# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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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
	01 DEN 075
on January 8, 2003. The purpose of the confe	as held before a panel representing the Dentistry Examining Board erence was to provide all interested parties an opportunity to pliance with Wis. Stats. sec. 146.83, access to patient health care
Appearances	
Board were Bruce J. Barrette, D.D.S., and Nan	, Board Counsel. Appearing on behalf of the Dentistry Examining ette Koysdar Dreves, R.D.H. Appearing for the Division of Appearing on behalf of the Respondent were Rade Latinovich in
<u>Proceedings</u>	
the purpose of reaching a binding, consensual	sentations of the respective positions of the parties were made for agreement. The parties presented recommendations for terms of a ecommendations and issued the following proposed findings and
Rade Latinovich, D.D.S.	1-13-03
Respondent	Date
W. Patrick Sullivan	1-10-03
Attorney for Respondent	Date

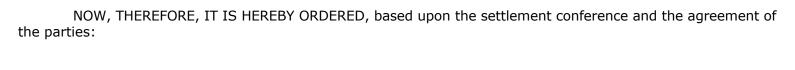
#### STATEMENT OF FACTS

- 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 serves 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**



- 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 5<sup>th</sup> day of March, 2003.

WISCONSIN DENTISTRY EXAMINING BOARD

Bruce Barrette

A Member of the Board