

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

REBECCA J. SWENSON, D.D.S.,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0002127

Division of Legal Services and Compliance Case #10 DEN 111

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

Rebecca J. Swenson, D.D.S.
1317 Lombardi Access Road
Green Bay, WI 54304

Wisconsin Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Dentistry Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Rebecca J. Swenson, D.D.S., (dob May 15, 1952, is licensed in the State of Wisconsin as a dentist, having license number 15-3682, first issued on August 6, 1986, and current through September 30, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is 1317 Lombardi Access Road, Green Bay, Wisconsin 54304.

2. At all times relevant to this proceeding, Respondent was working as a dentist at Green Bay, Wisconsin.

3. Respondent's practice includes the use of conscious sedation of patients.
4. On October 11, 2010, Ashwaubenon Emergency Medical Services were called to Respondent's practice because a diabetic patient, Patient A., had become hypertensive during a conscious sedation procedure. Patient A was non-responsive when the EMTs arrived.
5. Patient A. was taken to the hospital, and survived.
6. The Village of Ashwaubenon emergency services referred Respondent to the Division of Legal Services and Compliance, describing an incident involving questionable protocol by Respondent with the use of conscious sedation and questioning whether her practice was compatible with the protection of public health, welfare and safety.
7. Respondent cooperated with the investigation of her practice and her protocols.
8. Respondent's treatment of Patient A. was delayed for several hours past the time for which it had been scheduled on October 11, 2010. Respondent did not fully appreciate the potential effects of the changes in Patient A.'s blood sugar levels from the delay in commencing the procedure relative to his most recent meal, or the potential changes in his reaction to the oral conscious sedation drug given his diabetes, lack of recent food intake, and his large physical size.
9. Respondent has completed twenty-five hours of education on December 2-4, 2011, in Dental Oral Conscious Sedation, in a unified course of study that meets the required standards for training in the use of oral conscious sedation. Additionally, she completed sixteen hours of continuing education in single dose sedation and nitrous oxide and airway management March 9-10, 2012, and a further sixteen hours in the American Dental Society of Anesthesiology course "Minimal and Moderate Sedation Review" April 27-28, 2012.

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. By the conduct described in the Findings of Fact, Rebecca J. Swenson, D.D.S., violated Wisconsin Administrative Code § 5.02(5).
3. As a result of the above violation, Rebecca J. Swenson, D.D.S., in subject to discipline pursuant to Wis. Stat. § 447.07(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Rebecca J. Swenson, D.D.S., is REPRIMANDED.
3. The license of Rebecca J. Swenson, D.D.S., to practice dentistry in the State of Wisconsin is LIMITED as follows:
 - a. Rebecca J. Swenson, D.D.S., may practice conscious sedation dentistry only on patients who meet the criteria of class one in the American Society of Anesthesiologists' physical status classification system (normal, healthy patients without organic, physiologic or psychiatric disturbance).
 - b. Prior to performing any conscious sedation, Respondent Rebecca J. Swenson, D.D.S., shall obtain a professional mentor, who will monitor her conscious sedation practice.
 - (1) Rebecca J. Swenson, D.D.S., shall locate and retain the professional mentor, who shall be fully qualified to use conscious sedation in dental practice, and who shall have been using conscious sedation in dental practice regularly during the preceding five years. The professional mentor must be pre-approved by the Board.
 - (2) Rebecca J. Swenson, D.D.S., shall provide the mentor with a list of every patient on whom she has practiced conscious sedation in the preceding three months; the mentor shall select five patients or 25% of the list, whichever is greater, for review. Rebecca J. Swenson, D.D.S., shall provide the mentor with the complete patient file for each patient the mentor selects.
 - (3) The mentor shall review the patient file with particular attention to issues of patient selection and patient management, including attention to patient evaluation done by Rebecca J. Swenson, D.D.S. The mentor shall evaluate the files for the appropriate and safe use of conscious sedation by Rebecca J. Swenson, D.D.S., and shall file a report of the mentor's evaluation process and conclusions, with specific supporting references to the cases the mentor has reviewed, on a quarterly basis. The mentor shall file this report with the Department Monitor at the address below.
 - (4) On or after November 1, 2017, Respondent may petition the Board to lift this limitation. At the time Respondent makes the petition, she shall provide the Board with all evidence the Board requests to demonstrate that the limitation is no longer appropriate or necessary. The Board, in its sole discretion, may grant, deny or modify the petition. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a).

c. Rebecca J. Swenson, D.D.S., may not apply for a permit to perform any other class of sedation under Wis. Admin. Code ch. DE 11 while her license is limited pursuant to this Order.

4. Within 90 days from the date of this Order, Rebecca J. Swenson, D.D.S., shall pay COSTS of this matter in the amount of \$2,300.00 dollars.

5. Costs shall be made payable to the Wisconsin Department of Safety and Professional Services. All requests, petitions, reports and payment of costs shall be sent to the Department Monitor at the address below:

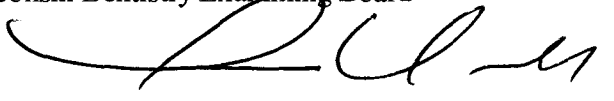
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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 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 payment of the costs as ordered, Respondent's license (no. 15-3682) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

Wisconsin Dentistry Examining Board

By:



A Member of the Board

11/7/12

Date