

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
DANIEL E. TACHE, D.M.D.,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	

0004089

Division of Legal Services and Compliance Case No. 17 DEN 050

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

Daniel E. Tache, D.M.D.
3221 North Rambling Rose Drive
Appleton, WI 54914

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 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. Licensee Daniel E. Tache, D.M.D., (DOB June 7, 1948) is licensed in the State of Wisconsin to practice dentistry, having license number 5089-15, first issued on December 11, 1998, and current through September 30, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3221 North Rambling Rose Drive, Appleton, WI 54914.

2. At all times relevant to this proceeding, Licensee was employed as a dentist at a dental clinic, located in Wauwatosa.

3. On September 11, 2011, Licensee conducted an initial examination of Patient A. Patient A presented with chronic jaw pain and was referred to Licensee by her general dentist.

4. Licensee reported Patient A's chief complaints as bilateral facial pain, neck pain, headaches (non-migranous), and sleep problems/fatigue.

5. Licensee reported his treatment goal on October 17, 2011, was to stabilize Patient A's temporomandibular (TM) joints while also eliminating sleep issues to reduce bruxism and elevate her pain threshold by restoring her sleep quality. The treatment consultation documents the plan as an "EMA appliance." An "EMA appliance" is an elastic mandibular advancement appliance.

6. On November 7, 2011, Licensee fitted Patient A with an EMA appliance.

7. An EMA appliance is approved by the Food and Drug Administration for the noninvasive treatment of snoring and obstructive sleep apnea. It is not approved for the treatment of TM joint pain.

8. On January 16, 2012, Licensee documented that Patient A needed a sleep screening.

9. On March 17, 2012, Patient A participated in a sleep study at home.

10. Patient A's file does not contain a diagnosis of a sleep-related breathing disorder.

11. This Order does not constitute the imposition of discipline by the Board.

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 pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Within one hundred eighty (180) days of the date of this Order, Daniel E. Tache, D.M.D. shall, at Licensee's own expense, take and successfully complete three (3) hours of education on the topic of TMJ treatment as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- b. All education completed pursuant to this Order shall be taken in-person. Education, such as webinar, online, or self-study shall not be approved.

- c. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
 - d. None of the 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.
3. Request for approval of courses and proof of successful course completion shall be sent by Licensee 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

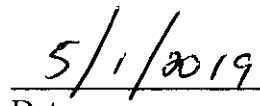
You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

4. 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

IN THE MATTER OF THE LICENSE OF :

DANIEL E. TACHE, D.M.D.
LICENSEE. :

STIPULATION

0006089

Division of Legal Services and Compliance Case No. 17 DEN 050

Licensee Daniel E. Tache, D.M.D. 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. Licensee consents to the resolution of this investigation by Stipulation.

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

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

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by John Reid.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Dentistry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee 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

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.

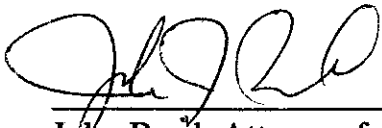
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Daniel E. Tache, D.M.D., Respondent
3221 North Rambling Rose Dr.
Appleton, WI 54914
License no. 5089-15

02/09/2019

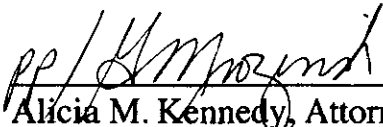
Date



John Reed, Attorney for Respondent
Cassiday Schade, LLP
111 East Wisconsin Ave, Suite 2100
Milwaukee, WI 53202

2/11/19

Date



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

2-21-19

Date