

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

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
KIMBERLY E. HARRIS, : LS0705021DEN
RESPONDENT. :

[Division of Enforcement Case # 06 DEN 099]

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

Kimberly E. Harris
1857 11th Avenue
Friendship, WI 53934

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Dentistry Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Dentistry Examining 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

1. Kimberly E. Harris, Respondent, date of birth September 17, 1960, is licensed by the Wisconsin Dentistry Examining Board to practice dental hygiene in the state of Wisconsin pursuant to license number 3644, which was first granted July 10, 1985.

2. Respondent's address of record with the Department of Regulation and Licensing is 1857 11th Avenue, Friendship WI 53934.

3. On August 11, 2006, in Juneau County Court, Case No. 2006 CF 47, Respondent was convicted of fourth degree sexual assault, a misdemeanor, in violation of Wis. Stat. § 940.225(3m). The court withheld sentence and placed Respondent on probation for a period of one year, with the condition that Respondent have no contact with DJS, a juvenile. The court ordered Respondent to serve sixty days in jail as a condition of probation, but stayed the conditional jail time as long as Respondent met the other conditions of her probation.

4. Respondent's conviction was the result of sexual contact between Respondent and her sixteen-year-old step-son DJS. Respondent explains that at the time of the assault, she was in a violent marriage, and her husband's son attacked her. Instead of calling police, Respondent reported the sexual contact to her husband, from whom she is now divorced. Respondent admits that the sexual contact occurred but maintains that it was forced upon her and "unwanted."

5. DJS' mother, who is also divorced from DJS' father, confirmed that DJS' father was sexually, emotionally and physically abusive. According to DJS' mother, DJS' father threatened to kill Respondent and himself if Respondent was no

convicted of a crime related to the sexual contact with DJS. DJS admitted to his mother that his father forced him to lie about some aspects of the sexual contact. DJS also told police that he had witnessed one of his father's assaults of Respondent.

6. On August 23, 2006, in Adams County Court Case No. 2006CV225, Respondent obtained a two-year harassment injunction which prohibits DJS from contacting her.

7. Respondent's probation agent reports that Respondent has cooperated fully with the terms of her probation and does not present a substantial risk for reoffense. Neither the court nor the probation agent has limited or in any way restricted Respondent's contact with children other than DJS.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 447.07(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by having been convicted of a crime the circumstances of which substantially relate to the practice of a dental hygienist, has committed unprofessional conduct as defined by Wis. Adm. Code § DE 5.02(15), and is subject to discipline pursuant to Wis. Stat. § 447.07(3)(e).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Kimberly E. Harris is hereby REPRIMANDED.

IT IS FURTHER ORDERED that the license of Kimberly E. Harris to practice dental hygiene the state of Wisconsin is LIMITED as follows:

1. Respondent shall, within thirty days of the signing of this Order, submit written proof that she has provided a copy of this Final Decision and Order to any person who employs her as a dental hygienist. For a period of two years from the date of the signing of this Order, Respondent shall, within twenty-four hours of obtaining employment as a dental hygienist, provide a copy of this Final Decision and Order to any future employer, and shall submit written proof to the Board within seven days. Respondent's obligation to notify employers of this Final Decision and Order will expire after two years, without further action from the Board.

2. Respondent shall fully comply with treatment and/or counseling recommended by her probation agent.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$350.00 pursuant to Wis. Stat. § 440.22(2).

4. Any requests, notices, proof or payments shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

5. This Order is effective on the date of its signing.

Wisconsin Dentistry Examining Board

By: William R. Skarie DDS
A Member of the Board

5/2/07
Date