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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
GREGG A. SEYLER, D.D.S.,	:	LS0401072DEN
RESPONDENT.	:	03 DEN 050

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Gregg A. Seyler, D.D.S.
600 Romaine Ave.
Racine, WI 53402

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 Wisconsin Dentistry Examining Board received a Stipulation submitted by the parties to the above captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Gregg A. Seyler D.D.S., personally, and by his attorney, W. Patrick Sullivan; and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement.

Based upon the Stipulation of the parties, the Wisconsin Dentistry Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Gregg A. Seyler, D.D.S., Dr. Seyler herein, 600 Romaine Ave., Racine, Wisconsin 53402, was born on January 4, 1953 and is licensed to practice dentistry in the State of Wisconsin, license #2402, originally granted on October 3, 1979.
2. Dr. Seyler is engaged in the practice of general dentistry.
3. Dr. Seyler has an alcohol abuse problem that impairs his ability to practice dentistry.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. §447.07 and is authorized to enter into the attached Stipulation pursuant to Wis. Stats. §227.44(5).
2. The conduct described in paragraph 3 of the Findings of Fact violates Wis. Stat. §§ 447.07(3)(a) and (g) and Wis. Admin. Code § DEN 5.02(4) in that Dr. Seyler is attempting to practice dentistry while his ability to perform dental services is impaired by the use of alcohol.
3. The Wisconsin Dentistry Examining Board has authority pursuant to Wis. Stat. § 440.02 to assess the costs of this proceeding against Dr. Seyler.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that Gregg A. Seyler's license to practice dentistry in the State of Wisconsin is LIMITED under the following terms and conditions:

IT IS FURTHER ORDERED, that the license to practice of respondent shall be LIMITED as follows:

1. Dr. Seyler will submit to a drug and alcohol assessment performed by a Certified Alcohol and Drug Counselor III approved by the Board or the Board's designee within 30 days of the date of this Final Decision and Order. Dr. Seyler will nominate a Certified Alcohol and Drug Counselor III for approval by the Board or the Board's designee. If the Board or the Board's designee rejects the person nominated, the Board or the Board's designee will appoint a Certified Alcohol and Drug

Counselor III to perform the assessment. The Certified Alcohol and Drug Counselor III will file a report with the Department Monitor within 10 days of the date on which the assessment is performed identifying the current status of Dr. Seyler's drug and/or alcohol abuse problem, indicating whether Dr. Seyler can safely engage in the practice of dentistry at the present time and making recommendations for appropriate components of a drug and/or alcohol treatment program.

2. Dr. Seyler will commence participation in the drug and alcohol treatment program recommended by the Certified Alcohol and Drug Counselor III as modified and approved by the Board or the Board's designee within 10 days of being notified by the Department Monitor of the Board's or the Board's designee's approval of the treatment program. Dr. Seyler will also comply with all the terms of the "Rehabilitation, Monitoring And Treatment" subsection of this Final Decision and Order as hereinafter set forth. Any apparent conflict or ambiguity between the terms of the treatment program as recommended by the Certified Alcohol and Drug Counselor III and the "Rehabilitation, Monitoring And Treatment" subsection will be resolved in favor of the terms of the "Rehabilitation, Monitoring And Treatment" subsection of this Final Decision and Order.

3. Effective on the date of this Final Decision and Order, Dr. Seyler's license to practice dentistry in the State of Wisconsin is SUSPENDED. The suspension will remain in effect until the Certified Alcohol and Drug Counselor III who performed the initial drug and alcohol assessment or the drug and alcohol therapist and Supervising Health Care Provider certifies to the Board that Dr. Seyler can safely return to the practice of dentistry and the Board or the Board's designee approves of his return to practice. Upon receipt of this certification and approval by the Board or the Board's designee, the suspension is stayed for a period of three months.

4. Dr. Seyler may petition for consecutive three month extensions of the stay of suspension. Each petition for a stay shall be granted upon acceptable demonstration of compliance with all of the terms of this Final Decision and Order.

5. Dr. Seyler will not engage in the practice of dentistry in Wisconsin and will not be eligible to participate in any remedial education program being conducted by the Marquette University School of Dentistry pursuant to the terms of this Final Decision and Order while his license to practice dentistry in the State of Wisconsin is suspended.

6. Dr. Seyler will participate in an assessment of his competence to practice dentistry in each of the areas of practice in which he was engaged prior to the execution of this Final Decision and Order, including, but not necessarily limited to, diagnosis of periodontal disease, dental hygiene including scaling and root planning, oral surgery including extractions, endodontics, restorative dentistry, and crown and bridge work. This assessment will be performed by the Marquette University School of Dentistry under the direction and supervision of William K. Lobb, D.D.S., Dean of the Marquette University School of Dentistry. The purpose of the assessment is to identify areas of deficiency, if any, in Dr. Seyler's competence to practice dentistry and to permit the Marquette University School of Dentistry to develop an appropriate remedial education program to address these areas of deficiency. The Marquette University School of Dentistry may require Dr. Seyler to produce a specified selection of his patient records, with adequate precautions taken to protect patient confidentiality, to assist in this assessment. This assessment will be completed within 30 days of the date on which the initial stay of suspension of Dr. Seyler's license is granted. The Marquette University School of Dentistry will file a report with the Department Monitor stating the results of the assessment.

7. Dr. Seyler will participate in and satisfactorily complete a remedial education program developed and administered by the Marquette University School of Dentistry under the supervision of William K. Lobb, D.D.S., Dean of Marquette University School of Dentistry, and approved by the Board. This remedial education program will address each of the areas of deficiency identified in the assessment. The remedial education program may consist of academic instruction, clinical instruction or both. Dr. Seyler will commence the remedial education program within 30 days of the approval of the remedial education program by the Board. Dr. Seyler will satisfactorily complete the remedial education program in conformity with the schedule established by the Marquette University School of Dentistry. If the Marquette University School of Dentistry is unable to develop a remedial education program for Dr. Seyler, the Marquette University School of Dentistry will so notify the Board and this matter will be returned to the Board and the Division of Enforcement for further proceedings.

8. Dr. Seyler will take and pass oral and written evaluations administered by the Marquette University School of Dentistry in each of the components of the remedial education program.

9. Upon satisfactory completion of the remedial education program and of the oral and written evaluations, the Marquette University School of Dentistry will certify satisfactory completion of these components of the remedial education program to the Board.

10. Dr. Seyler will be responsible for the full costs of the assessment, the education program and the evaluations and will make payments to the Marquette University School of Dentistry in accordance with the payment schedule established by the Marquette University School of Dentistry.

11. After satisfactory completion of the remedial education program and five (5) years of continuous active professional practice under this Final Decision and Order and without relapse to the use of drugs or alcohol, and upon recommendation of the Supervising Health Care Provider, Dr. Seyler may petition the Board for termination of all limitations on the license and restoration of an unlimited license. Such restoration shall be at 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 Wis. Stat. §227.01(3)(a), and Dr. Seyler

shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for termination of the limitations and restoration of an unlimited license.

REHABILITATION, MONITORING AND TREATMENT

Supervising Health Care Provider

1. Dr. Seyler shall within 14 days of the date of this Final Decision and Order recommend a qualified individual to serve as Dr. Seyler's drug and alcohol treatment therapist and Supervising Health Care Provider. The Board or the Board's designee shall either approve or reject this individual as the drug and alcohol treatment therapist and Supervising Health Care Provider. If the Board rejects the individual recommended by Dr. Seyler, Dr. Seyler may recommend another individual to serve in this capacity within 7 days of receiving notice of the rejection. The Board, if it rejects the initial recommendation made by Dr. Seyler, may, without further recommendations from Dr. Seyler designate the individual to serve as the drug and alcohol treatment therapist and Supervising Health Care Provider.
2. Dr. Seyler shall provide a copy of this Final Decision and Order, and all amendments thereto, to the drug and alcohol treatment therapist and Supervising Health Care Provider within 7 days of the date on which the Board or the Board's designee approves the drug and alcohol treatment therapist and Supervising Health Care Provider or, if amendments to this Final Decision and Order are made, within 7 days of the date of the amendments.

Treatment Required

3. The Rehabilitation program shall include and Dr. Seyler shall participate in individual and/or group therapy sessions for the first year of the stayed suspension upon a schedule as determined by the drug and alcohol treatment therapist and Supervising Health Care Provider, but not less than once weekly. Such therapy shall be conducted by the drug and alcohol treatment therapist and Supervising Health Care Provider or another qualified therapist as designated by the drug and alcohol treatment therapist and Supervising Health Care Provider and acceptable to the Board. After the first year of stayed suspension, this requirement for therapy sessions may be modified only by Order of the Board upon written petition, and a written recommendation by the drug and alcohol treatment therapist and Supervising Health Care Provider expressly supporting the modifications requested. A denial of a petition for modification shall not be deemed a denial of the license under Wis. Stats. §§227.01(3) or 227.42 or Wis. Admin. Code ch. RL 1 and shall not be subject to any right to further hearing or appeal.
4. AA/NA Meetings. Dr. Seyler shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, upon a frequency as recommended by the drug and alcohol treatment therapist and Supervising Health Care Provider, but not less than one meeting per week. Attendance of Dr. Seyler at such meetings shall be verified and reported monthly to the drug and alcohol treatment therapist and Supervising Health Care Provider, and included by Dr. Seyler in his requests for stays of the suspension to the Board.

Sobriety

5. Dr. Seyler shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4) except when necessitated by a legitimate medical condition and then only with the prior approval of the drug and alcohol treatment therapist and Supervising Health Care Provider.
6. Dr. Seyler shall abstain from all personal use of alcohol.
7. Dr. Seyler shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, or which may create false positive screening results, or which may interfere with Dr. Seyler's treatment and rehabilitation. Dr. Seyler shall report all medications and drugs, over-the-counter or prescription, taken by Dr. Seyler to the drug and alcohol treatment therapist and 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. Within 24 hours of a request by the drug and alcohol treatment therapist and Supervising Health Care Provider or the Board or its designee, Dr. Seyler shall provide releases which comply with state and federal laws authorizing release of all health care records by the person who prescribed, dispensed, administered or ordered this medication for Dr. Seyler. These releases shall also authorize the drug and alcohol treatment therapist and Supervising Health Care Provider, the Board or its designee to discuss the Dr. Seyler'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 Dr. Seyler's obligations as set forth in this Order.

Department Monitor

8. 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
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-3817
department.monitor@drl.state.wi.us

Releases

9. Dr. Seyler shall provide and keep on file with the Certified Alcohol and Drug Counselor III, drug and alcohol treatment therapist and Supervising Health Care Provider, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all urine, blood and hair specimen screen results and medical and treatment records and reports to, and permitting the Certified Alcohol and Drug Counselor III, drug and alcohol treatment therapist and Supervising Health Care Provider and all treating physicians and therapists to disclose and discuss the progress of Dr. Seyler's treatment and rehabilitation with the 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

10. Within thirty (30) days from the date of the signing of this Order, Dr. Seyler shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the department pursuant to Wis. Adm. Code § RL 7.11, ("Approved Program").

- a. The Department Monitor, Board or Board designee shall provide Dr. Seyler with a list of Approved Programs, however, Dr. Seyler is solely responsible for timely enrollment in any such Approved Program.
- b. Unless otherwise ordered by the Board, the Approved Program shall require the testing of a minimum of 60 specimens each year with a frequency of at least 4 urine screens each calendar month, said testing to be performed on a random basis. After the first year of stayed suspension, this requirement may be modified only by Order of the Board upon written petition and a written recommendation by the therapist expressly supporting the modifications requested. A denial of a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3) or 227.42 or Wis. Admin. Code ch. RL 1, and shall not be subject to any right to further hearing or appeal.
- c. The Department Monitor, Board or Board designee shall determine the tests to be performed upon the urine specimens.
- d. Dr. Seyler shall comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program, including but not limited to:
 - (i.) contact with the Approved Program as directed on a daily basis, including weekends and holidays, and;
 - (ii.) production of a urine specimen at a collection site designated by the Approved Program within five(5) hours of notification of a test.
- e. The Board in its discretion without a hearing and without further notice to Dr. Seyler may modify this Order to require the submission of hair or breath specimens or that any urine or hair specimen be furnished in a directly witnessed manner.
- f. All expenses of enrollment and participation in the Approved Program shall be borne by Dr. Seyler. Dr. Seyler shall keep any account for such payments current in all respects.

g. For purposes of further Board action under this Order it is rebuttably presumed that all confirmed positive test results are valid. Dr. Seyler has the burden of proof to establish by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody which causes an invalid confirmed positive test result.

11. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Dr. Seyler shall promptly submit to additional tests or examinations as the drug and alcohol treatment therapist and 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 by Supervising Health Care Provider, and laboratories

12. The drug and alcohol treatment therapist and Supervising Health Care Provider shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement by FAX or telephonic communication: any relapse, any violation of the terms and conditions of this Order, and any failure of Dr. Seyler to provide a urine, blood or hair specimen within five (5) hours from the time it was requested; or of any inability to locate Dr. Seyler 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 drug and alcohol treatment therapist and Supervising Health Care Provider.

13. The laboratory shall within 48 hours of completion of each drug or alcohol analysis provide the report from **all** specimens requested of Dr. Seyler 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.

14. The drug and alcohol treatment therapist and 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, on a schedule as directed by the Department Monitor. These reports shall assess Dr. Seyler's progress in the drug and alcohol rehabilitation program and summarize the results of the urine, blood or hair specimen analyses. The drug and alcohol treatment therapist and 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, e-mail department.monitor@drl.state.wi.us] any violation or suspected violation of the Board's Final Decision and Order.

Required reporting by Dr. Seyler

15. Dr. Seyler is responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Dr. Seyler to promptly notify the Department Monitor, of any relapse or any suspected violations of any of the terms and conditions of this Order, including any failures of the drug and alcohol treatment therapist and Supervising Health Care Provider, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order.

Facility approval

16. If the Board determines that the drug and alcohol treatment therapist and Supervising Health Care Provider, treatment facility, Approved Program, 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 Dr. Seyler continue treatment and rehabilitation under the direction of another drug and alcohol treatment therapist and Supervising Health Care Provider, treatment facility, Approved Program, laboratory or collection site which will conform to the terms and conditions of this Final Decision and Order.

PETITIONS FOR MODIFICATION OF TERMS

17. Dr. Seyler shall appear before the Board at least annually to review the progress of treatment and rehabilitation. Dr. Seyler may petition the Board for modification of the terms of this limited license and the Board shall consider Dr. Seyler's

petition at the time it meets with Dr. Seyler to review the progress of rehabilitation. Any such petition shall be accompanied by a written recommendation from Dr. Seyler's drug and alcohol treatment therapist and Supervising Health Care Provider expressly supporting the specific modifications sought. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Dr. Seyler shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for modification of the limited license.

EXPENSES OF TREATMENT AND MONITORING

18. Dr. Seyler shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order.

PRACTICE LIMITATIONS

Change in Address or Work Status

19. Dr. Seyler shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

20. Dr. Seyler shall furnish a copy of this Order to all present employers immediately upon issuance of this Order, and to any prospective employer when Dr. Seyler applies for employment as a health care provider.

IT IS FURTHER ORDERED, that Dr. Seyler shall pay the costs of investigating and prosecuting this matter in the amount of \$1,850.86, within 30 days of this Final Decision and Order.

IT IS FURTHER ORDERED that if Dr. Seyler fails to comply with any of the provisions of this Final Decision and Order or fails to comply with the timetable established by the Marquette University School of Dentistry for completion of the remedial education program or payment of the costs for the assessment, the remedial education program and the evaluations, his license to practice dentistry in the State of Wisconsin may be summarily suspended.

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

Dated this 7th day of January, 2004.

WISCONSIN BOARD OF NURSING

Bruce Barrette
A Member of the Dentistry Examining Board