

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: :
: :
FREDERICK B. GILBERT, D.D.S., : LS0903041DEN
RESPONDENT. :

Division of Enforcement Case #04 DEN 019 and 04 DEN 100

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

Frederick B. Gilbert, D.D.S.
401 B. Park Hill Drive
Pewaukee, WI 53702

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

Dentistry Examining Board
Department of Regulation & 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. Frederick B. Gilbert, D.D.S., (DOB 03/16/1956) is duly licensed as a dentist in the state of Wisconsin (license #3585-15). This license was granted on January 22, 1986.

04 DEN 019

2. On or about January 13, 2004, two upper right fillings were placed by Respondent on teeth #2 and 3 of Patient ZY.

3. On or about February 4, 2004, Patient ZY saw Respondent for pain she was experiencing as a result of her fillings. According to Patient ZY, Respondent told her there was nothing he could do since he believed she needed a root canal and

Patient ZY had no insurance to cover this procedure. At no time during this visit did Respondent perform an exam on the patient, perform an x-ray of the questionable teeth or discuss patient's pain and other treatment options. Patient records also indicate that the exam, x-ray and consultation were never performed.

4. On or about March 5, 2004, June 15, 2007 and June 20, 2007, an investigator for the Department of Regulation and Licensing, Division of Enforcement wrote to Respondent requesting a response to the allegations stated in paragraph 3, above. No response was ever received from Respondent.

04 DEN 100

5. On exact dates unknown, but beginning on March 1, 2001 and continuing on through November 6, 2003, billing records show Patient TC was seen by Respondent on various occasions. However, there are no treatment records that correspond to these billing records.

6. On or about October 6, 2004, June 15, 2007 and June 20, 2007, an investigator for the Department of Regulation and Licensing, Division of Enforcement wrote to Respondent requesting a response to the allegations in case number 04 DEN 100. No response was ever received from Respondent.

7. 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 to act in this matter, pursuant to Wis. Stat. § 447.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 3 thru 4, above, constitutes a violation of Wis. Admin. Code §§ DE 5.02(5) and (25).

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Frederick B. Gilbert, D.D.S. is REPRIMANDED.

2. The license of Frederick B. Gilbert, D.D.S. (license #3585-15), to practice as a dentist in the State of Wisconsin is hereby LIMITED as follows:

3. Respondent shall, within ninety (90) days of the date of this order, submit documentation acceptable to the Board showing successful completion of 8-16 hours of education in record keeping and 8-16 hours in oral diagnosis and treatment planning including radiographic diagnostics.

4. Respondent shall obtain pre-approval of these courses from the Board or its designated agent before he takes the course(s) in fulfillment of this requirement.

5. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including pre-approval of continuing education and receipt of all reports. The Department Monitor may be reached as follows:

IT IS FURTHER ORDERED that:

6. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of two thousand dollars (\$2,000.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

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

DENTISTRY EXAMINING BOARD

By: Lori R. Barbeau, D.D.S.
Member, Wisconsin Dentistry Examining Board

3/4/09

Date