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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
HEATHER L. BERGER, : FINAL DECISION AND ORDER
APPLICANT. : LS0603011DEN
 :

Division of Enforcement Case # 05 DEN 128

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

Heather L. Berger
1350 Lancer Blvd #218
La Crescent, MN 55947

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

Heather L. Berger, Applicant, applied for a license as a dental hygienist after earning a degree in Dental Hygiene. Due to criminal convictions in La Crosse County, the Dentistry Examining did not grant an unrestricted license. In lieu of a denial of license proceeding, 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. Heather L. Berger, 1350 Lancer Blvd #218, La Crescent, Minnesota, born on November 30, 1977, is an applicant for a license as a dental hygienist in the State of Wisconsin.
2. On June 30, 2005, Ms. Berger submitted an Application for Dental Hygiene License. On her application, Ms. Berge disclosed that on August 3, 1999, she was convicted of misdemeanor retail theft in La Crosse County and in August of 2002 she was convicted of ordinance retail theft in Onalaska, Wisconsin. Due to these convictions, the Wisconsin Dentistry Examining Board denied Ms. Berger's Application for Dental Hygiene License in a letter dated October 3, 2005.
3. Applicant consents to the issuance of the following Conclusions of Law and Order in resolution of this matter.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 447.04(2)(a) and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Heather L. Berger, is granted a license as a dental hygienist in the State of Wisconsin subject to the terms and limitations set out below.

IT IS FURTHER ORDERED that the license of Heather L. Berger is LIMITED as follows:

1. Respondent may not practice in a setting in which she is directly involved in or responsible for financial transactions.
2. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a dental hygienist.
3. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance and shall address whether the Applicant is directly involved in or responsible for financial transactions.
4. Respondent 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.
5. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Applicant. Additionally, every three (3) months the Applicant shall notify the Department Monitor of the Applicant's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.
6. Applicant shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of TWO HUNDRED (\$200.00) 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
Telephone (608) 267-3817
Fax (608) 266-2264

7. 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 Applicant'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 the Applicant fails to comply with paragraphs 2, 3, 4 or 5 of this Order or fails to pay costs as required in paragraph 6 or this Order, the Applicant's license SHALL BE SUSPENDED until further order of the Board.

8. The Applicant may petition for a termination of or modifications to the limitations of this Order after 2 years from the date of this Order.

This Order is effective on the date of its signing.

DENTISTRY EXAMINING BOARD

By: Bruce J. Barrette DDS
A Member of the Board

3/1/06
Date