

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
CHERYL L. SCHNEIDER, R.D.H., :
RESPONDENT. :

0006150

Division of Legal Services and Compliance Case 18 DEN 149

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

Cheryl L. Schneider, R.D.H.
113 Red Fox Drive
Johnson Creek, WI 53038

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. Respondent Cheryl L. Schneider, (DOB October 18, 1958), is licensed in the state of Wisconsin to practice dental hygiene, having license number 2761-16, first issued on June 26, 1980, and current through September 30, 2019.
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 113 Johnson Creek, Johnson Creek, Wisconsin 53038.
3. Upon information and belief, Respondent's current address is 113 Red Fox Drive, Johnson Creek, Wisconsin 53038.

4. At all times relevant to this proceeding, Respondent was employed by a dental staffing agency and working as a temporary dental hygienist at a dental clinic (Clinic) located in Oconomowoc, Wisconsin.

5. On November 20, 2018, Respondent reported to work at the Clinic at 6:30 a.m. and started treating patients at 7:00 a.m.

6. Clinic staff noticed that Respondent was wearing two (2) masks and got up multiple times during her first patient to go to the restroom, which seemed unusual to the staff. Respondent also ran behind schedule with her first two (2) patients on that day.

7. One of Respondent's co-workers found a bottle containing whiskey in the room where Respondent had been treating her second patient. The co-worker reported this to the Clinic's practice manager.

8. The Clinic contacted police who arrived at approximately 10:12 a.m.

9. Respondent initially denied to law enforcement that she had been drinking.

10. A breathalyzer test administered by law enforcement reflected that Respondent had a blood alcohol (BAC) of approximately 0.282.

11. Respondent subsequently admitted to police that the bottle containing whiskey belonged to her.

12. On January 23, 2019, in her response to the Department, Respondent did not deny that she was intoxicated at work on the date in question and stated that she is not currently working as a dental hygienist and does not plan to work as a dental hygienist in the future.

13. In resolution of this matter, 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 this matter 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, Cheryl L. Schneider, R.D.H., engaged in unprofessional conduct as defined by Wis. Admin Code § DE 5.02(1), by engaging in practice which constitutes a substantial danger to the health, welfare or safety of a patient or the public.

3. By the conduct described in the Findings of Fact, Cheryl L. Schneider, R.D.H., engaged in unprofessional conduct as defined by Wis. Admin Code § DE 5.02(2), by practicing or attempting to practice when unable to do so with reasonable skill and safety to patients.

4. By the conduct described in the Findings of Fact, Cheryl L. Schneider, R.D.H., engaged in unprofessional conduct as defined by Wis. Admin Code § DE 5.02(4), by practicing or attempting to practice while the ability to perform services is impaired by physical, mental or emotional disorders, drugs or alcohol.

5. By the conduct described in the Findings of Fact, Cheryl L. Schneider, R.D.H., 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 or dental hygienist which harms or could have harmed a patient.

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license and privilege, and the right to renew such license and privilege, of Cheryl L. Schneider, R.D.H., (license no. 2761-16) to practice dental hygiene in the state of Wisconsin is hereby accepted.

3. In the event Respondent petitions the Dentistry Examining Board for reinstatement as a dental hygienist in the future, the Board may enter an order denying such petition without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted to Respondent shall be in the sole discretion of the Board, and such decision is not reviewable.

4. In the event Respondent seeks certification or licensure as a dental hygienist in the state of Wisconsin or applies for another credential with the Department, Respondent shall pay the costs of this matter in the amount of \$453.17 before any application is considered, pursuant to Wis. Stat. § 440.22(2).

5. If applicable, payment of costs shall be made payable to Wisconsin Department of Safety and professional services and 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

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

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

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: 
A Member of the Board

5/1/2019
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

RECEIVED

APR 01 2019

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHERYL L. SCHNEIDER, R.D.H.,
RESPONDENT.

DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES
DIVISION OF LEGAL SERVICES & COMPLIANCE

STIPULATION

0006150

Division of Legal Services and Compliance Case No. 18 DEN 149

Respondent Cheryl L. Schneider, R.D.H., 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.

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.

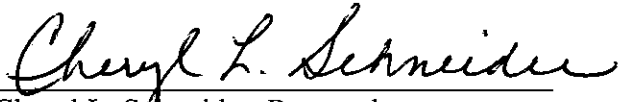
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Cheryl L. Schneider, Respondent
113 Red Fox Drive
Johnson Creek, WI 53038
License no. 2761-16

3/27/19

Date



Carley J. Perch Kiesling, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4/2/19

Date