

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MARK P. KUGLITSCH, D.D.S., : LS0807022DEN
RESPONDENT. :

[Division of Enforcement Case # 04 DEN 053]

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

Mark P. Kuglitsch, D.D.S.
2700 W. Lincoln Avenue
Milwaukee, WI 53215

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

Wisconsin Dentistry Examining Board
Department of Regulation and 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 this Stipulation and considers it acceptable

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

FINDINGS OF FACT

1. Mark P. Kuglitsch, D.D.S., Respondent, date of birth March 15, 1973, is licensed by the Wisconsin Dentistry Examining Board as a dentist in the state of Wisconsin pursuant to license number 5266, which was first granted August 7 2000.

2. Respondent's address of record with the Department of Regulation and Licensing is 2700 W. Lincoln Avenue Milwaukee, WI 53215.

3. At all times relevant to this matter, Respondent was employed as a dentist at Lincoln Avenue Dental Group, S.C., 2700 W. Lincoln Avenue, Milwaukee, WI 53215.

4. In 2005, Respondent provided a friend, who was also a dental patient, with prescriptions for alprazolam (brand name Xanax): January 8, 2005 (w/ one refill) – refilled on March 2, 2005; and May 4, 2005. The prescriptions were provided for reasons not related to the practice of dentistry.

5. In March 2006, Respondent renewed prescriptions for a friend who was not Respondent's patient. The prescriptions were for Advair and Albuterol, for purposes unrelated to dental care.

6. In June 2005 and July 2006, Respondent provided his wife with a prescription for alprazolam (brand name Xanax) for purposes unrelated to dental care.

7. Respondent admits that he self-prescribed two non-controlled substances for purposes unrelated to a dental conditions.
8. Respondent was cooperative with the Division's investigation, readily admitted his violations and accepted responsibility for his conduct.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 447.07(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
2. Respondent, by engaging in the conduct set out above, has committed unprofessional conduct as defined by Wis. Adm. Code § DE 5.02(3), and is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a).
3. Respondent, by engaging in the conduct set out above, has committed unprofessional conduct as defined by Wis. Adm. Code § DE 5.02(6), and is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Mark P. Kuglitsch, D.D.S., Respondent, to practice as a dentist in the State of Wisconsin is hereby **SUSPENDED** for thirty (30) days, commencing on August 1, 2008.
2. Following the end of the suspension, Respondent's license is **LIMITED** as follows:
 - a. Respondent shall not treat or prescribe medications for himself or members of his immediate family.
 - b. Respondent shall prescribe medications only for his own patients, and only when there is a clear nexus between the medication and dental care he provides.
3. Respondent's license is further **LIMITED** as follows:
 - a. Within 180 days of the date of this Order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a total of 4 hours of continuing education in legal aspects of prescribing, which course(s) shall first be approved by the Board, or its designee.
 - b. Upon Respondent providing proof sufficient to the Board, or its designee, that he has completed the education, the Board shall issue an Order removing this limitation of Respondent's license.
4. Respondent shall, immediately upon receipt of this Order, provide a copy of the signed Order to the Federal Drug Enforcement Agency.
5. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,945.00 pursuant to Wis. Stat. § 440.22(2).
6. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

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 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 that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Dentistry Examining Board

By: Lari R. Barbeau DDS
A Member of the Board

7/2/08
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : STIPULATION
MARK P. KUGLITSCH, D.D.S., : LS _____ DEN
RESPONDENT. :

[Division of Enforcement Case # 04 DEN 053]

It is hereby stipulated and agreed, by and between Mark P. Kuglitsch, D.D.S, Respondent; and Sandra L. Nowack attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 04 DEN 053). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing 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 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 Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

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

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to this 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 Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, if any, 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 this Stipulation. Additionally, any such case 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 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.

Mark P. Kuglitsch, D.D.S.

Date

Respondent
2700 W. Lincoln Avenue
Milwaukee, WI 53215

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date