

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing 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 Regulation and Licensing 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 Regulation and Licensing 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 Regulation and Licensing, 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 Regulation and Licensing 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/wscqa>.
- 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 DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION
: AND ORDER
LINDA JEAN TERLECKE : LS0309101DEN
RESPONDENT :

Division of Enforcement Case file No's. 01 DEN 121 and 01 DEN 005

The parties to this action for the purpose of section 227.53 of the Wisconsin statutes are:

Linda Jean Terlecke
510 Oakland Avenue
Waukesha, WI 53186

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Linda Jean Terlecke (D.O.B. 12/04/1947) is duly licensed as a dentist in the state of Wisconsin (license #3040). This license was first granted on 08/06/1962.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 510 Oakland Avenue, Waukesha, WI 53186.
3. On or about January 20, 1999, Respondent extracted teeth No's. 18 and 19 from patient JR at the

Milwaukee County Jail, where JR was in inmate.

4. During the extraction, Respondent left a drill burr tip and a root fragment in JR's jaw.

5. Respondent charted in pertinent part of the following regarding these extractions:

Ext(racted) #18 – 2 pieces. Ext 19 – crown fractured. Sectioned 19. DL root came & M root came. DB root troughed. Post op PA (1 retake) taken. Removed bur tip & believe removed root tip M#18.

Respondent did not chart whether or not she informed the patient of any post-operative remnants remaining in her jaw...

6. The post-operative periapical x-ray for JR was not readable, and Respondent decided due to the constraints of time not request a retake PA.

7. Subsequent to the extraction JR developed an infection. When she was released from jail, JR sought follow-up dental treatment. On or about June 10, 1999 the burr tip and the root fragment for tooth #19 were removed by a subsequent treatment provider.

8. On or about August 27, 2001, NJ, a 10 year-old male, presented to Respondent for extraction of two [2] deciduous teeth. NJ presented by referral from an orthodontist and brought with him the referral form, which included a tooth chart with the teeth N and M marked for extraction. This referral form is attached to this document as Exhibit A.

9. Respondent failed to extract teeth N and M and instead extracted tooth L and K from NJ.

10. Respondent charted extraction of teeth N and M in NJ's her patient notes for this visit.

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction in this proceeding pursuant to sec. 447.07, Stats.

2. The Wisconsin Dentistry Examining Board has the authority to resolve this disciplinary proceeding by stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

3. Respondent's conduct as described in the Findings of Fact constitutes a basis for disciplinary action against Respondent pursuant to sec. 447.07(3)(h), Stats.

4. The Wisconsin Dentistry Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Respondent.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Linda Jean Terlecke's license to practice dentistry in the State of Wisconsin is LIMITED as follows:

1. Respondent will arrange for and participate in an education program administered by the Marquette University School of Dentistry under the supervision of the Dean of the Marquette University School of Dentistry. This education program will be developed and structured as follows:

a. Within one hundred and twenty [120] days of the date of this Final Decision and Order, Respondent shall arrange for and complete an assessment conducted by the Marquette University School of Dentistry. The assessment shall evaluate Respondent's skills and knowledge in the areas of dental record keeping, extractions, x-rays and clinical examination protocols. The purpose of the assessment is to assist the Marquette University School of Dentistry in developing a rehabilitative and educational program for Respondent. As a part of the assessment, the Marquette University School of Dentistry will require Respondent to produce a minimum of 10 complete dental charts, including dental x-rays, of patients treated or examined by her. These complete dental charts will be selected by Marquette University School of Dentistry from a list compiled by Respondent. The list will identify each patient she examined or treated in the 2 months preceding the date of the assessment with a brief statement of the reason for her contact with each patient and the length of time that the person has been her patient. The review of these selected dental charts will not be limited to examinations conducted or treatments administered within the preceding month, but will include a review of the complete dental record for each of the patient records selected, as deemed appropriate by the individual(s) responsible for the assessment. Respondent, the Department and the Marquette University School of Dentistry will take adequate precautions to protect patient confidentiality. The Marquette University School of Dentistry may also utilize records and other documents from the investigative file compiled by the Department of Regulation and Licensing, Division of Enforcement, in support of this disciplinary action to assist with the assessment.

The dates and times for conducting the assessment will be determined by the Marquette University School of Dentistry, if Respondent and Marquette University are unable to reach mutually agreeable dates and times.

Marquette University School of Dentistry may in addition to the dental records review also conduct oral, written or practical examinations and may require a cognitive screening assessment, mental health and/or physical examination to complete its assessment of Respondent's ability to safely practice dentistry. If Marquette University School of Dentistry requires a cognitive screening assessment, mental health and/or physical examination, Respondent may submit suggested practitioners for approval by the Board to perform the assessment and/or examination. Respondent shall obtain Board approval of the practitioner prior to the assessment/examination being performed.

b. The Marquette University School of Dentistry will develop an education program that includes components in dental record keeping, extractions, x-rays and clinical examination protocols within 30 days of completion of the assessment and will submit the proposed education program to the Dentistry Examining Board or its designee for approval prior to implementation of the education program. The education program may consist of academic instruction, clinical instruction or both. If the Marquette University School of Dentistry is unable to develop an education program for Respondent, this matter will be remanded to the Division of Enforcement for further proceedings.

c. Respondent will commence the education program within 45 days of the date on which the Dentistry Examining Board or its designee approves the education program. Prior to commencing the education program, the Marquette University School of Dentistry will establish a timetable for the implementation, progression and completion of each component of the education program and submit this timetable to the Dentistry Examining Board. Respondent will comply with this timetable.

d. Respondent will take and pass evaluations, which may include oral and/or written components administered by the Marquette University School of Dentistry in each of the components of the approved education program.

e. Respondent will arrange for the Marquette University School of Dentistry to submit a quarterly report to the Dentistry Examining Board, advising the Dentistry Examining Board of Respondent's progress and whether she is in compliance with the timetable established by the Marquette University School of Dentistry for implementation, progression and completion of each component of the education program.

f. Respondent will satisfactorily complete all components of the education program including all evaluations administered by the Marquette University School of Dentistry within eighteen [18] months of the date of this Final Decision and Order.

g. Upon satisfactory completion of all components of the education program and of the oral and written evaluations related to these components, the Marquette University School of Dentistry will certify satisfactory completion of the education program to the Dentistry Examining Board.

h. Respondent will be responsible for the full costs of the assessment, the education program and the evaluations and will make payment(s) to the Marquette University School of Dentistry and/or other evaluators in accordance with a payment schedule established by the service providers.

2. Beginning thirty [30] days following the effective date of this Order and for a period of not less than twelve (12) months, Respondent's practice will be monitored.

a. The purpose for the monitor shall be to assure Respondent's compliance with generally accepted standards of practice. The monitor shall in addition assist Respondent with the incorporation of the information she acquired through the consultation and education programs [Ref. ¶ 1, above] into her practice of general dentistry.

b. Respondent shall submit names of suggested monitors for approval by the Board, and the Dentistry Examining Board will select the person to perform the monitor function.

c. The monitor function and record review will be conducted every 3 months. The monitoring will be accomplished by review of Respondent's dental records including, but not limited to, treatment records, dental x-rays and consultation reports for patients examined or treated by Respondent within the 3 months preceding the date of the review. In addition the monitor will possess the authority at her or her discretion to physically examine one or more patients to fully evaluate the efficacy of Respondent's practice. Any such examination shall occur at Respondent's offices with consent of the patient.

d. Respondent will maintain a list of all patients examined or treated by her in the 3 months preceding each review and brief descriptions of the presenting dental problems and the treatments administered to each patient. Respondent will provide this list to the person performing the monitor

function within a reasonable period of time prior to the record review to permit her or her to select from the list the patient records review.

e. The review will also include a discussion between the person reviewing the records and Respondent regarding the diagnoses, treatments and record keeping practices in each of the cases reviewed.

f. The monitor will file a report with the Dentistry Examining Board following each review of the records and patient examination(s) describing the results of the review.

g. Failure by Respondent to comply with the procedures for implementing and performing the monitor function as set forth in this Order shall constitute a basis for an action alleging that Respondent has violated Wis. Admin. Code sec. DE 5.02(17) by failing to comply with the Final Decision and Order of the Dentistry Examining Board.

h. If the conduct or practices described in the monitor report constitute a potential violation of statutes or administrative code provisions regarding the practice of dentistry, the report may serve as the basis for initiating a subsequent investigation of Respondent's conduct or practices.

i. Respondent will pay the full costs of the monitor function including the professional fees of the person selected by the Dentistry Examining Board to perform the monitor function. Respondent will make payment in full of the fees associated with the monitor function within 30 days of the date on which the person performing the monitor function submits a statement for professional services and expenses.

5. All certifications, reports, petitions or other documents required to be filed under the terms of this limited license will be filed with:

Department Monitor c/o Division of Enforcement

1400 East Washington Ave. PO Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264, Tel. (608) 261-7938

6. Respondent shall pay partial costs of this proceeding in the amount of FIVE HUNDRED DOLLARS [\$500.00] to the Department of Regulation and Licensing within six [6] months of the date of this Final Decision and Order.

7. Upon completion of the evaluation and education components of this Order, together with completion of one full year of monitoring under the terms of this Order, Respondent may petition the Board a return to full and unrestricted licensure. The Board reserves the right to require a personal appearance by Respondent in conjunction with its consideration of a petition under this paragraph. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stat. §§ 227.01(3) and 227.42.

SUMAMRY SUSPENSION

8. If Respondent fails to comply with any of the provisions of this Final Decision And Order or fails to

comply with the timetable established by the Marquette University School of Dentistry for implementation, progression and completion of each component of the education program, her license to practice dentistry in the State of Wisconsin may be summarily suspended.

9. This Order shall become effective upon the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

Bruce Barrette

9-10-03

On behalf of the board

Date