Suspension of Practice. Effective May 10, 1995, Respondent shall cease any and all practice of dentistry pending an inpatient alcohol and other drug abuse (AODA) evaluation and treatment program as required in this Order. In the period from the date of this Order through May 10, 1995, Respondent may practice dentistry under daily, on site supervision of her supervising dentist, which shall include periodic direct contact with Respondent throughout the day to observe Respondent for sobriety. Also during this period between the date of this Order and May 10, 1995, Respondent shall arrange for and submit to witnessed urine drug and alcohol screens pursuant to paragraph c.4. herein, on May 6, and May 8, 1995. After May 10, 1995, Respondent shall not resume practice of dentistry until expressly recommended by her AODA treatment team and authorized in writing by the Dentistry Examining Board or its designee. Respondent shall not serve as an emergency on call dentist until she has returned to practice following AODA treatment and authorization by the Board.

c. AODA EVALUATION, REHABILITATION, MONITORING. Respondent shall within 7 days of the date of this Order arrange for and enter an inpatient evaluation for chemical abuse and dependency at Saint Elizabeth Hospital, Appleton, Wisconsin. Such program shall consist of the following elements and requirements:

(1) Respondent shall undergo a complete inpatient evaluation and assessment for chemical abuse and/or dependency by a qualified physician or therapist (hereinafter, "supervising physician or therapist"), at Saint Elizabeth Hospital, Appleton, Wisconsin. The supervising physician or therapist shall be subject to approval by the Dentistry Examining Board. Respondent shall remain in the evaluation and treatment program until expressly released by her treatment team. The supervising physician or therapist shall be responsible for the Respondent's total assessment and rehabilitation program. Respondent shall immediately provide a copy of this order to her supervising physician or therapist. The supervising physician or therapist performing the assessment shall be provided with copies of the Division of Enforcement's investigative materials regarding this matter for review prior to the date of assessment. A full

written report of the evaluation and assessment shall be provided directly to the Board by the supervising physician or therapist within 30 days of the date of this order. The chemical dependency assessment report shall include:

- (a) An evaluation of Respondent's level of cooperation in the assessment and influence thereof on the assessment's conclusions,
- (b) Diagnosis of Respondent's condition,
- (c) Recommendations for treatment,
- (d) Work restrictions if any, and
- (e) Prognosis for Respondent's success in rehabilitation.

The results of the evaluation and assessment shall be considered in establishing the elements and goals of Respondent's rehabilitation and treatment program, subject to the requirements of this order. Respondent shall participate in and comply with all recommendations for treatment, subject to the requirements of this order.

Following the evaluation and receipt of the report upon the evaluation, the Board, on its own initiative or request of the Division of Enforcement, may modify any of the terms of this order as the Board deems necessary and appropriate based upon the results of the evaluation. The Board shall afford an opportunity for hearing under the provisions of ch. RL 1, Wis. Adm. Code, to the Respondent if the Board modifies the terms of this Order under the terms of this paragraph.

(2) 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 Meetings. Respondent shall attend 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 her

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 be, or shall contract with a facility, currently certified by the U.S. Department of Health and Human Services to meet standards of Subpart C. of Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29916, 29925) and 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) Progress Reports. Respondent shall arrange for progress reports, monthly for the first six months following the date of this Order and quarterly thereafter, from her supervising physician or therapist directly to the Board evaluating and reporting:

- (a) A summary of Respondent's progress in her 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 her 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 her 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 her 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.

d. 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 she is in full compliance with the rehabilitation, treatment and monitoring 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 her 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 12 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 her 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, except that Respondent may issue written prescriptions for controlled substances for treatment of her dental patients only if such prescription orders are immediately countersigned by her supervising dentist prior to issuance of the prescription order to the patient. Respondent may issue prescription orders for controlled substances when acting as an on-call emergency dentist for her employer one week per calendar quarter only if any such prescription orders are countersigned by her supervising dentist not later than noon of the next business day following issuance of the prescription order. Respondent shall obtain agreement from her supervising dentist to maintain a continuing log noting date, time, patient name and drug prescribed, to be made available on request to the Board or Division of Enforcement for the duration of this Order. Otherwise, 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 her 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 her 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 her 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 her 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 her supervising dentist to immediately report to the Board, the Division of Enforcement 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.

e. Consents for Release of Information. Respondent shall provide and keep on file with her supervising physician/therapist and all treatment facilities and personnel current releases which comply with state and federal laws, authorizing release of all her medical, mental health 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 her supervising physician/therapist and treating physicians and therapists to disclose and discuss the progress of her 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 her 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 her employer to discuss with the Board or its authorized agents and representatives Respondent's 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.

f. 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 abuseable 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 provision 2.a., which is effective the date of signing by Respondent.

DENTISTRY EXAMINING BOARD

By: Thomas G. Brandt DDS
A Member of the Board

5-3-95
Date

I, Catherine A. Larsen, 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 29 day of April, 1995.

Catherine A. Larsen
Catherine A. Larsen, Respondent

Allen A. Arntsen
Allen A. Arntsen
Attorney for Respondent

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CATHERINE A. LARSEN, D.D.S.,
RESPONDENT.

STIPULATION
95 DEN 008

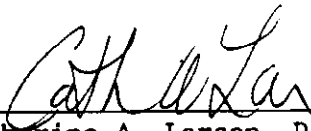
It is hereby stipulated between Catherine A. Larsen, D.D.S., personally and by her attorney, Allen A. Arntsen, and Robert T. Ganch, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

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 #95 DEN 008. 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 of the Respondent 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.


Date

4/29/95


Catherine A. Larsen, D.D.S.
Respondent

Date

5/2/95


Allen A. Arntsen, Attorney for
Respondent

Date

May 2, 1995


Robert T. Ganch, Attorney
Division of Enforcement

Wisconsin Dentistry Examining Board

Date

5-3-95


Thomas G. Brumitt DDS
A member of the Board

RTG

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:

MAY 4, 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.)