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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE
INVESTIGATION OF

KURT SILBERSCHMIDT, D.D.S.,
LICENSEE

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FINAL DECISION AND ORDER
ON SETTLEMENT CONFERENCE
89 DEN 64

TO: Kurt Silberschmidt, D.D.S.
P.O. Box 342
Stoughton, WI 53589

The State of Wisconsin, Dentistry Examining Board, having held a settlement conference with Dr. Silberschmidt, and the Division of Enforcement, and having offered a stipulation in settlement of the complaint against Dr. Silberschmidt, attached hereto, makes the following

ORDER

NOW, THEREFORE, it is hereby ordered that the terms of the settlement stipulation set forth in Paragraph 1 of the Order contained in the Memorandum and Order attached hereto, bearing the signature of Dr. Silberschmidt and a representative of the Board, is made the Final Decision and Order of the Board in this matter.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 1 day of April, 1991.



Eva Dahl, D.D.S.
Chairperson of the Board

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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE
INVESTIGATION OF

KURT SILBERSCHMIDT, D.D.S.
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: MEMORANDUM AND ORDER
: ON SETTLEMENT CONFERENCE
: 89 DEN 64

TO: Kurt Silberschmidt, D.D.S
P.O. Box 342
Stoughton, WI 53589

Pursuant to notice, a settlement conference was held before officials of the Dentistry Examining Board on March 6, 1991. The purpose of the conference was to provide all interested parties with an opportunity to discuss the allegations received pertaining to the practice of Dr. Kurt Silberschmidt as a dentist, and attempt to reach a fair resolution of the matter.

APPEARANCES

Presiding over the settlement conference was Dr. Eva Dahl, chairperson of the Dentistry Examining Board. Other board members present were: Dr. Robert Mork, Dr. Robert Henschel, Ms. Melodi Duwell, Dr. Francesca Martin, Mr. Alvin Golz, and Dr. Thomas Brandt. The board's legal counsel, James Polewski, was also present.

Attorney Richard Castelnuovo appeared representing the Division of Enforcement. Mary Lloyd appeared to provide information concerning the allegations made against the licensee.

Dr. Silberschmidt appeared in person, without counsel.

PROCEEDINGS

The presiding officer made an introductory statement describing the procedures by which the settlement conference would be conducted.

Oral presentations of the positions of the parties were made. These statements were made for the sole purpose of negotiating a binding, consensual agreement. They were received without prejudice to later changes and may not be used against the licensee in any formal hearing.

Subsequent to the receipt of the oral statements the parties presented recommendations for the terms of settlement. The board members considered the presnetations and made a recommendation of settlement terms on behalf of the board.

The licensee was granted 10 days from the date of his receipt of this Memorandum and Order to consider the settlement terms.

ORDER

Based upon the proceedings at the settlement conference,

IT IS HEREBY ORDERED:

1. That Dr. Silberschmidt shall notify the Board in writing within ten days of the date of his receipt of this Memorandum and Order as to whether or not he accepts the terms of the settlement presented. The terms of the settlement presented are:

Dr. Silberschmidt stipulates that the endodontic services he provided to patient MCL in 1988 were performed in a manner which did not meet the standards of the dental profession for minimal competence, in violation of s. DE 5.02(2), Wis. Admin. Code, prohibiting practicing or attempting to practice when unable to do so with reasonable skill and safety to patients.

The Board imposes discipline upon Dr. Silberschmidt for this violation, in the form of a limitation of his license to practice dentistry in the state of Wisconsin. The limitation imposed is that Dr. Silberschmidt is prohibited from the performance of any endodontic treatment on any patient until such time as he demonstrates successful completion of additional training in endodontic therapies to the Board.

This educational condition may be met by completion of the week long participatory course in endodontics offered by the dental school of Loyola-Chicago, or the substantial equivalent, and an evaluation by the faculty of the course that Dr. Silberschmidt's endodontic skills are within clinically acceptable limits. Dr. Silberschmidt will attend the course at his own expense. If Dr. Silberschmidt is unable to gain admittance to the course at Loyola-Chicago, or wishes to attend a course at a different school, he shall first obtain Board approval of a substitute course. Failure to obtain advance Board approval of a substitute course is a failure to comply with the terms of this settlement, and the Board may decline to remove the limitation on Dr. Silberschmidt's license if it determines that the course substituted by Dr. Silberschmidt without prior Board approval is not the substantial equivalent of the week long participatory laboratory course at Loyola-Chicago.


3. That in the event Dr. Silberschmidt accepts the terms of settlement proposed, the Board's legal counsel shall draft an order incorporating the terms of this settlement for execution by an officer of the Board.

4. That Dr. Silberschmidt's signature of this Memorandum and Order on Settlement Conference is binding acceptance of the terms of the settlement proposed, and, following his signature, the Board will execute this Memorandum and Order on Settlement Conference and cause an Order to be prepared and executed in accordance with the terms of this Memorandum and Order.

Dated this 25th day of March, 1991.


Kurt Silberschmidt, D.D.S.

Dated this 31 day of March, 1991.


Eva Dahl, D.D.S.
Chairperson, Dentistry Examining Board

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Dentistry Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Dentistry Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Dentistry Examining Board.

The date of mailing of this decision is April 5, 1991.

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