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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

JAMES R. LANDREMAN, D.D.S.,	FINAL DECISION AND ORDER
RESPONDENT	LS0109052DEN

01 DEN 041

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

James R. Landreman, D.D.S.
107 N. Main Street
Rosendale, WI 54974

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. James R. Landreman (D.O.B. 09/17/55) is duly licensed in the state of Wisconsin as a dentist (license # 015 02931). This license was first granted on May 24, 1982.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 107 N. Main Street, Rosendale, WI 54974.
3. An audit of Respondent's dental clinic by DEA representatives in February, 2001, revealed shortages of lorazepam, diazepam, hydrocodone and acetaminophen with codeine. Respondent has admitted that he dispensed lorazepam, hydrocodone and diazepam to his father for migraine headache and panic attack relief. Respondent also admitted that he had taken diazepam and acetaminophen with codeine from clinic supplies for his personal use for insomnia and to treat lower back pain.
4. On February 28, 2001, Respondent surrendered his DEA certificate of registration and returned controlled substances from his clinic for destruction.

5. An AODA evaluation of Respondent conducted July 10, 2001, at Professional Recovery Network resulted in a diagnosis of major depression and controlled substance misuse, but no finding of chemical abuse or dependence. Because of Respondent's drug seeking behavior, drug screens and monitoring were recommended. Because of Respondent's history of depression, continued treatment of that condition was also recommended.

6. Respondent has participated in treatment for depression at St. Agnes Hospital in Fond du Lac.

CONCLUSIONS OF LAW

By the conduct described above, James R. Landreman 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 secs. DE 5.02(1), (6), (15), (16) and (18).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of the Respondent, James R. Landreman, shall be LIMITED for an INDEFINITE PERIOD of time upon the following terms and conditions:

REHABILITATION, MONITORING AND TREATMENT

Treatment Required

1. Respondent shall continue successful participation in all components of a mental health treatment program as recommended by his therapist at a treatment facility acceptable to the Board. As a part of treatment, Respondent must attend therapy on a schedule as recommended by his supervising health care provider; attendance however, shall be required at least one (1) time per month.

Sobriety

2. Respondent shall remain free of alcohol and prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation.

3. Respondent shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or create false positive screening results, or which may interfere with respondent's treatment and rehabilitation.

Respondent shall report all medications and drugs, over-the-counter or prescription, taken by respondent to his supervising health care provider within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs for the respondent. Within 24 hours of a request by his supervising health care provider or the Dentistry Examining Board or its designee, Respondent shall provide releases which comply with state and federal laws authorizing release of his health care records by the person who prescribed, dispensed, administered or ordered this medication for the respondent. These releases shall also authorize the supervising health care provider and the Dentistry Examining Board (or its designee) to discuss the Respondent's health care with the person who prescribed, dispensed, administered or ordered this medication. The terms of this paragraph shall not be deemed to modify or negate Respondent's obligation to maintain sobriety as set forth in this Order.

Department monitor

4. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor

Department of Regulation Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 267-3817

Releases

5. Respondent shall provide and keep on file with all treatment facilities and personnel, laboratories, and

collections sites current releases which comply with state and federal laws authorizing release of all of Respondent's urine, blood and hair specimen screen results and his medical and treatment records and reports to, and permitting his treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation with the Dentistry Examining Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board. Copies of these releases shall be filed simultaneously with the Department Monitor.

Drug and alcohol screens

6. Respondent must participate in a program of random witnessed monitoring for controlled substances and alcohol in his urine, blood and/or hair on a frequency acceptable to the Board. The Board, via its designated agent, shall determine an acceptable minimum frequency of screens. [It is anticipated that the Board will set an initial minimum frequency of screens of not less than four (4) times per month.] If the Board, the physician or therapist supervising his plan of care, or his employer deems that blood or urine screens are warranted in addition to the base frequency established under this paragraph, Respondent shall submit to such additional screens.

7. Respondent shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, as well as for all costs incurred in conjunction with the monitoring and reporting required and any other expenses associated with compliance with this Order.

8. Respondent shall keep his supervising health care provider and monitoring facility informed of Respondent's location and shall be available for contact by his supervising health care provider at all times.

9. To be acceptable, specimen requests shall be random with respect to the hour of the day and the day of the week. In addition, the Dentistry Examining Board or its designee may at any time request a random monitored urine, blood or hair specimen from Respondent by directing the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement to contact Respondent and request Respondent provide a specimen.

10 All requested urine, blood or hair specimens shall be provided by Respondent within five (5) hours of the request for the specimen. All urine specimen collections shall be a split sample accomplished by dividing urine from a single void into two specimen bottles. The total volume of the split sample shall be at least 45 ml. of urine. All split sample urine specimens, blood specimens and hair specimens shall be collected, monitored and chain of custody maintained in conformity with the collection, monitoring and chain of custody procedures set forth in 49 CFR Part 40. Urine specimen collections shall be by direct observation if:

- a. The Respondent must provide an additional specimen because Respondent's initial specimen was outside of the normal temperature range (32.5 - 37.7 C/90.5 - 99.8 F) and he refuses to have an oral body temperature measurement; or he does provide an oral body temperature measurement, and the reading varies by more than 1 C/1.8 F from the temperature of the urine specimen;
- b. Respondent's last provided specimen was determined by the laboratory to have a specific gravity of less than 1.003 and creatinine concentration below 0.2 g/l;
- c. The collection site person observes Respondent acting in such a manner to provide reason to believe that Respondent may have attempted or may attempt to substitute or adulterate the specimen. The collection site person, if he or she believes that the initial urine specimen may have been adulterated or a substitution made, shall direct Respondent to provide an additional observed urine specimen;
- d. The last provided specimen resulted in a positive or suspected positive test result for the presence of controlled substances; or
- e. The Dentistry Examining Board (or any member of the Board), the Department Monitor, or Respondent's supervising health care provider directs that the urine specimen collection be by direct observation.

If either of the above conditions (a) or (c) requires collection of an additional observed urine specimen, the collection of the subsequent specimen shall be accomplished within the required five (5) hours of the request for the initial specimen; the collection of the initial specimen shall not satisfy the requirement that the urine specimen be collected within five (5) hours of the request for the initial specimen.

11 The Respondent may be required to participate in a program of screening established and approved by the Department for testing credential holders. The drug and alcohol treatment program in which Respondent is enrolled shall at all times utilize a United States Department of Health and Human Services certified laboratory for the analysis of all specimens collected from Respondent.

12 The drug and alcohol treatment program in which Respondent is enrolled shall utilize only those urine, blood

and hair specimen collection sites for collection of Respondent's urine, blood or hair specimens as comply with the United States Department of Transportation collection and chain of custody procedures set forth in 49 CFR Part 40.

13 The supervising health care provider, treatment facility, laboratory and collection site shall maintain a complete and fully documented chain of custody for each urine, blood or hair specimen collected from Respondent.

14 Every urine specimen collected from Respondent shall be analyzed at the time of collection for tampering by measurement of the temperature of the specimen and the oral temperature of Respondent. Every urine specimen collected from Respondent shall be further analyzed at the laboratory for tampering by measuring the creatinine concentration and the specific gravity of the specimen. The laboratory may at its discretion or at the direction of a supervising health care provider or the Dentistry Examining Board or any member thereof conduct additional tests to evaluate the urine specimen for tampering including, but not limited to, pH, color and odor.

15 Every urine, blood or hair specimen collected from Respondent shall be analyzed for alcohol, amphetamine, cocaine, opiates, phencyclidine, marijuana, methadone, propoxyphene, methaqualone, barbiturates, benzodiazepines, meperidine or the metabolites of these substances. The Dentistry Examining Board or its designated agent may at any time direct that screens for additional substances and their metabolites be conducted by scientific methods and instruments appropriate to detect the presence of these substances. The laboratory shall conduct confirmatory tests of positive or suspected positive test results by appropriate scientific methods and instruments including, but not limited to, gas chromatography and mass spectrometry.

16 All urine, blood or hair specimens remaining after testing shall be maintained in a manner necessary to preserve the integrity of the specimens for at least seven (7) days; and all positive or suspected positive urine, blood or hair specimens remaining after testing shall be so maintained for a period of at least one (1) year. The supervising health care provider or the Dentistry Examining Board or any member thereof may direct that the urine, blood or hair specimens be maintained for a longer period of time.

17 For the purpose of further actions affecting Respondent's license under this Order, it shall be presumed that all confirmed positive reports are valid. Respondent shall have the burden of proof to establish that the positive report was erroneous and that the respondent's specimen sample did not contain alcohol or controlled substances or their metabolites.

18 If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the supervising health care provider shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

Required reporting

19 The supervising health care provider and Monitoring Facility shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement by FAX or telephonic communication: any failure of Respondent to provide a urine, blood or hair specimen within five (5) hours from the time it was requested; or of any inability to locate Respondent to request a specimen. The laboratory shall immediately report all urine specimens suspected to have been tampered with and all urine, blood or hair specimens which are positive or suspected positive for controlled substances or alcohol to the Department Monitor, and to the supervising health care provider.

20 The laboratory shall within 48 hours of completion of each drug or alcohol analysis mail the report from all specimens requested of Respondent under this Order to the Department Monitor (regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances, their metabolites or alcohol). Each report shall state the date and time the specimen was requested; the date and time the specimen was collected; the results of the tests performed to detect tampering; and the results of the laboratory analysis for the presence of controlled substances and alcohol.

21 The supervising health care provider shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in treatment and summarize the results of the urine, blood or hair specimen analyses. The supervising health care provider shall report immediately to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-3817] any violation or suspected violation of the Dentistry Examining Board's Final Decision and Order.

22 The Monitoring Facility shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall summarize the results of the urine, blood or hair specimen analyses. The Monitoring Facility shall report immediately to the Department Monitor [Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)267-

3817] any violation or suspected violation of the Dentistry Examining Board's Final Decision and Order.

Reporting by respondent

23 Respondent shall be responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Respondent to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order, including any failures of the supervising health care provider, treatment facility, laboratory or collection sites to conform to the terms and conditions of this Order.

Facility approval

24 If the Dentistry Examining Board determines that the supervising health care provider, treatment facility, monitoring facility, laboratory or collection sites have failed to satisfy the terms and conditions of this Final Decision and Order, the Board may, at its sole discretion, direct that Respondent continue his treatment and rehabilitation program under the direction of another supervising health care provider, treatment facility, laboratory or collection site which will conform to the terms and conditions of this Final Decision and Order.

SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

Disclosure

25. Respondent shall provide any current or prospective employers with a copy of this Final Decision and Order immediately upon issuance of a stay of suspension under this Order, and upon any change of employment during the time in which a stay of suspension is in effect. In addition, Respondent shall provide his employer with a copy of any order granting an extension of stay under this Order within five (5) days of Respondent's receipt of an order granting a stay. Respondent shall provide the DEA with a copy of this Order and any subsequent modifications thereto.

Required reporting

26. Respondent shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

Practice restrictions

27 Respondent shall refrain from access to or the administration of controlled substances in his work setting. Respondent shall not apply for or hold a DEA controlled substances registration.

28. In the event that respondent's supervising health care provider recommends work restrictions in the field of dentistry in addition to the restrictions included in this order, Respondent shall restrict his practice in accordance with such recommendations.

PETITIONS FOR MODIFICATION OF TERMS

Respondent may petition the Board to revise or eliminate any of the above conditions. Any such petition shall be accompanied by a written recommendation from Respondent's Supervising health Care Provider expressly supporting the specific modifications sought. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

After five years of continuous active professional practice under this Order without violation of the terms thereof, and upon recommendation of the Supervising Health Care Provider, Respondent may petition the Board for a termination of all limitations on his license, and for restoration of an unlimited license. Such restoration shall be in the sole discretion of the Board, and denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Respondent shall not have a right to any further hearings or proceedings.

SUMMARY SUSPENSION

Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

EFFECTIVE DATE OF ORDER

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

WISCONSIN DENTISTRY EXAMINING BOARD

By: Bruce Barrette

9-5-01

A Member of the Board

Date