

# 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/wscqa>.
- 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)

**FILE COPY**

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

-----  
IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

DANIEL J. DRISCOLL, D.D.S., :  
RESPONDENT. :

FINAL DECISION AND ORDER  
93 DEN 037  
-----

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

Daniel J. Driscoll  
5703 Squaw Circle  
Monona, WI 53716

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. Daniel J. Driscoll (D.O.B. 6/28/35) is duly licensed in the state of Wisconsin as a dentist (license # 5000620). This license was first granted on June 2, 1969.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 530 W. Main Street, Sun Prairie, WI 53590. However, Respondent's current address is 5703 Squaw Circle, Monona, WI 53716.
3. Respondent has admitted that he engaged in the practice of dentistry without a current certificate in cardiopulmonary resuscitation, and without a waiver from the Dentistry Examining Board.

4. Respondent has admitted that he failed to timely renew his registration and engaged in the practice of dentistry under an expired certificate of registration.

5. Respondent accepted HW as a patient and engaged in treatment of the orthodontic condition of the patient. Following removal of appliances the mandibular teeth of the patient began to migrate. Respondent scheduled appointments with HW to obtain a diagnostic impression and to place retainers. When HW arrived for the scheduled appointments the dental office of Respondent was closed. HW was unable to establish any contact with Respondent and to date has received no communication from Respondent. HW eventually sought treatment from another practitioner, but treatment has been hampered by the inability of HW to obtain her treatment records from Respondent.

6. Respondent accepted DR as a patient and engaged in treatment of the orthodontic condition of the patient. Respondent placed fixed appliances in the mouth of DR but has repeatedly missed appointments with the patient for adjustments and examinations, and has failed to contact DR or respond to attempted communication since December, 1993, despite the need to complete orthodontic treatment.

7. Respondent accepted the family of EC as patients and engaged in orthodontic treatment. As of January, 1993, one child had retainers and one child had braces in place. EC was unable to contact Respondent for adjustments or treatment for an extended period of time.

8. Respondent accepted TR as a patient in August, 1990, and engaged in orthodontic treatment. Respondent placed braces in the mouth of TR, and later cancelled a November, 1992, appointment, and has since been unavailable to TR as a treating dentist.

9. At no time in dealing with the patients described in paragraphs 5 through 8 of this Order did Respondent give reasonable notice to the patients concerning his discontinuance of treatment, or afford a fair opportunity for the patients to reasonably obtain timely substitute care.

10. Respondent has tendered the voluntary surrender of his license to practice as a dentist in the state of Wisconsin.

#### CONCLUSIONS OF LAW

By the conduct described above, Daniel J. Driscoll is subject to disciplinary action against his license to practice as a dentist in the state of Wisconsin, pursuant to Wis. Stats. sec. 447.07(3)(a) and (h), and Wis. Adm. Code sec. DE 5.02(5), DE 5.02(24) and DE 5.02(25).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The stipulation of the parties is accepted.
2. The VOLUNTARY SURRENDER of the license of Daniel J. Driscoll to practice as a dentist in the state of Wisconsin is accepted.
3. If the Respondent shall ever re-apply for a license to practice as a dentist in the state of Wisconsin, the following conditions shall apply:
  - a. The Dentistry Examining Board may consider the Findings of Fact contained herein in determining whether to grant a license;
  - b. The Dentistry Examining Board may require the Respondent to complete all requirements and to take and pass all examinations then required for original licensure;
  - c. As a reasonable accommodation to Respondent, the Dentistry Examining Board may require proof to its satisfaction that Respondent does not have a chemical dependence or physiological condition that would impede his ability to safely practice dentistry;
  - d. In the event that the Board considers re-licensure of the Respondent, the Board may impose such limitations and conditions upon the license to practice dentistry as the Board deems appropriate at the time.

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

This Order shall become effective upon the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By:

Thomas G. Brundage  
A Member of the Board

Date

July 5, 1994.

jh

Doc:

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

---

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DANIEL J. DRISCOLL, D.D.S.,	:	93 DEN 037
RESPONDENT	:	

---

It is hereby stipulated between Daniel J. Driscoll, personally on his own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance 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 is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this 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.

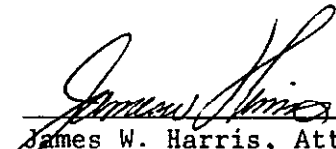
6. Attached to this Stipulation is the current licensure card of Respondent. Respondent has determined that it is in his best interests to cease the practice of dentistry in Wisconsin, and hereby tenders the VOLUNTARY SURRENDER of his license to the Dentistry Examining Board.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Dentistry Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

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

  
\_\_\_\_\_  
Daniel J. Driscoll, D.D.S.

3/27/94  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
James W. Harris, Attorney  
Division of Enforcement

April 26, 1994  
\_\_\_\_\_  
Date

jh

---

---

## 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.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

JULY 11, 1994

---

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)