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State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Theodore L. Taylor, D.D.S.,
Respondent

Case No. LS 9507272 DEN

FINAL DECISION AND ORDER

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

Theodore L. Taylor, D.D.S.
300 Elizabeth Street
Green Bay WI 54302

Wisconsin Dentistry Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

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

The parties in this matter agree to the terms of the attached stipulation. Accordingly, the Board makes the following:

FINDINGS OF FACT

1. Respondent, Theodore L. Taylor, D.D.S., was born on July 28, 1929, and is currently licensed and registered to practice dentistry in the state of Wisconsin pursuant to a license first issued on June 27, 1957. Respondent practices dentistry at his clinic at 300 Elizabeth Street, Green Bay, Wisconsin 54302.

2. For at least several months before February 10, 1995, and continuing at least through July 3, 1995, Respondent Taylor neglected and failed to consistently comply with universal infection control procedures in his dental clinic.

3. Respondent Taylor's license was suspended by the Dentistry Examining Board in July, 1995. During the period of the suspension, Respondent Taylor has undertaken actions to come into compliance with the requirements of universal infection control, including the installation of instruments and equipment in his clinic, and the completion of continuing education coursework on infection control in the dental clinic.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07(3), Stats.

2. Respondent Taylor's failure to comply with universal infection control procedures violated s. 447.07(3), Stats., and section DE 5.02(1), Wis. Admin. Code, in that it is practice which constitutes a substantial danger to the health, safety and welfare of patients and the public, and section DE 5.02(5), Wis. Admin. Code, in that the failure to comply with universal infection control procedures is a substantial departure from the standard of care ordinarily exercised by a dentist.

ORDER

NOW, THEREFORE, IT IS ORDERED that Theodore L. Taylor, D.D.S., be and hereby is reprimanded.

It is further ordered that the license previously issued to Theodore L. Taylor, D.D.S., is re-instated subject to the following limitations:

a. Dr. Taylor shall arrange, at his own expense, for James Shipley, D.D.S., to personally monitor Dr. Taylor's practice at Dr. Taylor's clinic no less than one-half day every two weeks, for four months from the date of this order. The monitor shall submit written reports to the Division of Enforcement monitor at P.O. Box 8935, Madison, Wisconsin 53708, beginning on December 1, 1995, and continuing through and including a report on March 1, 1996. Each report shall include a brief review of Dr. Taylor's practice of infection control procedures observed during the preceding month.

b. Dr. Taylor shall arrange, at his own expense, to participate in the video monitoring program sponsored by the American Association of Forensic Dentists, for a period of six months. Dr. Taylor shall submit at least four, four hour tapes for review each month. Dr. Taylor shall require the American Association of Forensic Dentists to maintain possession of each tape for a period of six months, and to deliver the tape to the Division of Enforcement on request, and further to send one copy of its review of each

tape submitted for review directly to the Division of Enforcement monitor at P.O. Box 8935, Madison, Wisconsin 53708.

c. No later than Thursday noon each week through April, 1996, Dr. Taylor shall transmit one legible copy of his appointment book for the succeeding week by facsimile to the Division of Enforcement monitor at 608/266-2264.

d. Any failure to comply with the terms of this order, or the statutes and rules relating to the practice of dentistry by Dr. Taylor shall be grounds for immediate summary suspension of Dr. Taylor's license.

Dated this 1st day of November, 1995.

Wisconsin Dentistry Examining Board

Thomas G. Brunt DDS
A Member of the Board

State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Theodore L. Taylor, D.D.S.
Respondent
Case No. LS 9507272 DEN

Stipulation

It is hereby stipulated between Theodore L. Taylor, D.D.S., represented by P. Scott Hassett, his attorney, and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending proceedings concerning Dr. Taylor's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Dentistry Examining Board for its consideration and adoption.
2. In resolution of these proceedings, Dr. Taylor consents to the entry of the attached Final Decision and Order.
3. Dr. Taylor is aware of and understands each of his rights, including:
 - the right to a hearing on the allegations against him, at which the state would have the burden of proving the 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 own 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,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of his choosing, at his own expense,
 - all other rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. Dr. Taylor is aware and understands that by signing this stipulation he voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.

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. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

Theodore L. Taylor, D.D.S.

Theodore L. Taylor, D.D.S.

10-27-95

Date

P. Scott Hassett

P. Scott Hassett

Lawton & Cates, S.C.

Attorney for Dr. Taylor

10/30/95

Date

James E. Polewski

James E. Polewski

Attorney

Division of Enforcement

October 25, 1995

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.

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:

NOVEMBER 6, 1995

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.)