

## 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 DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
BRIAN J. BLOCHER, D.D.S.,	:	
RESPONDENT.	:	<b>ORDER 0008832</b>

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Division of Legal Services and Compliance Case No. 22 DEN 047

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

Brian J. 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. Respondent Brian J. Blocher, D.D.S., (Year of Birth 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, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Wauwatosa, Wisconsin 53226.

2. At all times relevant to these matters, Respondent owned and operated his own oral and maxillofacial surgery facility located in Wauwatosa, Wisconsin (Facility).

3. On May 4, 2022, the Board opened this case for investigation.

4. As part of the Department's investigation on behalf of the Board, the Department requested evidence that Respondent completed the required 30 continuing education (CE) credit hours during the 2019-2021 biennium.

5. Respondent provided proof of 8 CE credit hours completed during the 2019-2021 biennium. These CE credit hours did not include any education related to safe prescribing of opioids for acute dental pain.

6. On August 20, 2021, when Respondent renewed his license online, he indicated that he had completed the required 30 CE credit hours during the two-year period preceding the renewal.

7. Between November 2021 and July 2022, Respondent completed 42 CE credit hours, including 2 hours of education related to safe prescribing of opioids for acute dental pain.

8. 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. Based on the Findings of Fact, Respondent failed to complete 30 credit hours of continuing education related to the practice of dentistry or the practice of medicine, including 2 credit hours of continuing education on the topic of responsible prescribing of controlled substances for the treatment of acute dental pain, during the 2-year period immediately preceding his 2021 renewal in violation of Wis. Admin. Code §§ DE 13.03(1) and (1m).

3. Based on the Findings of Fact, Respondent violated a valid rule of the Board within the meaning of Wis. Admin. Code § DE 5.02(16).

4. Based on the Findings of Fact, Respondent violated Wis. Stat. § 447.07(3)(b).

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07 and Wis. Admin. Code § DE 5.02.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Of the 42 hours of continuing education Respondent completed between November 2021 and July 2022, 22 hours, including 2 hours of education related to safe prescribing of opioids for acute dental pain, shall be applied to the 2019-2021 biennium.

- a. None of the 22 hours applied to the 2019-2021 biennium 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 future attempts to upgrade a credential in Wisconsin.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$933.00.
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 (4002-15), 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:



A Member of the Board

11/1/2023

Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

BRIAN J. BLOCHER, D.D.S.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**ORDER 0008832**

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Division of Legal Services and Compliance Case No. 22 DEN 047

Respondent Brian J. 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. 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. Respondent is represented by Attorney Diane M. Welsh.

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.

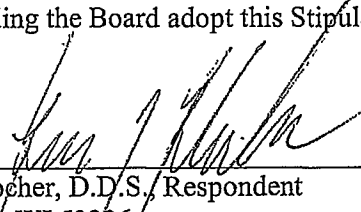
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

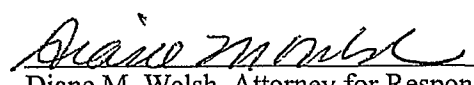
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. 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.

  
\_\_\_\_\_  
Brian J. Blocher, D.D.S., Respondent  
Wauwatosa, WI 53226  
License No. 4002-15

9/10/23  
\_\_\_\_\_  
Date

  
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Diane M. Welsh, Attorney for Respondent  
Pines Bach LLP  
122 W Washington Ave, Suite 900  
Madison, WI 53703

9/14/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nicholas Dalla Santa, Prosecuting Attorney  
Department of Safety and Professional Services

September 25, 2023  
\_\_\_\_\_  
Date

Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190