

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
JOSEPH L. KOTNOUR, D.D.S,	:	LS0411033DEN
RESPONDENT.	:	

Division of Enforcement Case # 01DEN048

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

Joseph L. Kotnour, D.D.S.
4329 Cliffside Drive
La Crosse, WI 54601

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Dentistry Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Joseph L. Kotnour, D.D.S, (DOB 3/12/53) is duly licensed as a dentist in the state of Wisconsin (license # 2275). This license was first granted on 6/18/79.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 4329 Cliffside Drive, LaCrosse, Wisconsin 54601.
3. At all times relevant to this action, Respondent was working as a dentist at 201 7th Street South, LaCrosse, Wisconsin 54601.
4. On or about April 27, 2000, Respondent provided dental services for his son, Joseph Kotnour, Jr. A claim was filed with the insurance company, Gundersen Lutheran Health Plan. On or about May 30, 2000, that claim was denied based on “OA” (“Service denied because coverage guidelines were exceeded or not met” meaning exclusion of services performed by a family member).

5. On or about June 9, 2000, Gundersen Lutheran Health Plan received a re-submitted claim for Joseph Kotnour, Jr. with the Respondent's name whited-out and his partner's name written in its place as the provider. Gundersen Lutheran Health Plan paid the claim to the dental office.

6. On or about May 9, 2000, Respondent provided dental services for his daughters, Averi and Jessica Kotnour. A claim was filed with the insurance company, Gundersen Lutheran Health Plan. On or about June 12, 2000, that claim was denied based on "OA".

7. On or about June 23, 2000, Gundersen Lutheran Health Plan received a re-submitted claim for Averi Kotnour with the Respondent's name whited-out and his partner's name written in its place as the provider. Gundersen Lutheran Health Plan paid the claim to the dental office.

8. On or about September 6, 2000, Gundersen Lutheran Health Plan received a re-submitted claim for Jessica Kotnour with the Respondent's name whited-out and his partner's name written in its place as the provider. Gundersen Lutheran Health Plan paid the claim to the dental office.

9. Gundersen Lutheran Health Plan received four additional initial claims for services provided to Respondent's children with the Respondent's name whited-out and his partner's name written in its place as the provider. Gundersen Lutheran Health Plan paid these claims.

10. Respondent believed he was able to submit claims in this manner for services provided to his family under Gundersen Lutheran's prior dental plan providers, WPS and Partners Insurance, and obtain payment.

11. A letter dated April 18, 2001 from Gundersen Lutheran Health Plan was sent to the Respondent requesting reimbursement for \$586.40. When Respondent became aware of the policy reimbursement change, he sent a check to Gundersen Lutheran Health Plan for \$586.40.

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 and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph(s) 4-11, above, constitutes a violation of Wisconsin Administrative Code § DE 5.02(8) and Wis. Stat. § 447.07(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Joseph L. Kotnour, D.D.S. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Joseph L. Kotnour, D.D.S. shall, within 60 days from the date of this Order, pay a forfeiture in the amount of Five hundred dollars (\$500.00).

3. Joseph L. Kotnour, D.D.S. shall, within 60 days from the date of this Order, pay costs of this proceeding in the amount of Seven hundred fifty dollars (\$750.00).

4. Payments 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

Telephone (608) 267-3817

Fax (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, or fails to pay costs as ordered, the Respondent's license (#2275) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

DENTISTRY EXAMINING BOARD

Bruce Barrette

A Member of the Board

11-3-04

Date