

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

BEFORE THE STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE :
INVESTIGATION OF : MEMORANDUM AND ORDER ON
 : SETTLEMENT CONFERENCE
CHARLES M. RUBASH, D.D.S., : 86 DEN 013
LICENSEE. :

To: Charles M. Rubash, D.D.S.
600 South Monroe Street
New Lisbon, Wisconsin 53590

Ruth E. Heike
Attorney at Law
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P. O. Box 8935
Madison, Wisconsin 53708

Pursuant to notice, a settlement conference was held in the above-captioned matter before the Dentistry Examining Board on September 7, 1988. The purpose of the conference was to provide the interested parties with an opportunity to discuss the allegations received pertaining to the practice of Dr. Rubash as a dentist, and attempt to reach a fair resolution of the matter.

APPEARANCES

Dr. Kathleen Kelly, D.D.S., presided over the conference. Board members Dr. Mork, Dr. Crane, Dr. Henschel, Diane Bergschneider, R.D.H., and Gwen Jackson were also present.

Attorney Ruth E. Heike appeared representing the Division of Enforcement to provide information concerning the allegations against Dr. Rubash.

Dr. Rubash appeared on his own behalf.

PROCEEDINGS

Dr. Kelly made an introductory statement describing the procedures by which the settlement conference would be conducted.

Oral presentations were made to the board. The statements were made solely for the purpose of negotiating a binding, consensual agreement. They were received without prejudice to later changes and may not be used against the licensee in any formal hearing.

Subsequent to the receipt of the oral statements the board considered the presentations and made a recommendation of settlement terms.

Based upon the proceedings at the settlement conference, and upon the Stipulation executed by the parties which is attached to this memorandum and made a part of this Order by reference, the board orders:

ORDER

IT IS HEREBY ORDERED that Charles M. Rubash, D.D.S., shall comply with the terms of the Stipulation attached hereto and made a part hereof by reference, and shall provide the board with a description of the courses he intends to undertake so that the board may approve the courses at its January 4, 1989 meeting, in accordance with the Stipulation. The description shall include the name of the instructor and of the school at which the courses will be pursued.

Dated at Madison, Wisconsin this 23 day of November, 1988.

DENTISTRY EXAMINING BOARD

by

Kathleen A. Kelly, D.D.S.
Kathleen Kelly, D.D.S.

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE	:	
INVESTIGATION OF	:	
	:	STIPULATION
CHARLES RUBASH, D.D.S.,	:	
LICENSEE.	:	

Charles Rubash, D.D.S. (Rubash) and the Dentistry Examining Board having reached an agreement for the disposition of an informal complaint, stipulate and agree as follows:

1. This stipulation shall be included as part of a Memorandum and Order on Settlement Conference to be issued by the Board, and all terms of this Stipulation shall be binding on Rubash as a part of the Board's Order.

2. This stipulation and the Board's Order shall be placed in Rubash's permanent file, and may be considered relevant to any future complaints against Rubash received by the Board.

3. Rubash, 600 South Monroe Street, New Lisbon, WI 53950, is licensed to practice dentistry in the State of Wisconsin.

4. The Board has received an informal complaint from Norman Parker regarding the quality of dental care provided by Rubash to Norman Parker and his wife Pat Parker in January 1986.

5. Rubash and the Board each agree that the appropriate discipline to be imposed in this case is that Rubash:

- a. Shall immediately arrange for a custom-designed course of instruction in each of the following areas of dentistry:
 - (1) Oral Diagnosis and Radiology - 4 clock hours
 - (2) Operative Dentistry - 40 clock hours
 - (3) Record Keeping - 8 clock hours

The courses shall initially be designed to provide training in each specified area over the duration specified for each course. The instructor's initial evaluation of Dr. Rubash's attained skill in each specified area shall not be counted against the duration of the course, nor shall travel time between New Lisbon, Wisconsin and the educational facility chosen by Dr. Rubash.

At the instructor's discretion, all or part of the course work may be performed in New Lisbon, but only if the instructor believes it is appropriate to do so in light of the goal of ensuring competence in each specified area.

The duration of each course may be reduced if the instructor is satisfied that Dr. Rubash has demonstrated competence in a shorter time.

- b. Shall commence the specified remedial training as soon as it is possible for his instructor to begin instruction; Rubash agrees to arrange his dentistry practice accordingly.
- c. Shall bear all costs of the specified remedial training personally.
- d. Shall not withdraw from any of the specified remedial training until his instructor certifies to the Board that he consistently performs in a minimally competent fashion in the course or courses his instructor has designed for him.
- e. Shall permit random inspections of his dentistry practice records by the Board or its designee during the period beginning on the date he signs this Stipulation and ending one year after the Board receives the last certification from his instructors under paragraph 5.d., above.

6. All of the remedial training specified in paragraph 5 above shall be in courses and at a dental school approved by the Board. Rubash is responsible for obtaining approval of both the specific courses of instruction and the school from the Board before he begins the courses.

Dated at Madison, Wisconsin this 17th day of November, 1988.

DEPARTMENT OF REGULATION & LICENSING
DIVISION OF ENFORCEMENT

by Ruth E. Heike
Ruth E. Heike, Attorney

Dated at Madison, Wisconsin this 23 day of November, 1988.

DEPARTMENT OF REGULATION & LICENSING
DENTISTRY EXAMINING BOARD

by Kathleen A. Kelly
Kathleen Kelly, D.D.S.
Chairman

Dated at New Lisbon, Wisconsin this 11th day of October, 1988.

by Charles Rubash D.D.S.
Charles Rubash, D.D.S.

JP:jrb
BDLS-257