

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

State of Wisconsin  
Before the Dentistry Examining Board

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In the Matter of Disciplinary Proceedings Against

James Kadlec, D.D.S.,  
Respondent

Case No. 96 DEN 033

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FINAL DECISION AND ORDER

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

James Kadlec, D.D.S.  
205 5th Avenue South  
LaCrosse WI 54601

Wisconsin 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 of the attached stipulation. Accordingly, the Board makes the following:

FINDINGS OF FACT

1. Respondent, James Kadlec, D.D.S., is currently licensed and registered to practice dentistry in the state of Wisconsin. Respondent practices dentistry at his clinic at 205 5th Avenue South, LaCrosse Wisconsin 54601.

2. On and about October 2, 1996, Respondent Kadlec neglected and failed to consistently comply with universal infection control procedures in his dental clinic in that he failed to wear gloves and a mask while treating certain patients.

3. Respondent Kadlec has undertaken actions to come into compliance with the requirements of universal infection control in the dental clinic, and is taking appropriate steps to dispose of all waste.

#### CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07(3), Stats.

2. Respondent Kadlec's failure to comply with universal infection control procedures violated s. 447.07(3), Stats., and section DE 5.02(1), Wis. Admin. Code, in that it is practice which constitutes a substantial danger to the health, safety and welfare of patients and the public, and section DE 5.02(5), Wis. Admin. Code, in that the failure to comply with universal infection control procedures is a substantial departure from the standard of care ordinarily exercised by a dentist.

#### ORDER

NOW, THEREFORE, IT IS ORDERED that James Kadlec, D.D.S., be and hereby is reprimanded.

It is further ordered that failure to comply with the requirements of universal infection control for dental clinics by Dr. Kadlec shall be grounds for immediate summary suspension of Dr. Kadlec's license. Compliance with the standards for infection control will be determined through one or more unannounced inspections of the dental clinic by the Division of Enforcement.

It is further ordered that Dr. Kadlec shall pay \$500.00 as the costs of this proceeding, pursuant to s. 440.22, Stats.

Dated this 6th day of November, 1996.

Wisconsin Dentistry Examining Board



A Member of the Board

State of Wisconsin  
Before the Dentistry Examining Board

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In the Matter of Disciplinary Proceedings Against

James Kadlec, D.D.S.  
Respondent  
Case No. 96 DEN 033

---

Stipulation

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It is hereby stipulated between James Kadlec, D.D.S., represented by Paul Munson, his attorney, 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. Kadlec'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. Kadlec consents to the entry of the attached Final Decision and Order.
3. Dr. Kadlec 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. Kadlec 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.

\_\_\_\_\_  
James Kadlec, D.D.S.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul Munson  
McDonald & Munson  
505 King Street  
LaCrosse WI 54602  
Attorney for Dr. Kadlec

\_\_\_\_\_  
Date

James E. Polewski

James E. Polewski  
Attorney  
Division of Enforcement

Nov. 5, 1996

Date

State of Wisconsin  
Before the Dentistry Examining Board

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In the Matter of Disciplinary Proceedings Against

James Kadlec, D.D.S.  
Respondent  
Case No. 96 DEN 033

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Stipulation  
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  - the right to testify himself,
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James Kadlec D.D.S.  
James Kadlec, D.D.S.

11-5-96  
Date

Paul J. Munson  
Paul Munson  
McDonald & Munson  
505 King Street  
LaCrosse, WI 54602  
Attorney for Dr. Kadlec

11/5/96  
Date

James E. Polowski  
James E. Polowski  
Attorney  
Division of Enforcement

Nov. 5, 1996  
Date

# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On November 6, 1996, the Pharmacy Examining Board  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$500.00 Case #: 96DEN033

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 500.00

The costs and/or forfeitures are due: December 6, 1996

NAME: James Kadlec LICENSE NUMBER: 5000055

STREET ADDRESS: 205 5th Avenue South

CITY: La Crosse STATE: WI ZIP CODE: 54601

Check whether the payment is for costs or for a forfeiture or both:

COSTS  FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL  ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

\_\_\_\_\_

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING  
1400 E. WASHINGTON AVE., ROOM 141  
P.O. BOX 8935  
MADISON, WI 53708-8935**

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#2145 (Rev. 9/96)  
Ch. 440.22, Stats.  
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STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE DENTISTRY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

James Kadlec, D.D.S.,

AFFIDAVIT OF MAILING

Respondent.

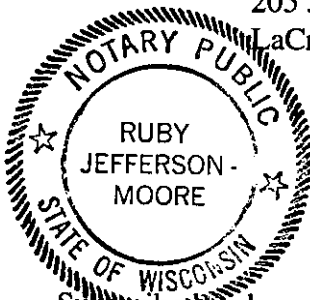
STATE OF WISCONSIN    )  
  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
  
2. On November 12, 1996, I served the Final Decision and Order dated November 6, 1996, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent James Kadlec, D.D.S. and his attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and his attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the Respondent's envelope is P 213 340 149 and the certified mail receipt number on his attorney's envelope is P 213 340 150.
  
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address:

James Kadlec, D.D.S.  
205 5th Avenue South  
LaCrosse WI 54601

Paul Munson, Attorney  
505 King Street, Suite 135  
P.O. Box 1567  
LaCrosse WI 54602-1567



*Kate Rotenberg*  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me  
this 12th day of November, 1996.

*Ruby Jefferson-Moore*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

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## NOTICE OF APPEAL INFORMATION

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**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

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1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708.

**The Date of Mailing this Decision is:**

November 12, 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.)