

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : LS0211064DEN  
LARRY NILLISSEN, D.D.S., :  
RESPONDENT :

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FINAL DECISION AND ORDER

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The parties to this action for the purposes of § 227.53, Stats., are:

Larry Nillissen, D.D.S.  
P.O. Box 206  
409A Main Street  
Biramwood, WI 54414

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 Dentistry Examining 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. Larry Nillissen, D.D.S., Respondent, date of birth October 3, 1956, is licensed by the Wisconsin Dentistry Examining Board as a dentist in the state of Wisconsin pursuant to license number 2723, which was first granted June 17, 1981
2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 206, 409A Main Street, Biramwood, WI 54414.
3. On July 19, 2001, Respondent was charged in Shawano County Wisconsin Circuit Court case number 2001CF000183 with violating § 948.02(1), Stats. (First Degree Sexual Assault of a Child), a Class B felony. The criminal complaint alleged that, between May 1, 1990 and September 1, 1991, Respondent caused a minor female family member (DOB 2/9/81), to touch his penis for the purpose of sexually arousing or gratifying himself.
4. On August 22, 2001, an Amended Criminal Complaint was filed against Respondent in the Shawano County criminal matter. The Amended Complaint alleged that Respondent had committed the following offenses against the minor female family member:
  - a. COUNT I: Violating § 940.225(3m), Stats. (Fourth Degree Sexual Assault), a Class A misdemeanor, for having sexual contact, during the summer of 1990, with a person without the consent of that person.
  - b. COUNT II: Violating § 940.225(3m), Stats., (Fourth Degree Sexual Assault), a Class A misdemeanor, fo

having sexual contact, during the summer of 1991, with a person without the consent of that person.

c. COUNT III: Violating § 940.225(3m), Stats., (Fourth Degree Sexual Assault), a Class A misdemeanor, for having sexual contact, between the dates of June 1, 1990 and September 1, 1991, with a person without the consent of that person.

5. In addition to the counts stated above, the Amended Criminal Complaint also alleged, but did not charge, that during the summer of 1990 or 1991, Respondent caused another minor female family member to touch his penis without her consent.

6. On January 4, 2002, Respondent pled no contest and was found guilty of three counts of violating § 940.225(3m), Stats., (Fourth Degree Sexual Assault), a Class A misdemeanor, for having sexual contact with a person without the consent of that person on three separate occasions. (Summer of 1990, the summer of 1991 and between June 1, 1990 and September 1, 1991.)

7. Respondent was convicted on the three counts and sentence was withheld and Respondent was placed on 3 years probation for each count, concurrent. Other conditions of Respondent's sentence or probation included:

A fine of \$3,720 and \$6,000 in restitution to the victims.

\$5,000 to be deposited in an account for victims future counseling. If none required, the money to be returned to Respondent.

Any counseling recommended by Respondent's probation agent.

Respondent's wife and children be evaluated to determine whether they had also been victimized by Respondent.

No contact with victims unless waived in writing.

8. § 940.225(3m) is a crime the circumstances of which substantially relate to the practice of a dentist.

9. The minor female victims were not Respondent's dental patients and Respondent's conduct did not take place while he was practicing dentistry or in a dental office.

#### CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to § 447.07(3), Stats.

2. The Wisconsin Dentistry Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by having violated, and been convicted of, crimes the circumstances of which substantially relate to the practice of a dentist, has committed unprofessional conduct as defined by Wis. Adm. Code § DE 5.02(15) and is subject to discipline pursuant to § 447.07(3)(e), Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That effective immediately, Respondent's license to practice dentistry is limited to providing dental services to patients age 18 and over.

2. Respondent shall notify all staff in any location where Respondent practices dentistry that the Board has imposed the above limitation on Respondent's license.

3. Respondent shall return his current wall and wallet registration certificates to the Department by mail or in person, and the Department shall then issue limited registration credentials to Respondent.

4. Upon Respondent providing to the Board, or its designee, an acceptable report or evaluation from a psychologist which indicates that Respondent is not a risk to sexually offend with minor males, the limitation in paragraph 1, above shall be changed to:

Respondent's license to practice dentistry is limited to providing dental services to female patients age 18 and over, and male patients of any age.

5. The limitations on Respondent's practice shall remain in effect until such time as Respondent provides proof satisfactory to the Board that Respondent can practice dentistry with all minor patients with reasonable safety to those patients.

6. If Respondent violates any term of this Order, Respondent shall immediately notify:

Department Monitor  
Department of Regulation And Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264

7. Any request for modification of the limitations imposed by this Order shall be faxed, mailed or delivered to the Department Monitor.

8. If Respondent believes that the Board's refusal to modify any limitation is inappropriate, Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

9. Within 30 days of the date of this Order, Respondent shall pay the costs of this proceeding, in the amount of \$850.00 to the Department of Regulation and Licensing.

10. Violation of any term or condition of this Order, may constitute grounds for revocation of Respondent's license. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

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."

Dated at Madison, Wisconsin this 6th day of November, 2002.

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Bruce J. Barrette, D.D.S., S.C.  
Chair  
Dentistry Examining Board