

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
	:	FOR REMEDIAL EDUCATION
MICHELLE N. DACOSTA, D.D.S.,	:	
LICENSEE.	:	

ORDER 00086 17

Division of Legal Services and Compliance Case No. 22 DEN 149

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

Michelle N. DaCosta, D.D.S.
Milwaukee, WI 53212

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. Michelle N. DaCosta, D.D.S. (Licensee), (Year of Birth 1967) is licensed in the state of Wisconsin to practice dentistry, having license number 4727-15, first issued on September 1, 1995, and current through September 30, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53212.

2. At all times relevant to these matters, Licensee practiced dentistry at a dental clinic located in Milwaukee, Wisconsin (Clinic).

3. Licensee's Prescription Drug Monitoring Program (PDMP) data from January 1 through June 30, 2022, indicated that Licensee prescribed controlled substances but had a 0%

PDMP utilization rate. As such, the Wisconsin Controlled Substances Board referred Licensee to the Board for further review and investigation.

4. The Division of Legal Services and Compliance (Division) obtained Licensee's PDMP query history between December 1, 2021, and June 30, 2022, as well as 10 sets of patient records which patients were treated by Licensee during the same timeframe. Review of this information revealed that for the 10 patients selected, Licensee issued 14 prescriptions for controlled substances for a duration longer than three days and did not check the PDMP prior to issuing the prescription.

5. For seven out of the 10 patients, prescription information was missing from the patient records ranging from medication instructions through the entire prescription.

6. Wisconsin PDMP training materials can be found at <https://pdmp.wi.gov/training-materials>.

7. 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 six months of the date of this Order, Licensee shall at their own expense take and successfully complete two hours of education on proper prescription charting, and two hours of education on the responsible prescribing of controlled substances 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 course(s) 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. The Board's monitoring liaison may approve course(s) to be taken via webinar, online, or otherwise remotely, in response to a request from Licensee.
- 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. 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 and may not be used in any future attempt to upgrade a credential.

- d. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

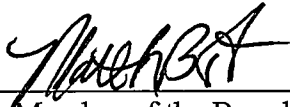
3. Requests for course approval and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

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

Licensee may also submit this information online at: <https://dspsmonitoring.wi.gov>.

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

WISCONSIN DENTISTRY EXAMINING BOARD

By: 
A Member of the Board

7/12/23
Date

RECEIVED

JAN 11 - 2023

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

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

MICHELLE N. DACOSTA, D.D.S.,
LICENSEE.

STIPULATION

ORDER 0008617

Division of Legal Services and Compliance Case No. 22 DEN 149

Michelle N. DaCosta, D.D.S. (Licensee), 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.

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. Licensee is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


Michelle N. DaCosta, D.D.S., Licensee
Milwaukee, WI 53212
License No. 4727-15

05-01-23
Date


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

5/5/2023
Date