

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

TIMOTHY M. VENTRUCCI, D.D.S.,

ORDER OF SUMMARY SUSPENSION

RESPONDENT

99 DEN 043

The Petition For Summary Suspension in the above entitled matter came on for hearing before the Wisconsin Dentistry Examining Board on the 3rd day of November, 1999, at 9:00 A.M., as stated in the Notice of Presentation For Summary Suspension dated October 21, 1999. Attorney James W. Harris appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. The Respondent did not appear.

The Wisconsin Dentistry Examining Board having considered the sworn Petition For Summary Suspension and the affidavit of service hereby makes the following:

FINDINGS OF FACT

1. The Respondent, Timothy M. Ventrucci is duly licensed to practice as a dentist in the State of Wisconsin (license # 15-4855) which license was first granted October 16, 1996.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 101 Bernard Street, Hurley, WI 54534.
3. Hydrocodone is a Schedule III controlled substance listed in sec. 961.17(5) Wis. Stats. Oxycodone is a Schedule II controlled substance listed in sec. 961.16(11) Wis. Stats. Propoxyphene is a Schedule IV controlled substance listed in sec. 961.20(4) Wis. Stats. Codeine is a Schedule III controlled substance listed in sec. 961.18(5) Wis. Stats.
4. Sec. 961.38(5) Wis. Stats. makes it unlawful for a practitioner to prescribe, or take without a prescription a controlled substance included in Schedule II, III or IV for the practitioner's own personal use. Sec. 961.43(1)(a) Wis. Stats. makes it unlawful for any person to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.
5. It is unprofessional conduct under sec. DE 5.02(6) Wis. Adm. Code for a practitioner to administer, dispense, prescribe, supply or obtain controlled substances otherwise than in the course of legitimate professional practice, or as otherwise prohibited by law.
6. During the period 1996 - 1997, Respondent obtained hydrocodone from Dr. Michael Gregor, D.D.S., for his personal use other than in the course of legitimate dental practice, and without a legitimate prescription order.
7. Respondent has admitted diverting hydrocodone from a Mellen, Wisconsin dental clinic for his personal use in 1996 and 1997.
8. Respondent has admitted to using hydrocodone from the prescriptions of his deceased father in 1998.
9. Respondent has admitted to current use of controlled substances obtained by means other than valid prescription orders as recently as June, 1999.
10. At least eight dental patients of the Respondent have confirmed to Drug Enforcement Agency representatives that they had received prescription orders for controlled substances from Respondent, that they had been asked by Respondent to return a portion of the drugs to Respondent, and that they had done so. The incidents occurred in 1997, 1998 and 1999.
11. During the period 2/24/98 to 3/09/99, Respondent issued prescription orders for controlled substances in the name of his dental clinic and received quantities of propoxyphene, hydrocodone and acetaminophen with codeine in violation of Wis. Adm. Code sec. Phar 8.04(2).
12. On February 25, 1987, Respondent was convicted in the Michigan 98th Judicial District Court of five counts of the crime of obtaining a prescription drug by fraud.

13. On June 1, 1999, Respondent refused a DEA request to surrender his controlled substance prescribing privileges.

14. The evidence presented and considered by the Dentistry Examining Board as a basis for this Summary Suspension Order is the sworn Petition For Summary Suspension and the affidavit of service filed herein.

CONCLUSIONS OF LAW

15. The Wisconsin Dentistry Examining Board has jurisdiction in this matter pursuant to sec. 447.07(3) Wis. Stats.

16. The Wisconsin Dentistry Examining Board has authority to summarily suspend a license to practice as a dentist pursuant to sec. 227.51(3) Wis. Stats. and ch. RL 6 Wis. Adm. Code.

17. Respondent has been provided notice of this proceeding as required by sec. RL 6.05 Wis. Adm. Code.

18. Respondent's conduct as set forth above in paragraphs 6 through 13 above constitutes unprofessional conduct in violation of sec. 447.07(3) Wis. Stats. and sec. DE 5.02(1), (4), (5), (6), (10), (15) and (16) Wis. Adm. Code.

19. Respondent's intentional violation of the controlled substance laws, and his engaging in the practice of dentistry with disregard for reasonable care and safety of patients and the public necessitates the immediate suspension of Respondent's license to practice as a dentist in the State of Wisconsin in order to protect the public health, safety and welfare.

ORDER

Now therefore, it is hereby ordered:

1. The license of Timothy M. Ventrucchi to practice as a dentist in the state of Wisconsin is SUMMARILY SUSPENDED, effective immediately.

2. This Order shall continue in effect until the effective date of a final decision and order in the disciplinary proceeding against Respondent unless otherwise ordered by the licensing authority.

3. Respondent is notified of his right pursuant to sec. RL 6.09 Wis. Adm. Code to request a hearing to show cause why this summary suspension Order should not be continued. Any request for a hearing to show cause should be filed with the Wisconsin Dentistry Examining Board, P.O. Box 8935, 1400 East Washington Avenue, Madison, Wisconsin 53708-8935. In the event that a hearing to show cause is requested, it shall be scheduled on a date within 20 days of receipt by the licensing authority of the request for hearing, unless a later time is agreed to or requested by the Respondent.

Dated at Madison, Wisconsin this 3rd day of November, 1999.

WISCONSIN DENTISTRY EXAMINING BOARD

M.J. Curran, D.D.S.,

Board Chair