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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**

ALAN F. LEVER, D.D.S., :
RESPONDENT. : LS0501194DEN

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

Alan F. Lever, DDS
1850 W. Greenwood Rd.
Glendale, WI 53209

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 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 Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Respondent Alan F. Lever (DOB 1/17/47) is and was at all times relevant to the facts set forth herein a dentist licensed in the State of Wisconsin pursuant to license #1134, first granted on 91272. Respondent is a retired general dentist.
2. On 5 separate occasions in 1998-2000, respondent signed written prescription orders for controlled substances for a dentist-colleague, at the colleague's request, without a dental purpose and without entering the prescriptions into the dental chart. Respondent was a patient at the clinic which employed both respondent and the colleague, but respondent had never treated the colleague personally (although he examined the colleague once and referred him to another dentist). Each of these orders was issued at the request of the colleague, who prepared the orders for respondent's signature.
3. On 2/9/2000, respondent signed a written prescription order for a prescription medication for the wife of the dentist-colleague described in par. 2, above. No entry was made in the patient's chart. The wife was a patient at the clinic which employed both respondent and the colleague, but respondent had never treated her personally. The order was issued at the request of the colleague, who prepared the orders for respondent's signature.

CONCLUSIONS OF LAW

- A. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.
- B. The conduct described in ¶¶2-3, above, violated §447.07(3)(L) and (i) Wis. Stats., and § DE 5.02(3) and (6), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

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

IT IS FURTHER ORDERED, that Alan F. Lever, D.D.S., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall FORFEIT \$600 (one hundred dollars per prescription), to be paid within 30 days of this Order.

IT IS FURTHER ORDERED, that respondent shall pay partial COSTS of investigating and prosecuting this matter of \$1,000 within 30 days of this Order.

IT IS FURTHER ORDERED, that if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this January 19th, 2005.

WISCONSIN DENTISTRY EXAMINING BOARD

Bruce Barrette
A Member of the Board