

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

FILE COPY

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

WILLIAM J. BENES, D.D.S.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER
91 DEN 20

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

William J. Benes
5629 N. 91st Street
Milwaukee, WI 53225

Wisconsin Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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

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 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. William J. Benes ("Benes") is and was at all times relevant to the events set forth herein a dentist licensed to practice in the State of Wisconsin pursuant to license # 4001220, granted on September 15, 1955

2. In 1982, Benes first became aware of periodontal disease in patient JB, but did not document this condition in the patient's records. At this time, he did not see the need to perform periodontal treatment recommended by the patient's insurance carrier prior to placement of a fixed bridge.

3. From 1982 to 1988, Benes performed prophylaxes every six months as means of controlling the patient's periodontal disease. Scaling and polishing were performed as a part of this treatment. No formal record was maintained concerning the patient's pocket depths or the progress of patient's periodontal condition.

4. In August, 1988, Benes found that the patient's maxillary left first bicuspid was mobile and that a periodontal abscess had developed in the area of this tooth. Benes entered a written diagnosis of periodontitis in the patient's records. He referred the patient to a specialist for evaluation and treatment.

5. In October, 1988, a periodontist, who evaluated the patient, made a diagnosis of advanced periodontitis. The periodontist recommended (a) the removal of multiple teeth based on chronic periodontal abscesses and (b) periodontal surgery in the mandibular arch.

6. The Greater Milwaukee Dental Association determined that Benes had some responsibility for the patient's dental condition that necessitated more extensive periodontal treatment.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Secs. 15.08(5) and 447.07(3), Wis. Stats.

2. The Wisconsin Dentistry Examining Board is authorized to enter into the attached Stipulation pursuant to Sec. 227.44(5), Wis. Stats.

3. Respondent William J. Benes is subject to discipline pursuant to Sec. 447.07(3), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that consistent with the agreement of Respondent William J. Benes, Respondent will successfully complete a course of education and training totalling twenty (20) hours in periodontal evaluation and treatment, including diagnosis, classification, methods of treatment and cases appropriate for referral.

For each separate course taken to satisfy this requirement, a course outline must be pre-approved by the Board or its designee prior participation in the course. No outline will be approved unless Respondent includes the name of the institution offering the instruction, the name of the instructor, and the content of the course he intends to study. Respondent shall submit proof of successful completion of the approved course of study to the Board within twelve (12) months of the date of this Order.

None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board.

IT IS FURTHER ORDERED, that investigative file 91 DEN 20 be closed.

Dated this 8 day of January, 1992.

WISCONSIN DENTISTRY EXAMINING BOARD

by: Thomas G Brant DDS

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
WILLIAM J. BENES, D.D.S.	:	91 DEN 20
RESPONDENT.	:	

It is hereby stipulated between William J. Benes, personally on his own behalf, and the Department of Regulation and Licensing, Division of Enforcement by its attorney Richard Castelnovo, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of William J. Benes ("Respondent") by the Division of Enforcement (91 DEN 20). Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. Respondent is aware and understands his rights with respect to disciplinary proceedings, including the right to a statement of the allegations against him; the right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel attendance of witnesses by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondent is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to execution of this Stipulation.

5. With respect to the attached Final Decision and Order, Respondent would contest any charges that might arise out of the Department's investigation, but for the purposes of resolving this matter and to avoid the expense and inconvenience of any proceedings, agrees that the Board may make the findings set forth in the Findings of Fact, reach the conclusions set forth in the Conclusions of Law and enter the Order consistent with his agreement to obtain education.

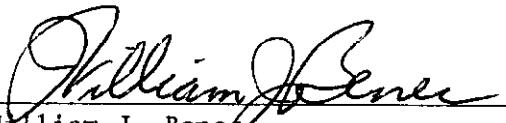
6. Respondent understands and agrees that should the Board adopt this Stipulation, the Final Decision and Order adopting the terms of the Stipulation may be published pursuant to Department policy in the Monthly Disciplinary Report and in the Wisconsin Regulatory Digest.

7. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

8. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

9. Respondent agrees that an attorney from the Division of Enforcement may appear at any deliberative meeting of the Board with respect to this Stipulation but that appearance is limited to statements solely in support of the Stipulation and for no other purpose.

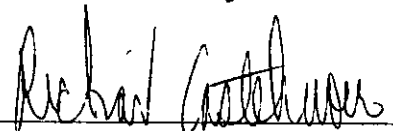
10. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.



William J. Benes

12-9-91

Date



Richard M. Castelnuevo, Attorney
Division of Enforcement

12/17/91

Date

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 JANUARY 9, 1992.