

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
ZACHARY S. MCCALLUM, D.D.S., :  
RESPONDENT. :

**0005291**

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Division of Legal Services and Compliance Case Nos. 15 DEN 051 and 16 DEN 014

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

Zachary S. McCallum, D.D.S.  
1305 Boundary Road  
Middleton, WI 53562

Wisconsin Dentistry Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in these matters agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, subject to the approval of the Dentistry Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Zachary S. McCallum, D.D.S., DOB March 21, 1982, is licensed in the state of Wisconsin to practice dentistry, having license number 6315-15, first issued on September 10, 2008, and current through September 30, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1305 Boundary Road, Middleton, Wisconsin 53362.

2. At all times relevant to this proceeding, Respondent was employed as a dentist in Madison, Wisconsin.

15 DEN 051

3. On multiple occasions between 2013 and 2015, Respondent provided care below the standards of minimal competence in the practice of dentistry as follows:

- a. extracted teeth and left large root fragments behind, then placed implants adjacent to the remaining fragments;
- b. provided root canal therapy with short fills, perforated roots, and outside the distal canals;
- c. seated restorations with open margins and residual caries;
- d. damaged adjacent teeth while performing other procedures;
- e. failed to refer patients to specialists when appropriate;
- f. failed to recognize that the care he provided was substandard, despite obvious complications for patients;
- g. failed to take necessary radiographs, to document radiographic examinations/evaluations, and to discuss radiographic findings with the patients; and
- h. prescribed antibiotics inappropriately.

4. The care Respondent provided created the unacceptable risks that patients would experience unnecessary pain, unnecessary and premature failure of implants, infection, loss of restorations due to recurrent disease, and loss of teeth.

5. Respondent's failure to recognize the substandard care and resultant symptoms created the unacceptable risks that patients would undergo unnecessary procedures, and/or experience unnecessary pain, failure of implants, loss of restorations and loss of teeth.

16 DEN 014

6. Between July 25, 2011, and March 23, 2015, Patient A obtained opiates, including hydrocodone/acetaminophen and hydrocodone/ibuprofen, equivalent to 3,420 mg morphine (MME) pursuant to prescriptions written by Respondent as follows:

- a. between July 25, 2011, and October 15, 2011, Respondent wrote three (3) prescriptions for controlled substances for Patient A;
- b. Patient A did not see Respondent in the office as a patient until December 27, 2011;
- c. of fourteen (14) prescriptions for controlled substances Respondent wrote between July 25, 2011, and March 23, 2015, Respondent did not maintain copies

of the prescriptions, nor did he create patient health care records related to the prescriptions or corresponding office visits on eight (8) occasions; and

- d. during the time Respondent prescribed controlled substances to Patient A, their relationship progressed from acquaintances to friends.

7. On fourteen (14) of the dates referred to in paragraph 6, Respondent also prescribed Patient A diazepam, which is a benzodiazepine.

8. Between March 6, 2011, and July 7, 2014, Patient B obtained 1,875 MME of opiate medications, including hydrocodone/acetaminophen and hydrocodone/ibuprofen, pursuant to prescriptions written by Respondent, as follows:

- a. between March 6, 2011, and July 7, 2014, Respondent wrote eight (8) prescriptions for controlled substances for Patient B;
- b. Respondent did not maintain copies of the prescriptions, nor did he create any patient health care records related to the prescriptions or corresponding office visits for Patient B;
- c. Respondent's former employer has no record of Patient B ever having been a patient at their practice; and
- d. during the time Respondent prescribed controlled substances to Patient B they were social acquaintances.

9. Between April 2, 2011, and March 19, 2015, Patient C obtained 8,825 MME of opiate medications, including hydrocodone/acetaminophen and hydrocodone/ibuprofen, pursuant to prescriptions written by Respondent as follows:

- a. between April 2, 2011, and March 7, 2013, Respondent wrote seventeen (17) prescriptions for controlled substances for Patient C;
- b. Respondent first treated Patient C on March 7, 2013;
- c. of thirty-one (31) prescriptions written between April 2, 2011, and March 19, 2015, Respondent failed to maintain copies of the prescriptions, nor did he create patient health care records of the prescription or corresponding office visits on twenty-one (21) occasions; and
- d. Respondent has been close friends with Patient C for many years before Respondent prescribed controlled substances to Patient C; they remain close friends.

10. Between December 27, 2012, and February 3, 2015, Patient D obtained 2,025 MME of opiate medications, including hydrocodone/acetaminophen and hydrocodone/ibuprofen, pursuant to prescriptions written by Respondent, as follows:

- a. Respondent prescribed controlled substances for his dental assistant, Patient D, on seven (7) occasions between December 27, 2012, and February 3, 2015; and
- b. Respondent failed to maintain copies of the prescriptions, nor did he create patient health care records related to the prescriptions or a corresponding office visit on two (2) occasions.

11. As of August 23, 2016, Respondent was not aware of documentation requirements for controlled substances.

12. The standard of minimal competence in the practice of dentistry requires that dentists maintain written documentation of the justification for prescription orders for controlled substances.

13. In the usual course of the practice of dentistry, the standard of minimal competence requires an examination before a dentist prescribes a controlled substance to an individual.

14. In failing to examine patients before prescribing controlled substances, and in failing to document and maintain copies of prescriptions for controlled substances, Respondent created the unacceptable risk that his patients would overdose on the medications or become dependent on them.

15. Respondent was surprised when the Department informed him of the number of times he wrote prescriptions for controlled substances without seeing the individual for whom the drug was prescribed. Respondent reports this is inconsistent with his usual practice, and he believes his judgment was clouded because he knew and trusted the individuals identified above.

16. Respondent is now in a practice that is paperless and the computer system in use makes it impossible to generate a prescription without simultaneously creating a note for the patient health care record.

17. Respondent indicates he has changed his prescribing practices as follows: he does not prescribe controlled substances to friends; he no longer provides dental care to Patients A, B, C and D; he more closely monitors the length of time over which he prescribes controlled substances to even well-established patients; even in emergent situations Respondent prescribes non-controlled medications for pain relief if at all possible; and he regularly uses the Prescription Drug Monitoring Program (PDMP).

18. Some of the patients identified above were treated for temporomandibular joint disorders (TMD). Since April 2015, Respondent has changed his approach to treatment of TMD and relies much less on the use of controlled substances.

19. Respondent has been conscientious and cooperative throughout the Division's investigation. In resolution of these matters, Respondent consents to the entry of the following Conclusions of Law and Order.

## CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 447.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. By the conduct described in the Findings of Fact, Zachary S. McCallum, D.D.S., repeatedly engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(5), by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a dentist which harms or could have harmed a patient.
3. Pursuant to Wis. Stat. § 961.20(2)(cr), diazepam is a schedule IV controlled substance, for which a prescription is required pursuant to Wis. Stat. § 961.38(3).
4. Pursuant to Wis. Stat. § 961.16(2)(a)7., hydrocodone (dihydrocodeinone) is a schedule II controlled substance, for which a prescription is required pursuant to Wis. Stat. § 961.38(1r) or (2).
5. Wisconsin Admin. Code § Phar 8.04(1), requires that practitioners issue prescriptions for controlled substances only for legitimate medical purposes in the usual course of professional practice.
6. Respondent, by prescribing controlled substances without first examining his patients as set out in the Findings of Fact, issued prescriptions for controlled substances outside the usual course of professional practice.
7. Respondent violated Wis. Admin. Code § Phar 8.04(1).
8. Wisconsin Admin. Code § Phar 8.04(1), is a law substantially related to the practice of dentistry.
9. Wisconsin Admin. Code § Phar 8.02(1) requires that practitioners maintain complete and accurate records of each controlled substance dispensed.
10. Respondent violated Wis. Admin. Code § Phar 8.02(1).
11. Wisconsin Admin. Code § Phar 8.02(1), is a law substantially related to the practice of dentistry.
12. Zachary S. McCallum, D.D.S., engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(20), by violating Wis. Admin. Code §§ Phar 8.02(1) and 8.04(1), which are laws substantially related to the practice of dentistry.
13. By the conduct described in the Findings of Fact, Zachary S. McCallum, D.D.S., engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(6), by prescribing controlled substances as defined in Wis. Stat. § 961.01 (4), other than in the course of legitimate practice, or as otherwise prohibited by law.

14. As a result of the above violations, Zachary S. McCallum, D.D.S., is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a), (f), (h), and (L).

ORDER

1. The attached Stipulation is accepted.
  - a. The license to practice dentistry issued to Zachary S. McCallum, D.D.S., (license number 6315-15) is **SUSPENDED INDEFINITELY**.
  - b. The suspension of Respondent's license to practice dentistry shall be stayed on May 18, 2017.
  - c. After a period of four (4) consecutive years without any violation of this Order or additional discipline imposed by the Board, Respondent may petition the Board to terminate the indefinite suspension.
  - d. The Board shall terminate the indefinite suspension when the Board determines, in its discretion, that Respondent has satisfactorily completed the requirements of this Order, and doing so does not create any unacceptable risk to patients or the public. The decision of whether or not to terminate the indefinite suspension is discretionary and is not subject to review.

Preapproved professional mentor

2. The license to practice dentistry issued to Zachary S. McCallum, D.D.S., (license number 6315-15) is **LIMITED** as follows:
  - a. Within sixty (60) days from the date of this Order, Respondent shall engage the services of a professional mentor who is licensed to practice dentistry in the state of Wisconsin, and who has not been disciplined by the Board.
  - b. Within thirty (30) days of the date of this Order, Respondent shall submit to the Department Monitor at the address below a written request for approval of a proposed mentor. The request for approval shall be accompanied by the mentor's current curriculum vitae or other summary of qualifications and a letter from the mentor confirming that he or she has read this Final Decision and Order and agrees to undertake the duties of a mentoring dentist as set out in this Order.
  - c. The mentoring dentist shall be actively engaged in the practice of dentistry and shall not have any personal relationship, past or present, with Respondent that could reasonably be expected to compromise the proposed mentor's ability to render fair and unbiased reports to the Department. The mentoring dentist may be affiliated with Midwest Dental.
  - d. The Board's monitoring liaison has the full and final authority to approve or reject a proposed mentor. This decision is based on an exercise of discretion and is not reviewable. The Board's monitoring liaison may approve or direct a change in

the mentoring dentist for any of the following reasons: the mentoring dentist is unable to carry out the responsibilities set out in this order; the mentoring dentist requests the change; the mentoring dentist concludes that Respondent cannot safely and reliably engage in the practice of dentistry; or the mentoring dentist fails to meet any requirement of this order.

- e. The mentoring dentist will meet with Respondent to conduct file reviews as set out in paragraphs 4 and 5, and shall observe and critique Respondent's performance of clinical procedures as set out in paragraphs 6, 8 and 9 of this Order.
- f. Respondent is responsible for all costs associated with the mentoring dentist.

#### Initial file review.

3. Within sixty (60) days of the effective date of this Order, Respondent shall have an initial meeting, in person, with the mentoring dentist for the purpose of reviewing ten (10) patient files previously identified by the Board's designee. The Department shall provide the files to the mentoring dentist and to Respondent within thirty (30) days of the date of this Order. During the file review, Respondent shall identify substandard care, if any, explain the risk of harm created by each act of substandard care, and explain how the care should have been provided. Within thirty (30) days of the initial file review, the mentoring dentist shall submit a written report to the Board's monitoring liaison indicating whether or not Respondent competently assessed the care provided in the previously identified files.

#### Monthly file reviews

4. After the initial meeting identified in paragraph 4, the mentoring dentist shall meet with Respondent at least once monthly. During each meeting the mentoring dentist shall review ten (10) randomly selected case files of patients Respondent has seen in the preceding month. The mentoring dentist shall offer feedback and direction to Respondent for the purposes of ensuring that Respondent provides dental care, prescribes medications and maintains patient health care records to a level of minimal competence. The mentoring dentist shall also specifically evaluate and discuss: Respondent's use of radiographic examinations and documentation of such; whether Respondent appropriately refers patients to specialists; and the extent to which Respondent recognizes and responds appropriately to complications.

- a. Respondent shall follow the guidance and recommendations of the mentoring dentist.
- b. Whether or not guidance of the mentoring dentist is appropriate and whether or not Respondent has complied with the guidance shall be in the sole discretion of the Board's monitoring liaison. These discretionary determinations are not reviewable.



- c. Respondent shall meet monthly with the mentoring dentist for at least twenty-four (24) months. The mentoring dentist shall file quarterly reports with the Department Monitor at the address below. The reports shall specifically address the topics identified in paragraph 5. It is Respondent's responsibility to ensure these reports are submitted when due.
- d. If the mentor is affiliated with Midwest Dental, after the initial meeting described in paragraph 4, the meetings may occur via Skype or other real-time audio-visual capability, subject to the agreement of the mentoring dentist.
- e. The mentoring dentist shall immediately report, in writing, any unprofessional conduct, incompetent practice, serious gap in knowledge, or suspected violation of this Order to the Department Monitor.
- f. After the timely submission of at least eight (8) consecutive favorable quarterly reports, with proof of completion of the requirements of paragraphs 6 through 9 of this Order, and with a written recommendation from the mentor expressly supporting the request, Respondent may petition the Board for modification or termination of any part of this limitation. The Board or its monitoring liaison shall modify or remove the terms of this limitation after Respondent petitions the Board, and the Board or its monitoring liaison determines that Respondent is in compliance with the requirements of this Order and doing so does not create an unacceptable risk to patients or the public. Whether to modify the terms of this limitation is in the sole discretion of the Board or its monitoring liaison and is not reviewable.

#### Observed clinical procedures

6. The license to practice dentistry issued to Zachary S. McCallum, D.D.S., (license number 6315-15) is further LIMITED to prohibit Respondent from performing surgical extractions except under the direct observation of the mentoring dentist as follows:

- a. The mentoring dentist shall evaluate, critique, and provide guidance to Respondent concerning the surgical extractions.
- b. If at any time the mentoring dentist concludes that Respondent is incapable of competently performing surgical extractions even with direct supervision, the mentoring dentist shall notify the Department Monitor in writing within twenty-four (24) hours.
- c. If the mentoring dentist notifies the Board that Respondent has not demonstrated minimal competence in the procedure, Respondent is then prohibited from performing surgical extractions except in a supervised educational setting for the purpose of education and training. The Board or the Board's monitoring liaison may remove this limitation if Respondent petitions the Board and demonstrates to the satisfaction of the Board or the Board's monitoring liaison that Respondent has achieved competence in surgical extractions.

- d. After five (5) observed surgical extractions, and with a favorable written recommendation from the mentoring dentist, Respondent may petition the Board to remove this limitation.
- e. If the Board or the Board's monitoring liaison is satisfied that Respondent, under the mentoring dentist's supervision, demonstrated minimal competence in the extraction of five (5) teeth, the Board or the Board's monitoring liaison shall remove this limitation.
- f. Whether to remove or modify this limitation lies in the sole discretion of the Board or the Board's monitoring liaison, and is not reviewable.
- g. This limitation does not apply to simple extractions.

7. The license to practice dentistry issued to Zachary S. McCallum, D.D.S., (license number 6315-15) is further LIMITED to prohibit Respondent from performing molar endodontics.

8. The license to practice dentistry issued to Zachary S. McCallum, D.D.S., (license number 6315-15) is further LIMITED to prohibit Respondent from performing root canal therapies on single-rooted teeth except under the direct observation of the mentoring dentist as follows:

- a. The mentoring dentist shall evaluate, critique, and provide guidance to Respondent concerning root canal procedures on single-rooted teeth.
- b. If at any time the mentoring dentist concludes that Respondent is incapable of competently performing root canal procedures on single-rooted teeth, even with direct supervision, the mentoring dentist shall notify the Department Monitor in writing within twenty-four (24) hours.
- c. If the mentoring dentist notifies the Board that Respondent has not demonstrated minimal competence in performing root canal therapies on single-rooted teeth, Respondent is then prohibited from performing root canal therapies on single-rooted teeth except in a supervised educational setting for the purpose of education and training. The Board or the Board's monitoring liaison may remove this limitation if Respondent petitions the Board and demonstrates to the satisfaction of the Board or the Board's monitoring liaison that Respondent has achieved competence in performing root canal therapies on single-rooted teeth.
- d. After two (2) observed root canal procedures on single-rooted teeth, and with a favorable written recommendation from the mentoring dentist, Respondent may petition the Board to remove this limitation.
- e. If the Board or the Board's monitoring liaison is satisfied that Respondent, under the mentoring dentist's supervision, demonstrated minimal competence in two (2) root canal procedures on single-rooted teeth, the Board or the Board's monitoring liaison shall remove this limitation.

- f. Whether to remove or modify this limitation lies in the sole discretion of the Board or the Board's monitoring liaison, and is not reviewable.
9. The license to practice dentistry issued to Zachary S. McCallum, D.D.S., (license number 6315-15) is further LIMITED to require Respondent to perform five (5) restoration seatings under the direct observation of the mentoring dentist as follows:
- a. After five (5) observed restoration seatings, and with a favorable written recommendation from the mentoring dentist, Respondent may petition the Board to remove this limitation.
  - b. If at any time the mentoring dentist concludes that Respondent is incapable of competently performing restoration seatings, even with direct supervision, the mentoring dentist shall notify the Department Monitor in writing within twenty-four (24) hours.
  - c. If the mentoring dentist notifies the Board that Respondent has not demonstrated minimal competence in performing restoration seatings, Respondent is then prohibited from performing restoration seatings except in a supervised educational setting for the purpose of education and training. The Board or the Board's monitoring liaison may remove this limitation if Respondent petitions the Board and demonstrates to the satisfaction of the Board or the Board's monitoring liaison that Respondent has achieved competence in performing root canal seatings.
  - d. If the Board or the Board's monitoring liaison is satisfied that Respondent, under the mentoring dentist's supervision, demonstrated minimal competence in five (5) restoration seatings, the Board or the Board's monitoring liaison shall remove this limitation.
  - e. Whether to remove or modify this limitation lies in the sole discretion of the Board or the Board's monitoring liaison, and is not reviewable.

#### Remedial Education

10. The license to practice dentistry issued to Zachary S. McCallum, D.D.S., (license number 6315-15) is further LIMITED to require remedial education as follows:
- a. Within twelve (12) months of the effective date of this order, Respondent shall successfully complete education on the following topics:
    - i. twenty four and one half (24.5) hours of remedial education on the topic of prescribing controlled substances (The Intensive Course in Controlled Substance Management offered by Case Western Reserve University in Cleveland, Ohio is preapproved.);
    - ii. eight (8) hours on the topic of temporomandibular joint disorders diagnoses and treatment (*All TMJ Patients are NUTS, Right? How to*

*Evaluate, Diagnose and Treat Common TMJ Problems*, presented by Dr. Jamison Spencer, is preapproved.)

- iii. eight (8) hours on the topic of record keeping in health care practice (*Medical Record Keeping Seminar*, sponsored by the Center for Professionalized Education for Physicians, is preapproved.);
  - iv. two (2) hours on the topic of use of antibiotics (*Antibiotic Stewardship: What Every Dental Professional Should Know*, presented by Dr. Ann Eshenaur Spolarich, is preapproved.);
  - v. eight (8) hours on the topic of implants;
  - vi. four (4) hours on the topic of risk management and informed consent (*Dental Professional Liability Claim Trends: A Report on Closed Claims, 2011-2015*, presented by Dr. Ronald Zentz, is preapproved; and
  - vii. eight (8) hours of on the topic of endodontics (*Two-Day Intense Endodontics* course, presented by Dr. Gary Glassman, is preapproved, with the exception of the program on molar endodontics.).
- b. All courses must be preapproved by the Board's monitoring liaison. Courses taken without preapproval may NOT be used to satisfy the remedial education requirements of this Order.
  - c. Successful completion requires that Respondent take and pass any exam offered for the course(s) and participate in any post-education document review. The remedial education must be taken in person. Webinars, self-study and any other formats will not be approved.
  - d. Within thirty (30) days of completion of preapproved remedial education, Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education.
  - e. None of the remedial education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.
  - f. The Department shall remove this limitation from Respondent's license when Respondent has petitioned the Board and has satisfied the Board's monitoring liaison that Respondent has successfully completed the preapproved education.

#### Prescribing Controlled Substances

11. The license to practice dentistry issued to Zachary S. McCallum, D.D.S., (license number 6315-15) is further LIMITED to limit Respondent's ability to prescribe controlled substances as follows:

- a. For a period of at least six (6) months from the date of this Order, Respondent may not prescribe controlled substances.
- b. After at least six (6) months, and with a favorable recommendation from the mentoring dentist described in paragraph 3, Respondent may petition the Board for authorization to prescribe controlled substances for any one (1) patient in amounts totaling no more than doses prescribed for (7) daily doses in any three hundred sixty five (365) day period.
- c. If, after reviewing the petition described in subparagraph 11.b, the Board determines that Respondent can safely and reliably do so, the Board shall grant Respondent's petition to prescribe controlled substances for any one (1) patient in amounts totaling no more than seven (7) daily doses in any three hundred sixty five (365) day period. Whether or not to grant the petition is a discretionary act and any resulting decision is not subject to review.

#### Prescription Drug Monitoring Program (PDMP)

12. The license to practice dentistry issued to Zachary S. McCallum, D.D.S., (license number 6315-15) is further LIMITED to require Respondent, on a monthly basis for a period of at least five (5) years, to review his PDMP prescriber history query, prescribing practitioner metrics, or any equivalent query that may be implemented by the PDMP in the future. During the last week of every month, Respondent shall email the Department Monitor at the address below to verify that he has done the review. Respondent shall NOT submit the query in any form to the Department. After five (5) years from the effective date of this Order, Respondent may petition the Board to remove this limitation. The Board shall remove this limitation if it determines that Respondent has fully complied with the requirements in this paragraph for a period of five (5) consecutive years.

13. The Board's monitoring liaison may refer to the Board any petition, request, or information concerning this Order that the monitoring liaison believes should be deferred or conveyed to the full Board.

14. Within nine (9) months from the date of this Order, Zachary S. McCallum, D.D.S., shall pay COSTS of these matters in the amount of \$9,446.10.

15. Requests for approval of courses, requests for approval of the professional mentor, proof of successful course completion, mentoring reports, monthly verification of PDMP query, petitions, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

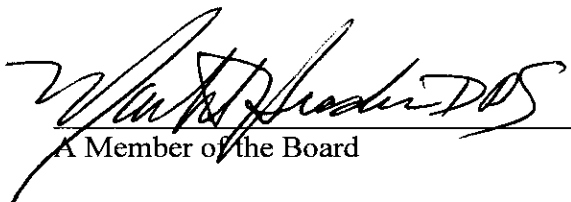
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

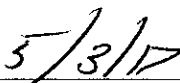
16. In the event that Respondent violates any term of this Order, the Board or the Board's monitoring liaison may address the violation as follows:

- a. If the violation occurs while Respondent's license to practice dentistry in the state of Wisconsin is indefinitely suspended, the Board or the Board's monitoring liaison, may, in its discretion, remove any stay of the suspension without further notice or hearing. The Board or the Board's monitoring liaison shall stay the suspension after Respondent petitions the Board and establishes to the satisfaction of the Board or its monitoring liaison that the deficiency has been cured and that doing so does not present an unacceptable risk to patients or the public.
- b. If the violation occurs after the indefinite suspension of Respondent's license to practice dentistry in the state of Wisconsin is terminated, the Board or the Board's monitoring liaison, may, in its discretion, SUSPEND Respondent's license to practice dentistry, without further notice or hearing. The Board or the Board's monitoring liaison shall remove the suspension after Respondent petitions the Board and establishes to the satisfaction of the Board or its monitoring liaison that the deficiency has been cured, and that doing so does not present an unacceptable risk to patients or the public.
- c. In addition and/or in the alternative to removing any stay of suspension or imposing any suspension under this paragraph, the Board or the Board's monitoring liaison may, in its discretion, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.
- d. The Board in its discretion may in the alternative impose additional limitations for a violation of any of the terms of this Order.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:   
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ZACHARY S. MCCALLUM, D.D.S.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**0005291**

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Division of Legal Services and Compliance Case Nos. 15 DEN 051 and 16 DEN 014

Respondent Zachary S. McCallum, D.D.S., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney W. Patrick Sullivan.

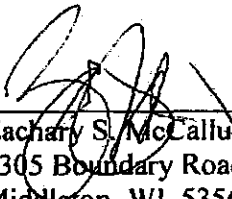
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 the consideration of this attempted resolution.

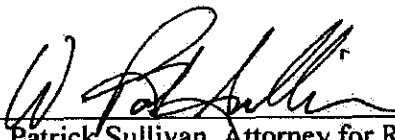
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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.

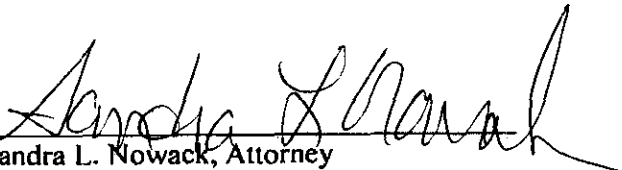
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Zachary S. McCallum, D.D.S., Respondent  
1305 Boundary Road  
Middleton, WI 53562  
License no. 6315-15

3/13/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
W. Patrick Sullivan, Attorney for Respondent  
Siesennop & Sullivan Attorneys at Law  
111 West Pleasant Street, Suite 110  
Milwaukee, WI 53212

3/14/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Sandra L. Nowack, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

3/14/17  
\_\_\_\_\_  
Date