

## 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 THE LICENSE OF :  
BRIAN BLOCHER, D.D.S., : FINAL DECISION AND ORDER  
LICENSEE. : FOR REMEDIAL EDUCATION  
: **ORDER 0007069**

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Division of Legal Services and Compliance Case No. 18 DEN 124

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

Brian Blocher, D.D.S.  
Wauwatosa, WI 53226

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 Brian Blocher, D.D.S., (DOB: xx/xx/1957) is licensed in the state of Wisconsin to practice dentistry, having license number 4002-15, first issued on November 28, 1988, and current through September 30, 2021. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Wauwatosa, Wisconsin 53226.

2. At all times relevant to this proceeding, Licensee was employed as an oral surgeon at an oral surgery clinic (Clinic), located in Wauwatosa, Wisconsin.

3. The Wisconsin Prescription Drug Monitoring Program (PDMP) identified Licensee as in the top 1% of dentistry prescribers, based on volume of opioid prescriptions, between December 1, 2017, and May 31, 2018.

4. Ten sets of patient records were reviewed during the investigation of this matter and demonstrated the following:

- a. The patients treated with Licensee sometime between December 2017, and March 2019;
- b. The patients were prescribed controlled substances (opiates) by Licensee;
- c. Various patient records did not include the prescribed controlled substance strength and/or directions for use; and
- d. Various patient records were illegible.

5. The standard of care ordinarily exercised by a Wisconsin dentist when prescribing medication is to include in the patient records the medication type, dose, amount, directions for use and number of refills.

6. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.

2. Within four (4) months from the date of this Order, Licensee shall access, read and complete the following:

- a. American Dental Association, Dental Records (2010), <https://www.vsds.org/docs/librariesprovider50/default-document-library/ada-dental-records-reference-document.pdf?sfvrsn=0>
- b. American Dental Association, Management of Controlled Substances in Dental Practice, <https://www.ada.org/~media/ADA/About%20the%20ADA/Files/Management%20of%20Controlled%20Substances%20in%20Dental%20Practice,-d-,Post.pdf?la=en>.
- c. Journal of Forensic Dental Sciences, What's the deal with dental records for practicing dentists? Importance in general and forensic dentistry (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3970394/>.
- d. Wisconsin Admin. Code ch. CSB 4, Prescription Drug Monitoring Program, [http://docs.legis.wisconsin.gov/code/admin\\_code/csb/4.pdf](http://docs.legis.wisconsin.gov/code/admin_code/csb/4.pdf).

- e. OMS National Insurance Company (OMSNIC), Patient Safety Concepts and Risk Mitigation Strategies for OMS, <https://www.omsnic.com/patient-safety-risk-management>.

3. Any and all costs associated with the course identified in subparagraph e. shall be the responsibility of Licensee.

4. Licensee shall submit proof of successful completion of the education identified in subparagraph e. in the form of verification from the institution providing the education to the Department Monitor at:

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](mailto:DSPSMonitoring@wisconsin.gov)

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://dpsmonitoring.wi.gov/>

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:   
A Member of the Board

4 November 2020

Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF	:	
	:	STIPULATION
BRIAN BLOCHER, D.D.S.,	:	
LICENSEE.	:	<b>ORDER 0007069</b>

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Division of Legal Services and Compliance Case No. 18 DEN 124

Licensee Brian Blocher, 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. 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 Attorney Diane Welsh.

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.

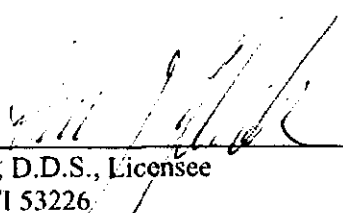
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 Licensee, 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 for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.


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

  
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Brian Blocher, D.D.S., Licensee  
Wauwatosa, WI 53226  
License no. 4002-15

9/18/20  
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Date

  
\_\_\_\_\_  
Diane Welsh, Attorney for Licensee  
Pines Bach, LLP  
122 West Washington Ave., Suite 900  
Madison, WI 53703

9/21/2020  
\_\_\_\_\_  
Date

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

9/22/2020  
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Date