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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
MURTHY N. MANTHA, D.D.S., : FINAL DECISION AND ORDER
RESPONDENT. : LS0901071DEN
 :

Division of Enforcement
04DEN164

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

Murthy N. Mantha, D.D.S.
11600 N. Lantern Lane
Mequon, Wisconsin 53092

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 & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Wisconsin Dentistry Examining Board on 1/7/09. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the 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. Murthy N. Mantha, D.D.S., Respondent herein, date of birth 2/2/53, is duly licensed as a dentist in the state of Wisconsin, license #2795-15. This license was first granted on 7/13/81.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 11600 N. Lantern Lane, Mequon, Wisconsin 53092.
3. Respondent is currently practicing as a general dentist at Dental Associates Limited at 1135 South Cesar Chavez Drive, Milwaukee, Wisconsin and at Dental Associates Limited at 545 East Johnson Street, Fond du Lac, Wisconsin. Respondent has focused his practice on the performance of root canal therapies for patients referred to him by other treating dentists.
4. The Complaint alleges that on 11/14/02 Respondent performed root canal therapies on teeth #10 and #11 for the patient C.H. and, in performing these root canal therapies, failed to achieve adequate fills of the canals in teeth #10 and #11, thereby engaging in conduct in violation of Wis. Stats. §§ 447.07(3)(a) and 447.07(3)(h) and Wis. Admin. Code § DE 5.02(5). This allegation was based on information contained in the patient's record including x-rays taken during the course of and at the conclusion of the root canal therapies and on a notation in the patient record indicting that no post spaces were left by Respondent in either of these teeth at the conclusion of the root canal therapies. During the course of discovery conducted following the filing of the formal Complaint and the commencement of the disciplinary proceedings, it was determined that Respondent had, in fact, left post spaces in teeth #10 and #11 as requested by the referring dentist who was to perform the subsequent restorative treatments. The dental assistant who had been assisting Respondent during the root canal therapies erroneously recorded in the patient record that no post spaces had been left. The State's expert witness, upon further review of the patient records in light of the information acquired during the course of discovery regarding the Respondent's intention to leave post spaces when performing the root canal therapies on teeth #10 and #11, was of the professional opinion that appropriate seals were obtained at the apex of each tooth and that that adequate fills of the canals were achieved given the decision to leave post spaces in both teeth #10 and #11.
5. The parties to this disciplinary proceeding have agreed to the entry of this Final Decision and Order as a fair and equitable final resolution of this contested matter.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §447.07(3), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The pending formal Complaint and disciplinary proceeding shall be and hereby are dismissed.
2. No costs shall be assessed against either party to this disciplinary proceeding.
3. This Order is effective on the date of its signing.

Wisconsin Dentistry Examining Board

By: Lori R. Barbeau DDS
A Member of the Board

11/4/09

