

# 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/wscca>.
- 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](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

-----  
In the Matter of the  
Revocation or Suspension  
of the License of  
WILLIAM MORTELL, D.D.S.

ORDER

-----  
The Dentistry Examining Board, after having taken  
evidence in this matter and after having deliberated thereon,  
and having on November 5, 1975, ordered the suspension of  
the license of William Mortell, D.D.S., to practice dentistry  
in the State of Wisconsin, which order provided that the  
order of suspension could be lifted upon the application of  
William Mortell, D.D.S.;

And William Mortell, D.D.S., having made application to  
the board for a lifting of said suspension and having furnished  
to the board, by communications from his attorney to the  
board's attorney, satisfactory evidence that he has altered  
his method of practice, that he has taken additional instruc-  
tion in the area of his professional practice of dentistry,  
and that he has foregone the use of striking child patients  
for the purpose of behavioral management or modification.

Now, therefore, it is ordered, effective immediately,  
that the Dentistry Examining Board's order of suspension  
dated November 5, 1975, is lifted.

<sup>SBA</sup>  
Dated this 30 day of June, 1975.

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD, By:

Saul B. Arbit, D.D.S.

Michael T. Carr, D.D.S.

John F. Lueck, D.D.S.

Robert W. W. W.

William L. L. L.

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

-----  
In the Matter of the  
Revocation or Suspension  
of the License of  
WILLIAM MORTELL, D.D.S.

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER  
-----

The Dentistry Examining Board having taken proofs in the above-captioned matter, members Saul Arbit, D.D.S., Robert Weber, D.D.S., and Merrill Cina, D.D.S., having heard the testimony and studied and reviewed the exhibits submitted, and member John Lueck, D.D.S., having read the transcript of the testimony and having studied the exhibits submitted, hereby makes its

FINDINGS OF FACT

(1) William Mortell, D.D.S., was and is at all times material herein engaged in the practice of dentistry in the City of Madison, Wisconsin, his specialty being pedodontics.

(2) On August 20, 1973, Dr. Mortel, while treating Russell Brudos, age 13 years, struck Russell on his chin with a syringe or other instrument with force sufficient to produce a contusion, a swelling and red coloration; and also struck Russell in his chest by throwing an instrument with force sufficient to cause redness.

(3) On August 23, 1973, Dr. Mortell, while treating Kelly Hildebrandt, age 6 years, physically struck Kelly on her face with force sufficient to cause redness and swelling

on one side of her face and a contusion of her lip and resultant discoloration of her face the following day.

(4) On February 20, 1974, Dr. Mortell, while treating Tommy Oestermann, age 5 years, struck Tommy on his face with force sufficient to cause redness to the side of his face, a bloody nose and a resultant black and blue coloration on the side of his face the following day.

(5) On one occasion in June, 1973, Dr. Mortell, while treating David Newmann, age 7 years, slapped David on his left cheek.

(6) Dr. Mortell employs the physical striking of child patients as a means of behavior management.

(7) Physically striking a child patient as a method of behavior management is not an acceptable practice method in the dentistry profession.

And the Dentistry Examining Board makes its

#### CONCLUSIONS OF LAW

(A) William Mortell, D.D.S., is engaged in the practice of dentistry in the State of Wisconsin and is subject to the provisions of ch. 447, Stats., and the rules of the Dentistry Examining Board, promulgated and published.

(B) William Mortell, D.D.S., has committed unprofessional conduct in the course of practicing dentistry by the acts described in the findings of fact of the board.

And the Dentistry Examining Board

ORDERS

That the license to practice dentistry of William Mortell, D.D.S., is suspended for a period of time not to exceed one year, the suspension to commence 30 days after the service of these findings of fact, conclusions of law and order upon Dr. Mortell; provided, however, that Dr. Mortell may apply to the Dentistry Examining Board for a lifting of this suspension at any time after the date of this order but at intervals of not less than 30 days.

Dated at Madison, Wisconsin, this 5 day of ~~December~~  
October, 1975.

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD, By:

Saul B. Arbit D.D.S.

Merrill V. Cuna D.D.S.

Robert W. White D.D.S.

John F. Luck D.D.S.

MEMORANDUM

There is conflicting evidence on the issue of whether Dr. Mortell physically struck the children patients who gave testimony to the board. Patients Russell Brudos, Kelly Hildebrandt, Tommy Oestermann and David Newmann all testified that Dr. Mortell struck or slapped them in the course of

treatment. Dr. Mortell denies that he physically struck or slapped child patients.

However, we are more persuaded by the testimony of the patients than we are by the testimony of Dr. Mortell. There was physical evidence to support the assertions made by most of the child patients. Russell Brudos had a contusion, some swelling and redness in the areas of the points of impact. Kelly Hildebrandt had a contusion, redness and swelling in the area of the point of impact, with accompanying facial discoloration the day following the incident. Tommy Oestermann had redness in the area of the point of impact, an apparent bloody nose and accompanying discoloration on the day following the incident. We believe that these physical manifestations resulted from physical impacts that did occur.

Additionally, we note that Dr. Mortell admits that he does employ the "clip." Dr. Mortell describes the clip in terms of something less than what we understand the term to commonly mean, but we believe that his use of this particular physical force corroborates the testimony given by the child patients. It is for these reasons we reject examiner's recommendation.

Our order should not be construed as punitive.

We desire that Dr. Mortell reexamine his use of physical force in behavior management or behavior modification, and in connection with this, consider seeking additional instruction in this area of professional endeavor.

We are hopeful that at a very early time before or within the period of suspension, Dr. Mortell can demonstrate

to the board that he has professionally foregone the use of striking child patients for the purpose of behavioral management or modification.

Finally, the board does not accept the proposition that physically striking child patients is an acceptable professional practice of dentistry in the State of Wisconsin.

Dated at Madison, Wisconsin, this 5 day of November, 1975.

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD, By:

Laurel B. Arbit, D.D.S.

Merrell F. Curi, D.D.S.

Robert W. Lueck, D.D.S.

John F. Lueck, D.D.S.