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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:
PROCEEDINGS AGAINST	: INFORMAL SETTLEMENT
	: CONFERENCE
RADE LATINOVICH, D.D.S.,	: MEMORANDUM AND ORDER
RESPONDENT	: LS0303051DEN

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Pursuant to notice, a settlement conference was held before a panel representing the Dentistry Examining Board on January 8, 2003. The purpose of the conference was to provide all interested parties an opportunity to discuss allegations received pertaining to compliance with Wis. Stats. sec. 146.83, access to patient health care records, by Rade Latinovich, D.D.S.

Appearances

The presiding officer was Jacquelynn Rothstein, Board Counsel. Appearing on behalf of the Dentistry Examining Board were Bruce J. Barrette, D.D.S., and Nanette Koysdar Dreves, R.D.H. Appearing for the Division of Enforcement was James W. Harris, attorney. Appearing on behalf of the Respondent were Rade Latinovich in person and W. Patrick Sullivan, his attorney.

Proceedings

Following an introductory statement, oral presentations of the respective positions of the parties were made for the purpose of reaching a binding, consensual agreement. The parties presented recommendations for terms of a settlement. The Board panel considered the recommendations and issued the following proposed findings and order, which the parties hereby accept.

Rade Latinovich, D.D.S.	1-13-03
Respondent	Date

W. Patrick Sullivan	1-10-03
Attorney for Respondent	Date

James W. Harris	1-8-03
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STATEMENT OF FACTS

1. Respondent Rade Latinovich (d.o.b. 05/03/59), is and was at all times relevant to the facts set forth herein a dentist licensed in the State of Wisconsin pursuant to license #3506, originally granted on 07/02/85. Respondent is a health care provider as that term is used in Wis. Stats. Ch. 146.
2. Respondent provided dental services to patient RD on April 5, 2001, resulting in a balance due to Respondent's dental office of \$150.00. April 5, 2001, was the first provision of dental services by Respondent to patient RD.
3. On May 15, 2001, RD made a telephone request that Respondent's office transfer his X rays to West Allis Dental Group. The office declined to transfer the X rays.
4. At some time after July 16, 2001, RD made a request that Respondent's office provide him with a copy of his patient records and X rays. Respondent's office staff refused to release the records of X rays unless RD paid his outstanding bill in the sum of \$150.00 to Respondent.
5. Respondent and his office staff were under belief that the patient's records and X rays could be withheld until the balance was paid in full.
6. Wis. Stats. sec. 146.83(1) provides in pertinent part that a patient may receive a copy of the patient's health care records upon payment of reasonable costs. The statute also provides that a patient may receive a copy of the health care provider's X ray reports or have the X rays referred to another health care provider of the patient's choice upon payment of reasonable costs.
7. Wis. Stats. sec. 146.83(2) provides that the health care provider shall provide each patient with a statement paraphrasing the provisions of sec. 146.83 upon the first provision of services by the health care provider.
8. The September, 1999, and November, 1999, editions of the Wisconsin Regulatory Digest by the Dentistry Examining Board, which is distributed to dentists licensed in the state of Wisconsin, contained a paragraph entitled "Records Transfers" which paraphrased the provisions contained in Wis. Stats. sec. 146.83(1).

CONCLUSIONS OF LAW

- A. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to §447.07(3), Wis. Stats. and is authorized to enter into the settlement agreement pursuant to §227.44(5), Wis. Stats.
- B. The conduct described in paragraphs 2 through 4, above, violated § DE 5.02(5) and (20) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the settlement conference and the agreement of the parties:

1. Rade Latinovich, D.D.S. is REPRIMANDED.
2. The Respondent shall pay COSTS in this matter in the sum of \$400.00, to be paid to the Department of Regulation and Licensing within 30 days of this order.

Dated this 5th day of March, 2003.

WISCONSIN DENTISTRY EXAMINING BOARD

Bruce Barrette

A Member of the Board