

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
ANDREW S. ONELA, D.D.S., :
RESPONDENT. :

ORDER 0008835

Division of Legal Services and Compliance Case No. 22 DEN 157

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

Andrew S. Onela, D.D.S.
Milwaukee, WI 53224

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

PROCEDURAL HISTORY

On June 26, 2023, the Division of Legal Services and Compliance (Division or DLSC) filed a Notice of Hearing and Complaint with the Department of Administration, Division of Hearings and Appeals (DHA) which alleged that Respondent committed unprofessional conduct within the meaning of Wis. Admin. Code §§ DE 5.02(5), (20), and (25). Thereafter the parties requested that the Administrative Law Judge hold this matter in abeyance to allow the parties time to reach a stipulated resolution.

The parties in this matter agree to enter into a stipulated resolution in lieu of participating in an evidentiary hearing. The parties 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. Andrew S. Onela, D.D.S. (Respondent), (Year of Birth 1970) is licensed in the state of Wisconsin to practice dentistry, having license number 5102-15, first issued on March 15, 1999, and current through September 30, 2025. Respondent's most recent address on file with the

Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53224.

PRIOR BOARD ACTION

2. On January 9, 2013, the Board reprimanded Respondent and required that he complete three hours of education on the topic of ethics as a result of Respondent failing to provide patient records as requested by the Division and failing to comply with continuing education requirements.

CURRENT CASE

3. At all times relevant to these matters, Respondent practiced dentistry at a facility located in West Bend, Wisconsin (Facility).

4. Respondent's Prescription Drug Monitoring Program (PDMP) data from January 1 through June 30, 2022, indicated that Respondent had a 0% PDMP utilization rate during that time period. As such, the Wisconsin Controlled Substances Board referred Respondent to the Board for further review and investigation. DLSC Case No. 22 DEN 157 was subsequently opened.

5. The Division obtained Respondent's PDMP query history between January 1 through June 30, 2022, as well as patient records for 10 patients treated by Respondent during the same timeframe.

6. Review of the patient records revealed that Respondent issued controlled substances prescriptions to all 10 patients, for a duration longer than three days, and did not check the PDMP prior to issuing the prescriptions.

7. Review of the patient records revealed that for one or more of the 10 patients, the records did not contain a copy of the prescription nor prescription dose and dosage information.

8. During the Division's investigation of this matter, Respondent failed on multiple occasions to respond to requests for information.

9. The Division also requested Respondent provide documentation of continuing education (CE) compliance for the biennium ending September 30, 2021. Respondent provided evidence of completion of 15.5 hours out of the 30 hours required. In addition, Respondent did not provide documentation of completing two hours in the topic of responsible prescribing of controlled substances.

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

11. 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 § CSB 4.105(1) by failing to review the monitored prescription drug history report about a patient before issuing a prescription for the patient absent specified exceptions. One exception is if the prescription order is for a number of doses intended to last the patient three days or less and is not subject to refill.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § DE 13.03(1) and (1m) by failing to complete 30 credit hours of continuing education, including two credit hours in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain, during the biennium ending September 30, 2021.

4. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a dentist or dental hygienist which harms or could have harmed a patient within the meaning of Wis. Admin. Code § DE 5.02(5).

5. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by violating a law substantially related to the practice of dentistry or dental hygiene within meaning of Wis. Admin. Code § DE 5.02(20).

6. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by failing to cooperate in a timely manner with the Board's investigation within the meaning of Wis. Admin. Code § 5.02(25).

7. 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. The license issued to Respondent to practice dentistry in the state of Wisconsin (license number 5102-15), is LIMITED as follows:

a. Within six (6) months of the date of this Order, Respondent shall, at his own expense, successfully complete fourteen and one-half (14.5) hours of education in compliance with the continuing education requirements found in Wis. Admin. Code § 13.03(1) and (1m), for the biennium ending September 30, 2021.

b. Within six (6) months of the date of this Order, Respondent shall at his own expense, successfully complete four (4) hours of education on the topic of

responsible prescribing of controlled substances, and four (4) hours on the topic of patient record documentation, which hours are in addition to any requirement contained in subparagraph 3.a. under this Order section. Such courses shall be offered by a provider pre-approved by the Board or its designee, including taking and passing any exam offered for the course(s).

- c. All education completed pursuant to this Order shall be taken in person. The Board or its designee may approve course(s) to be taken via webinar, online, or otherwise remotely, in response to a request from Respondent.
- d. Respondent 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 also may not be used in future attempts to upgrade a credential in Wisconsin.
- e. The Board or its designee may change the number of credit hours and/or education topics in response to a request from Respondent. The Board or its designee may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- f. 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 \$1760.00. If costs are not paid within ninety (90) days from the date of this Order, interest shall accrue at the statutory rate of 12% per annum, pursuant to Wis. Stat. § 440.22(2).

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://dpsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (5102-15), 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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANDREW S. ONELA, D.D.S.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008835

Division of Legal Services and Compliance Case No. 22 DEN 157

Andrew S. Onela, 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. Respondent is represented by Attorney Patrick Lubenow.

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.



Andrew S. Onela, D.D.S., Respondent
Milwaukee, WI 53224
License No. 5102-15

10/17/2023

Date

Patrick J. Lubenow - electronically signed

10/17/23

Patrick Lubenow, Attorney for Respondent
~~Smith Amundsen~~ Amundsen Davis, LLC
~~330 E. Kilbourn Ave., Ste 1100 Tower 1~~
~~Milwaukee, WI 53202~~
111 E. Kilbourn Avenue, Suite 1400, Milwaukee, WI 53202

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

10/23/23

Date