

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
LANCE R. ORLINSKI, D.D.S.,	:	LS <u>0403032DEN</u>
RESPONDENT	:	

Division of Enforcement Case # 02 DEN 138

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

Lance R. Orlinski, D.D.S.
P.O. Box 169
Waupun, WI 53963

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 Lance R. Orlinski, D.D.S., personally on his own behalf, and by Michael J. Berndt, 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. Lance R. Orlinski, D.D.S. was born December 4, 1949. Dr. Orlinski's latest address on file with the Department of Regulation and Licensing is P.O. Box 169, Waupun, WI 53963.
2. Dr. Orlinski's license to practice dentistry in the state of Wisconsin was first granted on July 14, 1978.
3. On June 25, 2002, Dr. Orlinski drilled two cavities in Patient A's teeth, #13 and #29. The procedures were intended for Patient B. As a result, Dr. Orlinski performed the wrong procedure on Patient A.
4. Patient A and Patient B were both minors, have the same first name and nearly identical last names. These similarities caused the wrong folder to be pulled prior to the procedures.

5. In resolution of this matter, Dr. Orlinski consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to § 447, Stats.
2. The conduct described in paragraph 3 in the Findings of Fact constitutes unprofessional conduct as defined by § 447.07(3)(h).

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

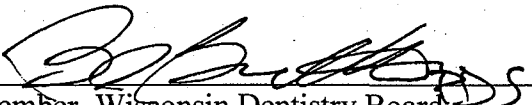
IT IS FURTHER ORDERED that Lance R. Orlinski, D.D.S. is hereby REPRIMANDED.

Dr. Orlinski shall, within six (6) months from the date of this Order, pay a forfeiture of two hundred fifty (\$250.00) dollars and pay the costs associated with this proceeding in the amount of two hundred fifty (\$250.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Dentistry Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

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

By: 
Member, Wisconsin Dentistry Board

3/3/04
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

LANCE R. ORLINSKI, D.D.S., :
RESPONDENT. :

STIPULATION

Case # _____

Division of Enforcement Case No. 02 DEN 138

It is hereby stipulated between Lance R. Orlinski, D.D.S., personally on his own behalf, and Michael J. Berndt, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Orlinski's licensure by the Division of Enforcement (02 DEN 138). Dr. Orlinski consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Orlinski understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Americans with Disabilities Act of 1990, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Orlinski is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Dr. Orlinski agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not

accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Dentistry Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Dr. Orlinski in recommending the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

8. Dr. Orlinski is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the monthly *Report of Decisions* issued by the Department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. This is standard Department procedure and in no way is specially directed at Respondent.


Lance R. Orlinski, D.D.S.

2/16/04
Date


Michael J. Berndt, Attorney Supervisor
Division of Enforcement

2/16/04
Date

bac

02 DEN 138 \$250 costs \$250 forfeiture