

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

BARBARA C. McCLINTOCK, R.D.H.,
RESPONDENT.

:
:
:
: ORDER RESCINDING
STAY OF SUSPENSION AND
REINSTATING SUSPENSION
:

The parties to this proceeding for the purposes of sec. 227.53, Stats., are:

Barbara C. McClintock, R.D.H.
1750 North 56th Street
Milwaukee, WI 53208

State of Wisconsin
Dentistry Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

At its meeting on September 7, 1994, the State of Wisconsin Dentistry Examining Board reviewed documentation received indicating that Barbara C. McClintock, R.D.H., has violated the condition contained within the Final Decision and Order dated May 1, 1991, that she comply with the terms and conditions of a court-ordered probation.

Based upon the information received, a copy of which is attached hereto and entitled: "Request and Affidavit for Removal of Stay of Suspension and Imposition of Suspension", the State of Wisconsin Dentistry Examining Board adopts the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Barbara C. McClintock, respondent herein, 1750 North 56th Street, Milwaukee, Wisconsin 53208, holds license #3857 to practice as a dental hygienist in the State of Wisconsin.
2. By a Final Decision and Order dated May 1, 1991, the State of Wisconsin Dentistry Examining Board ordered the suspension of respondent's license for a period of three (3) years. The decision provided for a stay of the suspension, conditioned upon respondent's compliance with the conditions and limitations contained within the Order.

3. One of the conditions contained in subparagraph (i) of the Board's Order of May 1, 1991, provided in material part as follows:

"i. Respondent Barbara C. McClintock will abide by the terms and conditions of her court-ordered probation"

4. Another portion of the Board's Order of May 1, 1991, provided as follows:

"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."

5. On September 7, 1994, an affidavit was filed with the Board on behalf of the Department of Regulation and Licensing, setting forth facts indicating that respondent had failed to comply with the Final Decision and Order of May 1, 1991. The affidavit states in material part as follows:

"Respondent's probation and parole agent, Sandra Strabel, has reported that on numerous occasions Respondent has failed to comply with the terms of her court ordered probation, which have included the following violations of her terms of probation:

"a. Failure to make monthly restitution payments of \$100.00 per month toward her restitution balance of \$29,555.19. As of September 1, 1994, Respondent has paid only \$2,130.26 of the original balance of \$30,126.73.

"b. Failure to perform and confirm to the probation agent community service hours toward the 400 hours of community service required by the terms of her probation. Ms. McClintock has confirmed only 10 hours of community service as of September 1, 1994."

6. Respondent has violated or failed to comply with the terms of her court ordered probation, in violation of the Final Decision and Order dated May 1, 1991.

CONCLUSIONS OF LAW

1. The State of Wisconsin Dentistry Examining Board has jurisdiction in this proceeding pursuant to Chapter 447, Stats.

2. The State of Wisconsin Dentistry Examining Board has the authority to enter the following Order pursuant to Chapter 447, Stats., and the provisions within the Final Decision and Order dated May 1, 1991.

ORDER

NOW, THEREFORE, IT IS ORDERED that the stay of suspension of the license of Barbara C. McClintock to practice as a dental hygienist in the State of Wisconsin is hereby rescinded.

FURTHERMORE, IT IS ORDERED that the three (3) year suspension of respondent's license provided in the Final Decision and Order dated May 1, 1991, is reinstated, effective ten (10) days following the date of this Order.

FURTHERMORE, IT IS ORDERED, pursuant to the provisions in the Final Decision and Order dated May 1, 1991, that respondent may request a hearing upon the determination that she has violated or failed to comply with the prior Board order, which will be held only if the request for hearing is filed within thirty (30) days after the mailing of this Order.

Dated this 8 day of September, 1994.

STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD

Thomas G. Brandt DDS
Thomas G. Brandt, D.D.S.
Chairman

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