

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
ANNEKE WAGNER, R.D.H., : FINAL DECISION AND ORDER
RESPONDENT. : LS # 0704301DEN

Division of Enforcement Case # 04 DEN 070

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

Anneke Wagner, R.D.H.
N 113 W 13396 Crestview Drive
Germantown, WI 53022

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Dentistry Examining Board on April 30, 2007. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition 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. Anneke Wagner, R.D.H., (DOB 03/03/1962) is duly licensed as a dental hygienist in the state of Wisconsin (license # 16-5958). This license was first granted on September 21, 1999.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is N 113 W 13396 Crestview Drive, Germantown, Wisconsin, 53022.
3. In or about January of 2003, and continuing into at least May of 2004, Respondent knowingly and intentionally submitted approximately 32 false claims to her insurance company for dental services she claimed were provided

by her employing dentists (but weren't) and cashed reimbursement checks for those claims.

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 3 above constitutes a violation of Wisconsin Administrative Code §§ DE 5.02(7), (8), (15) and (20) and subjects Respondent to discipline pursuant to Wis. Stat. §§ 447.07(3)(a), (f), (i) and (k).

ORDER

IT IS ORDERED:

1. The license of Anneke Wagner, R.D.H. to practice as a dental hygienist in the State of Wisconsin is **SUSPENDED** for a period of one year beginning November 1, 2007.

2. The license of Anneke Wagner, R.D.H. to practice as a dental hygienist in the State of Wisconsin is **LIMITED** as follows:

- (a) Respondent must provide a copy of this Order within ten days of the date of this Order to all current employers and must provide a copy of this Order to any future employers prior to beginning any employment as a dental hygienist or in any dentistry or dentistry-related practice in any capacity.
- (b) Respondent must provide a copy of this Order to all insurers of dental services for her or her family.
- (c) Respondent may not have any responsibility for or connection with billing for dentistry services or products.

Respondent shall, within one year from the date of this Order, pay costs of this proceeding in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). 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

3. 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 pay costs as ordered, the Respondent's license (#16-5958) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Dentistry Examining Board

By: William R. Skarie
A Member of the Board

9/5/07
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
ANNEKE WAGNER, R.D.H., : LS# 0704301DEN
RESPONDENT. :

Division of Enforcement Case # 04 DEN 070

Anneke Wagner, R.D.H., personally on her own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 04 DEN 070). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Dentistry Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent 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 accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Anneke Wagner, R.D.H.
N 113 W 13396 Crestview Drive
Germantown, WI 53022

Date

Jeanette Lytle, Attorney
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

Date