

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against
Daniel M. Gibbons, D.D.S.
Respondent
Case No. 92 DEN 112

Final Decision and Order

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Daniel M. Gibbons, D.D.S.
207 High Street
Mineral Point WI 53565

Wisconsin Dentistry Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties in this matter agree to the terms and conditions of the attached stipulation as the final decision of this matter. Accordingly, the Board adopts the Stipulation and makes the following:

FINDINGS OF FACT

1. Daniel M. Gibbons, D.D.S., was born on December 23, 1944, and is licensed to practice dentistry in the state of Wisconsin pursuant to a license first granted on January 8, 1970. The last address for Dr. Gibbons on record with the Department of Regulation and Licensing is 207 High Street, Mineral Point, Wisconsin 53565.
2. Beginning in early 1987, Dr. Gibbons began treating patient J P. for periodontal disease. Between 1987 and November 1991, patient J P was seen by Dr. Gibbons or his staff for examination and treatment on a schedule averaging six visits each year.

3. During the course of Patient J.P.'s treatment with Dr. Gibbons, the periodontal disease which was evident at the beginning of the dentist-patient relationship progressed, despite regular prophylaxes, root planings, scalings, and examinations by Dr. Gibbons.

4. Patient J.P. was aware that there were limited treatment options available to address the periodontal problems she was experiencing, and she was content to follow the course suggested by Dr. Gibbons.

5. Dr. Gibbons' treatment plan did not adequately address the periodontal conditions presented by Patient J.P., with the result that Patient J.P. suffered continuing pain, dental deterioration, and ultimately the loss of four teeth to periodontal disease.

6. Following his treatment of Patient J.P., Dr. Gibbons successfully completed 30 hours in continuing dental education courses on the diagnosis and treatment of periodontal disease through courses offered by the Chicago Dental Society, NAPILI International in Scottsdale, Arizona, and BE Enterprises of London, Ontario.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07(3), Stats.
2. By continuing to treat Patient J.P. pursuant to a treatment plan that was inadequate to address the problems presented despite the recorded progression of the periodontal disease under the treatment plan, Dr. Gibbons violated s. 447.07(3), Stats., and ss. DE 5.02(2) and (5), Wis. Admin. Code.

ORDER

Now, therefore, it is ordered as the final disposition of the complaint against Dr. Gibbons in this matter:

That Daniel M. Gibbons, D.D.S., be and hereby is REPRIMANDED.

Dated this 1st day of November, 1995.

Wisconsin Dentistry Examining Board

Thomas G. Brant DDS

A Member of the Board

State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Daniel M. Gibbons, D.D.S.
Respondent
Case No. 92 DEN 112

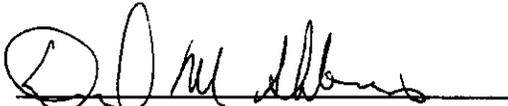
Stipulation

It is hereby stipulated between Daniel M. Gibbons, D.D.S., personally and on his own behalf and Bruce Kaufmann, Dr. Gibbons' counsel, and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

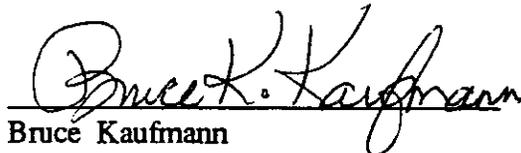
1. This stipulation is entered in resolution of the pending matter concerning Dr. Gibbons' license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Dentistry Examining Board for its consideration and adoption.
2. In resolution of these proceedings, Dr. Gibbons consents to the entry of the attached Final Decision and Order.
3. Dr. Gibbons is aware of and understands each of his rights, including:
 - the right to a hearing on the allegations against him, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
 - the right to confront and cross-examine the witnesses against him,
 - the right to call witnesses on his own behalf and to compel their attendance by subpoena,
 - the right to testify himself,
 - 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,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of his choosing, at his own expense,
 - all other rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. Dr. Gibbons is aware and understands that by signing this stipulation he voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.

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 be returned to the Division of Enforcement for further proceedings. In the event that this 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.

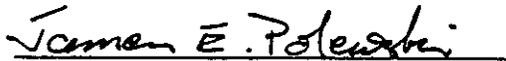
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.


Daniel M. Gibbons, D.D.S.

10/27/95
Date


Bruce Kaufmann
Attorney for Dr. Gibbons

10/26/95
Date


James E. Polewski
Attorney
Division of Enforcement

October 25, 1995
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

NOVEMBER 6, 1995

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)