

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
GREGORY A. NYFFELER, D.D.S.,	:	
RESPONDENT.	:	ORDER 0008237

Division of Legal Services and Compliance Case No. 21 DEN 103

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

Gregory A. Nyffeler, D.D.S.
East Troy, WI 53120

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. Gregory A. Nyffeler, D.D.S. (Respondent), (Year of Birth 1959) is licensed in the state of Wisconsin to practice dentistry, having license number 3697-15, first issued on September 17, 1986, and current through September 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in East Troy, Wisconsin 53120.

2. At all times relevant to these matters, Respondent practiced dentistry as a sole practitioner at a clinic located in East Troy, Wisconsin.

3. On August 26, 2021, the Department received a referral from the United States Drug Enforcement Administration (DEA) reporting that Respondent had surrendered his DEA

Registration Number for cause. The DEA determined that Respondent had inappropriately obtained the schedule IV controlled substance zolpidem tartrate (Ambien) from Company A for his own personal use. The Board opened the complaint to investigate the allegations.

4. Respondent admitted that he used his DEA Registration Number to order and receive the schedule IV controlled substance zolpidem tartrate (Ambien) from Company A for his own personal use on the following dates:

- a. February 16, 2018; 5 bottles of 100-count zolpidem tartrate 10mg.
- b. October 18, 2018; 5 bottles of 100-count zolpidem tartrate 10mg.
- c. May 8, 2019; 5 bottles of 100-count zolpidem tartrate 10mg.
- d. January 13, 2020; 3 bottles of 100-count zolpidem tartrate 10mg.
- e. January 13, 2020; 2 bottles of 100-count zolpidem tartrate 10mg.
- f. September 28, 2020; 5 bottles of 100-count zolpidem tartrate 10mg.
- g. May 4, 2021; 5 bottles of 100-count zolpidem tartrate 10mg.

5. On August 24, 2021. Respondent surrendered his DEA Registration Number for cause.

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

CONCLUSIONS OF LAW

1. The 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, Respondent administered, dispensed, prescribed, supplied or obtained controlled substances as defined in Wis. Stat. § 961.01 (4), other than in the course of legitimate practice, or as otherwise prohibited by law within the meaning of Wis. Admin. Code § DE 5.02(6).

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a) and (h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The license issued to Respondent to practice dentistry in the state of Wisconsin (license number 3697-15), is LIMITED as follows:

- a. Within sixty (60) days from the date of this Order, Respondent shall, at his own expense, undergo an Alcohol and Other Drug Abuse (AODA) assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments for health care practitioners.

- b. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
 - c. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
 - d. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
 - e. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
 - f. Respondent shall comply with the evaluator's recommendations.
4. The license issued to Respondent to practice dentistry in the state of Wisconsin (license number 3697-15), is further LIMITED as follows:
- a. For a period of at least one (1) year from the date of this Order, Respondent shall be subject to no less than twelve (12) random drug tests as determined by the Board or its designee. Such tests may involve the production of urine, blood, fingernail, hair, saliva or other specimen at a collection site designated by the Board or its designee. Respondent must submit to the drug test within eight (8) hours of notification of a required test. Should the test results return positive for any controlled substance that is not accompanied by a valid, current prescription, Respondent shall be considered in violation of this Order. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
5. Respondent shall not apply for a new DEA registration number without first obtaining Board approval.
6. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,028.00.
7. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance

Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

8. In the event Respondent violates any term of this Order, Respondent's license (3697-15), or Respondent's right to apply to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN DENTISTRY EXAMINING BOARD

By:


A Member of the Board

11-1-2022
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GREGORY A. NYFFELER, D.D.S.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008237

Division of Legal Services and Compliance Case No. 21 DEN 103

Gregory A. Nyffeler, D.D.S. (Respondent), 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, 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

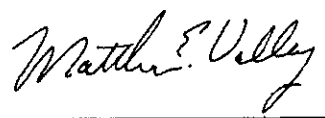
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Gregory A. Nyffeler, D.D.S., Respondent
East Troy, WI 53120
License No. 3697-15

9-2-22

Date



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

9/7/2022

Date