

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
JOHN N. BONNELL, D.D.S.,	:	
RESPONDENT.	:	

The parties in this matter having agreed to the terms and conditions of the attached Stipulation, subject to the approval of the Board, and the Board having reviewed the Stipulation and considering it acceptable, the Board adopts the Stipulation and makes the following:

FINDINGS OF FACT

1. John N. Bonnell, D.D.S., Respondent, date of birth: December 29, 1952, is a dentist currently licensed and registered to practice dentistry in the State of Wisconsin; that his license which bears number 5001888 was granted July 14, 1977; that his last address reported to the Wisconsin Department of Regulation and Licensing, Division of Enforcement, is 103 W. College Avenue, Appleton, WI 54911.
2. D.N. was a patient of Dr. Bonnell in 1985.
3. Upon initial presentation, D.N. advised Respondent that she had not been to a dentist for a number of years.
4. On D.N.'s initial visit, tooth #4 was extracted.
5. On D.N.'s initial visit, Respondent recognized a gingival problem and recommended a prophylaxis.
6. In addition to the prophylaxis and extraction of #4, Respondent recommended anterior restorations, endodontic and crown on #7 and placement of a removable maxillary partial denture.
7. D.N. did not permit Respondent to perform the prophylaxis or endodontic and crown on #7.
8. Respondent did provide restoration for teeth #'s 7, 8, 9, 10, 19 and 31.
9. Respondent did provide a removable maxillary partial denture.
10. Respondent did not perform a periodontal probing of D.N.'s remaining teeth to determine the possibility of periodontal involvement of her remaining teeth.

11. Respondent did not take either a panorex or a full mouth series of periapical x-rays to help determine the possibility of bone loss and periodontal involvement of D.N.'s remaining teeth.

12. Respondent's patient records consist of a health history, a dental history and one sheet containing the following entries:

1/12/85 Ext #4 25
Exam \$10
1/14/85 Ins sub \$35
2/5/85 Infectious area, sinus above #4, 1-PA
3/2/85 FA
7/31/85 Imp for Max Partial ~~est-250~~ 300
Ins Sub Pre Auth Max Part.
8/7/85 #7 - MLD resin 35
#8 - D resin 15
8/10/85 Shade 106 / Bite
#9 - MDF resin 35
10 - M resin 15
(notation check mark) need 11 M, also submit for this.
8/15/85 In sub \$115.00 for this
9/11/85 #31 OBD 35
9/18/85 #19 DOL amalgam 35
10/3/85 Pre Auth Part. Max, Man 600
10/3/85 Ins sub 70
11/20/85 Ins sub 300 Max
12/11/85 PA
Please Sub Pre Auth in Jan & Ext #18 Jan 2
replace 18, 20 bridge sub 78
Pre Auth #7 PVC
Possible Root canal
3/3/86 Ins. sub Pre Auth #7 380.00
RC 5/86

13. Respondent's records do not contain a treatment plan or full mouth x-rays.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to Wis. Stats. sec. 447.07(3).

2. The Wisconsin Dentistry Examining Board has authority to enter into this Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. That by providing a removable maxillary partial denture for D.N., who presented with gingivitis, without determining whether there was periodontal involvement and bone loss, Dr. Bonnell engaged in conduct which is subject to discipline pursuant to Wis. Stats. sec. 447.07(3)(g).

4. That by providing a removable maxillary partial denture for D.N., who presented with gingivitis, without determining whether there was periodontal involvement and bone loss, Dr. Bonnell practiced in a manner which is in violation of Wis. Adm. Code sec. DE 5.02(5) and is subject to discipline pursuant to Wis. Stats. sec. 447.07(3)(a) and (f).

5. That by failing to include a medical history, dental history, treatment plan, an exam sheet, and full mouth x-rays in his records, for a patient who presented with obvious gingivitis and who needed extensive work, including a partial and root canal treatment, Respondent engaged in conduct which is subject to discipline pursuant to Wis. Stats. sec. 447.07(3)(g).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that John N. Bonnell's license to practice dentistry in the State of Wisconsin shall be suspended for a period of fifteen days.

IT IS FURTHER ORDERED that Count II of the Complaint is hereby DISMISSED.


IT IS FURTHER ORDERED that John N. Bonnell shall participate in and successfully complete, within three months of the date of this Order, a program in dental record keeping at Marquette University School of Dentistry. The program is attached to this Order as Exhibit A.

IT IS FURTHER ORDERED that John N. Bonnell shall participate in and successfully complete, within six months of the date of this Order, a program of 120 hours of continuing dental education credit in the area of diagnosis, treatment, and periodontal assessment at the Marquette School of Dentistry. The program is set out in the September 16, 1991 letter from Dr. Van Swol to Dr. Rypel, attached as Exhibit B.

IT IS FURTHER ORDERED that the period of the suspension of John N. Bonnell's license to practice dentistry in the State of Wisconsin shall be during the period that John N. Bonnell is participating in the educational program ordered in the previous paragraph of this Order and John N. Bonnell shall be allowed to participate in any clinical component of that program pursuant to sec. 447.03(3)(a), Wis. Stats. John N. Bonnell shall notify the Dentistry Examining Board of the dates that he is serving the suspension, at least seven days prior to the first day of the suspension period.

IT IS FURTHER ORDERED that within sixty (60) days of this Order that John N. Bonnell shall pay to the Wisconsin Department of Regulation and Licensing \$1,995.32 as the costs of this proceeding, pursuant to sec. 440.22, Wis. Stats.

Dated at Madison, Wisconsin this 6 day of November, 1991.



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

EXHIBIT A

Recordkeeping course to be taken and completed by John N. Bonnell, D.D.S. at Marquette University School of Dentistry.

The program will be taught by a licensed dentist, who is a faculty member at the Marquette University School of Dentistry, and shall consist of the following:

1. The instructor will meet and interview Dr. Bonnell. The interview shall include a review of a random sample of Dr. Bonnell's records as maintained in 1985, the time period that the care was provided to the patient set out in the disciplinary complaint. The interview shall also consist of a review of a random sample of Dr. Bonnell's records from the present.
2. Dr. Bonnell will be given a package of materials to study relating to recordkeeping. The material review shall be completed by a date arranged between the instructor and Dr. Bonnell.
3. A custom designed evaluation procedure (to be developed after the initial interview) will be mailed to Dr. Bonnell. This evaluation will be in the form of a written test.
4. Dr. Bonnell will receive a written evaluation when the instructor is satisfied that he has mastered the course materials. A copy of the evaluation will be sent to the Wisconsin Dentistry Examining Board.

JRZ:pp
ATY2-577

MU Marquette University

September 16, 1991

604 North Sixteenth Street
Milwaukee, WI 53233

Dr. Thomas Rypel
Assistant Dean
Marquette University School of Dentistry
604 N. 16th Street
Milwaukee, WI 53233

RE: John N. Bonnell, D.D.S.

Dear Dr. Rypel:

I have reviewed the file on the above referenced individual, as supplied by the State of Wisconsin Department of Regulation and Licensing.

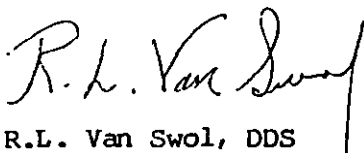
My recommendations for an educational program for Dr. Bonnell is broken into 3 segments as follows:

1. Assign selected reading projects from our text entitled "Periodontics" by Grant, Stern and Listgarten. These assignments will deal with reading and being tested on chapters of the text dealing with the nature of periodontal diseases as well as chapters dealing with the examination, diagnosis and treatment of periodontal diseases. The testing will be in the form of a 250-400 work paper on each chapter. This assignment would equate to approximately 60 hours of study.
2. Dr. Bonnell would, upon successfully completing the above described assignment, spend 40 hours in our Screening Service, actively working with faculty relative to examination of new patients.
3. Dr. Bonnell would then select a patient from his practice and do a Comprehensive examination, determine a diagnosis, determine prognosis and develop a Periodontal Treatment Plan. The patient he chooses must present with moderate to severe Periodontal Disease. His ability to select an appropriate case will be part of the evaluation process. He will be required to bring the patient with Comprehensive Records to MUSOD, where I will evaluate and check his management of the case.

All aspects of the above plan must be successfully completed by Dr. Bonnell within a 6 week time frame once the educational program is initiated. Failure to complete my part of the program will require the repeating of the indicated tasks before moving on to the next assignment. Failure to successfully complete part 3 of the program will require repeating the process with another patient.

If you or the Board has any questions relative to this program, please do not hesitate to call.

Sincerely,



R.L. Van Swol, DDS
Professor & Chairman
Dept. of DISS

Exhibit B

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

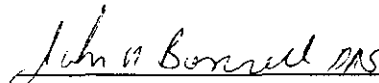
IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JOHN N. BONNELL, D.D.S.,	:	
RESPONDENT.	:	

It is hereby agreed and stipulated, by and between, John N. Bonnell, D.D.S., Respondent; Ronald L. Lampe of Demsey, Magnusen, Williamson & Lampe, attorneys for Respondent; John R. Zwieg, attorney for the Department of Regulation and Licensing, Division of Enforcement; and, the Wisconsin Dentistry Examining Board, as follows:

1. John N. Bonnell, D.D.S., Respondent, date of birth: December 29, 1952, is a dentist currently licensed and registered to practice dentistry in the State of Wisconsin; that his license, which bears number 5001888, was granted July 14, 1977; that his last address reported to the Wisconsin Department of Regulation and Licensing is 103 W. College Ave., Appleton, WI 54911.
2. The Wisconsin Department of Regulation and Licensing, Division of Enforcement, has an open investigative file, 87 DEN 92 concerning Respondent. The investigative file contains allegations Respondent provided inappropriate care to a patient during 1985 and 1986. On August 23, 1990, the Division issued a disciplinary complaint based on those allegations.
3. That this resolution may be submitted directly to the Wisconsin Dentistry Examining Board and need not be submitted to the Administrative Law Judge assigned to this matter.
4. Respondent neither admits nor denies the allegations, but Respondent agrees that there is evidence from which the Board could find that the allegations are true and further agrees that the attached Findings of Fact, Conclusions of Law, and Order may be made and entered without further notice to any party.
5. The attorneys for the parties may appear before the Wisconsin Dentistry Examining Board to argue in favor of acceptance of this Stipulation and the entry of the attached Final Decision and Order.

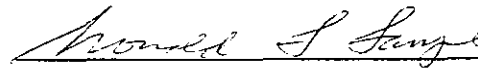
6. In the event that the Wisconsin Dentistry Examining Board does not accept this resolution of this matter, the Stipulation and Final Decision and Order shall be void and of no effect and the parties agree not to contend that the Board has been biased in any manner by the submission of this proposed resolution to the Board.

Dated this 31 day of ~~August~~^{October}, 1991.



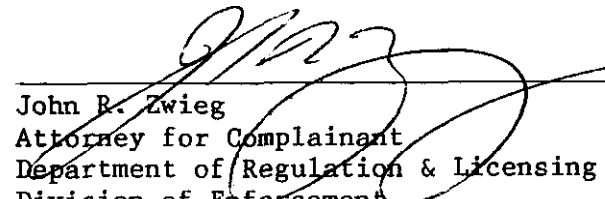
John N. Bonnell, D.D.S., Respondent

Dated this 31 day of ~~August~~^{October}, 1991.




Ronald L. Lampe
Dempsey, Magnusen, Williamson & Lampe
Attorneys for Respondent

Dated this 4th day of ~~August~~^{November}, 1991.



John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

Dated this 6th day of ~~September~~^{November}, 1991.



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

JRZ:vec
ATY2-910

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 November 7, 1991.

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employe trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board or the consumer credit review board, the credit union review board or the savings and loan review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 4.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions

for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.