

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

CHRISTOPHER JOHNSON, D.D.S.,
RESPONDENT.

FINAL DECISION AND ORDER
93 DEN 062

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

Christopher Johnson, D.D.S.
644 West Oshkosh Street
Ripon, WI 54971

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. Christopher Johnson (D.O.B. 11/18/46) is duly licensed in the
state of Wisconsin as a dentist (license # 5001654). This license was first
granted on June 7, 1976.
2. Respondent's latest address on file with the Department of
Regulation and Licensing is 644 West oshkosh Street, Ripon, WI 54971.
3. Respondent has provided dental services to patient JM from 1981 to
the present.

4. The practice of dentistry includes the prescribing of drugs in the course of or incident to the rendition of dental services. Wis. Stats. § 447.01(8)(e).

5. Diazepam is a Schedule IV controlled substance. Wis. Stats. § 161.20(2)(cr).

6. During the period 4/13/92 to 5/17/93, Respondent prescribed 340 diazepam tablets for patient JM.

7. The only documentation in the patient record of JM concerning prescription orders is found on a single sheet, out of sequence with other records, which contains the following entries:

"Sept 9 92 valium 5mg 2X da #40 for bruxism"

"12-29-92 valium 10mg 1-day #30 for bruxism".

8. The patient record of JM does not contain a diagnosis, treatment plan, or therapy for bruxism or TMJ other than a single entry dated 8/5/92 which states "TMJ bothering still grinding teeth."

9. The patient record of JM does contain an entry dated 12/4/91 which states in part: "pt unemployed high stress level." In an interview on 8/18/93, Respondent stated that he had been a close friend of JM, that JM had problems with stress, and that prescriptions for diazepam were given to JM for his use, which Respondent believed were appropriate.

CONCLUSIONS OF LAW

By the conduct described above, Christopher Johnson 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 (L), and Wis. Adm. Code sec. DE 5.02(1), (3), (5), (6) and (18).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. Christopher Johnson is REPRIMANDED for his conduct in this matter.

2. Within six (6) months of the date of this Order Respondent shall certify to the Dentistry Examining Board the successful completion of an approved course in prescriptive practices and documentation. Within two (2) months of the date of this Order Respondent shall submit to the Board designee an outline for the required training which shall contain the name of the institution providing the instruction, the name of the instructor, and the course content. Failure to certify the successful completion of the required training within the time set forth shall result in suspension of Respondent's license to practice as a dentist in Wisconsin without further notice or action of the Board, until Respondent has fully complied with the terms of this Order.

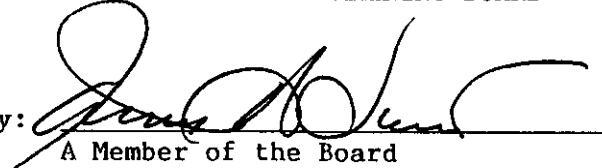
3. For a period of one (1) year following the date of this Order Respondent shall, on a quarterly basis, submit a log of all prescription orders issued by him in his dental practice for review by the Department Monitor. The log shall specify the dental condition for which the prescription was issued. The quarterly reports shall be sent to the Department Monitor, Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935.

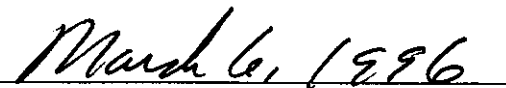
4. Respondent shall, within sixty (60) days of the date of this Order, pay to the Department of Regulation and Licensing the costs of the investigation and prosecution of this action in the sum of \$ 200.00.

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: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
CHRISTOPHER JOHNSON, D.D.S.,	:	93 DEN 062
RESPONDENT	:	

It is hereby stipulated between Christopher Johnson, 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.

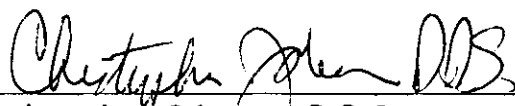
3. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

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.

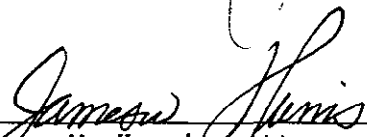
7. The Division of Enforcement joins Respondent in recommending the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.



Christopher Johnson, D.D.S.

1-24-96

Date



James W. Harris, Attorney
Division of Enforcement

January 29, 1996

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:

STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 7, 1996

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.)