

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

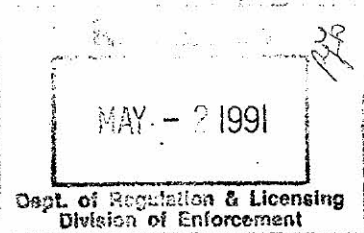
IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
BARBARA C. McCLINTOCK, R.D.H.,	:	90 DEN 67
RESPONDENT.	:	

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

Barbara C. McClintock, R.D.H.
6257 W. Nebraska Ave.
Milwaukee, WI 53220

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. Barbara C. McClintock ("McClintock") is and was at all times relevant to the events set forth herein a dental hygienist licensed to practice in the State of Wisconsin pursuant to license # 3857, granted on October 15, 1986.
2. During the period between December 6, 1987 and June 30, 1990, McClintock obtained overpayments from the State of Wisconsin by submitting false statements of the hours she worked as a dental hygienist.
3. On or about August 22, 1990, in the Dane County Circuit Court, McClintock was convicted upon her plea of guilty of Medical Assistance Offenses, secs, 49.49(1)(a)1 and (1)(b)1, Wis. Stats.
4. On the basis of the conviction, McClintock was placed on probation for a period of five years, ordered to pay \$30,126.73 in restitution, ordered to pay assessments, costs, and surcharges in the amount of \$80.00, and ordered to perform 400 hours of community service.

5. In mitigation, there is no evidence that McClintock performed less than competent services as a dental hygienist, McClintock has cooperated in every manner with the prosecuting authorities in the criminal proceeding, and McClintock's payment of restitution would be facilitated if she could continue to practice as dental hygienist.

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 Barbara C. McClintock is subject to disciplinary action pursuant to secs. DE 5.02(15) and (20), by her criminal conviction and violation of 49.49(1)(a)1 and (1)(b)1, Wis. Stats, which substantially relates to the practice of a dental hygienist.

ORDER

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

IT IS FURTHER ORDERED, that the dental hygienist's license (# 3857) of Respondent Barbara C. McClintock be suspended for a period of three (3) years, and that the suspension be stayed, conditioned upon compliance with the following conditions and limitations during the period from the date of this Final Decision and Order to August 22, 1995 (hereinafter the period from the date of this Final Decision and Order to August 22, 1995 will be referred to as the "designated period"):

- i. Respondent Barbara C. McClintock will abide by the terms and conditions of her court-ordered probation, and will notify the Board in the event of any violation of the terms and conditions of her probation.
- ii. Respondent Barbara C. McClintock will furnish her probation officer with a copy of this Final Decision and Order within ten (10) days of its approval by the Board.
- iii. Respondent Barbara C. McClintock will arrange for her probation officer to submit annual written reports directly to the Board reporting her status on probation, the first report to be furnished on or before August 22, 1991, and annually thereafter, except that the final report will be due on or before May 1, 1995.
- iv. Respondent Barbara C. McClintock will arrange with her probation officer for the Board to receive immediate notification in the event that Respondent has violated the terms and conditions of probation,

and may accomplish this by requesting that her probation officer include as a term and condition of probation that the Board be notified in the event of any violation of the terms and conditions of her probation.

v. Respondent Barbara C. McClintock will furnish her current employer with a copy of this Final Decision and Order within ten (10) days of its approval by the Board.

vi. During the designated period Respondent Barbara C. McClintock will notify the Board of any changes in her employment as dental hygienist within thirty (30) days of the commencement of new employment, and also will notify any subsequent employer of the conditions and limitations imposed by the Board.

IT IS FURTHER ORDERED, that if Respondent Barbara McClintock has complied with the conditions and limitations of this Order during the designated period, the limitations on her practice will be terminated without further order of the Board on August 22, 1995.

IT IS FURTHER ORDERED, that if Respondent Barbara McClintock violates or otherwise fails to comply with the conditions and limitations set forth herein during the designated period, the Board may enter an order imposing the three (3) year suspension, without prior notice or hearing, upon the filing of an affidavit by the Department of Regulation and Licensing setting forth facts supporting Respondent's violation of or non-compliance with the Order.

Respondent's only remedy in the event that the suspension is imposed will be to request a post-suspension hearing to be conducted as a class 2 proceeding, as defined under Ch. 227, Wis. Stats., for the sole purpose of determining whether or not there has been a violation of or non-compliance with the conditions and limitations imposed by the Board. A post-suspension hearing will be held only if Respondent files a request for a hearing within thirty (30) days after the mailing of the order of suspension.

IT IS FURTHER ORDERED, that investigative file 89 DEN 50 be closed.

Dated this 1 day of May, 1991.

WISCONSIN DENTISTRY EXAMINING BOARD

by: Em C. Dell 2025