

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
ROBERT A. MAGNIN, D.D.S.,	:	
RESPONDENT.	:	ORDER0008742

Division of Legal Services and Compliance Case No. 22 DEN 159

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

Robert A. Magnin, D.D.S.
Kimberly, WI 54136

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. Robert A. Magnin, D.D.S. (Respondent), (Year of Birth 1967) is licensed in the state of Wisconsin to practice dentistry, having license number 4541-15, first issued on October 4, 1993, 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 Kimberly, Wisconsin 54136.

2. At all times relevant to these matters, Respondent practiced dentistry at a dental clinic he owns located in Kimberly, Wisconsin (Clinic).

3. On October 3, 2022, the Clinic's OSHA Coordinator performed an online license search for the dental hygienists employed at the Clinic to confirm they possessed an active license.

4. During the search, the OSHA Coordinator determined that Dental Hygienist A's license expired September 30, 2009. Respondent spoke with Dental Hygienist A who denied that her license was expired and told Respondent she would provide proof the following day.

5. On October 4, 2022, Respondent met with Dental Hygienist A and confirmed that she did not have an active license. Dental Hygienist A advised that since no one inquired, she "just kept working." Respondent terminated Dental Hygienist A's employment.

6. Respondent first learned that Dental Hygienist A was unlicensed in early October 2022. Prior to that date he had no knowledge that Dental Hygienist A's license expired September 30, 2009.

7. Respondent changed the Clinic's annual license verification procedure to include yearly monitoring of Clinic dental hygienists to avoid the situation occurring in the future.

8. On October 14, 2022, Respondent self-reported to the Department that Dental Hygienist A had failed to renew her license and had been working as a dental hygienist without the required license. The Board opened the instant matter to investigate.

9. As part of the investigation into this matter, Respondent was requested to provide evidence that he completed the required 30 continuing education (CE) credit hours during the 2019-2021 biennium.

10. Respondent was unable to provide proof of any CE completed during the 2019-2021 biennium.

11. On August 24, 2021, when Respondent renewed his license online, he affirmed that he had completed the 30 credit hours of CE as required during the two-year period preceding the renewal.

12. 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 violated Wis. Admin. Code § DE 13.03(1) by failing to complete 30 credit hours of continuing education related to the practice of dentistry or the practice of medicine during the 2019-2021 biennium.

3. By the conduct described in the Findings of Fact, Respondent made a false statement or gave false information in connection with an application or registration for renewal of a license pursuant to Wis. Stat. § 447.07(3)(b).

4. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by violating a provision of Wis. Stat. ch. 447 and/or a valid rule of the Board pursuant to Wis. Admin Code § DE 5.02(16).

5. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by aiding or abetting or permitting unlicensed persons in the practice of dentistry pursuant to Wis. Admin, Code § DE 5.02(21).

6. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a), (b), and (f) and Wis. Admin. Code § DE 5.02.

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 4541-15), is LIMITED as follows:

- a. Within six months from the date of this order, Respondent shall successfully complete 30 hours of CE related to the practice of dentistry or the practice of medicine, including two (2) hours on the topic of safe prescribing of opioids for acute dental pain, to fulfill his continuing education requirement for the 2019-2021 biennium pursuant to Wis. Admin. Code ch. DE 13.
- b. All CE 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 Respondent.
- c. Respondent shall submit proof of successful completion of the CE 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 also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$371.00.

5. 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://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (4541-15), or Respondent's right 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.

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

WISCONSIN DENTISTRY EXAMINING BOARD

By: Shahade Gwani
A Member of the Board

9/6/23
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT A. MAGNIN, D.D.S.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008742

Division of Legal Services and Compliance Case No. 22 DEN 159

Robert A. Magnin, 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

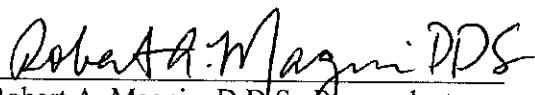
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

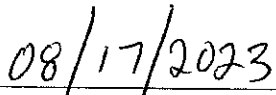
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

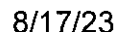
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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.


Robert A. Magnin, D.D.S., Respondent
Kimberly, WI 54136
License No. 4541-15


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


Date