

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

FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: 95 DEN 155
BALBIRSINGH R. BAGGA, D.D.S. :
RESPONDENT. :

FINAL DECISION AND ORDER

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

Balbirsingh R. Bagga, D.D.S.
3814 S. Howell Avenue
Milwaukee, WI 53207

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 Dentistry Examining 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. Balbirsingh R. Bagga, D.D.S., Respondent, date of birth July 1, 1950, is licensed by the Wisconsin Dentistry Examining Board to practice dentistry in the state of Wisconsin, pursuant to license number 0002545, which was first granted June 30, 1980.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3814 S. Howell Avenue, Milwaukee, WI 53207.

3. Respondent provided dentistry services to the four year old son of Ms. A on May 2, 1994; March 16, 1995; April 6, 1995; April 27, 1995; May 11, 1995; and, November 22, 1995. On each occasion, Ms. A brought her son to Respondent's office at 5322 West Oklahoma Avenue in Milwaukee and stayed with her son, while Respondent provided the dentistry services.

4. On November 22, 1995, Respondent provided dentistry services (conducted an initial oral examination, took bitewing films and four PA x-rays and performed prophylaxis) to Ms. A, a 27 year old female.

5. On December 7, 1995, Ms. A accompanied her son to his 3:00 p.m. dental appointment with Respondent at Respondent's office, Children's Dental Clinic, 5232 W. Oklahoma Avenue, Milwaukee, Wisconsin.

6. After Ms. A returned to her home following the December 7, 1995 dental appointment, Respondent called Ms. A at her home at approximately 5:30 p.m. on December 7, 1995. Respondent had obtained Ms. A's telephone number from the dental records Respondent maintained on Ms. A and her son.

7. In the telephone call of December 7, 1995, Respondent told Ms. A that Respondent wanted a date with Ms. A and that he would pay her money to perform oral sex on him. Ms. A told Respondent that she didn't do such things and hung up.

8. Respondent called back to Ms. A back within minutes of his first phone call on December 7, 1995 and asked if she had any friends that would perform oral sex on him. Patient A hung up again.

9. Respondent's calls to Ms. A caused Ms. A emotional distress.

10. It is below the minimal standards of dentistry for a dentist to call a patient or mother of a patient and offer to pay that person to perform oral sex on the dentist.

11. Such conduct exposes the person to unreasonable risks of harm to which a minimally competent dentist would not subject the person.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to § 447.07(3) and (7), Stats.

2. The Wisconsin Dentistry Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent is subject to discipline pursuant to § 447.07(3)(a), Stats., and Wis. Admin. Code § DE 5.02(1) for having engaged in unprofessional conduct by engaging in a practice which constitutes a substantial danger to the health, welfare or safety of a patient and the public.

ORDER

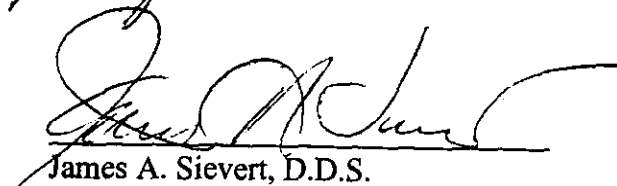
NOW, THEREFORE, Respondent is hereby REPRIMANDED for his conduct.

IT IS FURTHER ORDERED that Respondent shall, within 30 days of the date of this Order:

1. Pay a forfeiture in the amount of \$500.00.
2. Pay to the Department of Regulation and Licensing the partial costs of this proceeding in the amount of \$400.00.

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".

Dated at Madison, Wisconsin this 7th day of May, 1997.



James A. Sievert, D.D.S.

Chair

Dentistry Examining Board

4

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: 95 DEN 155
BALBIRSINGH R. BAGGA, D.D.S. :
RESPONDENT. :

STIPULATION

It is hereby stipulated and agreed, by and between Balbirsingh R. Bagga, D.D.S., Respondent; and John R. Zwieg, as attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent by the Department of Regulation and Licensing, Division of Enforcement on behalf of the Dentistry Examining Board (file 95 DEN 155).
2. Respondent understands that by the signing of this Stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: the right to a hearing on the allegations against Respondent, 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 Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena; the right to testify; 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 Respondent 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 prior to signing this Stipulation.
4. Respondent admits the allegations in this matter, and agrees to the adoption of the attached Final Decision and Order by the 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.

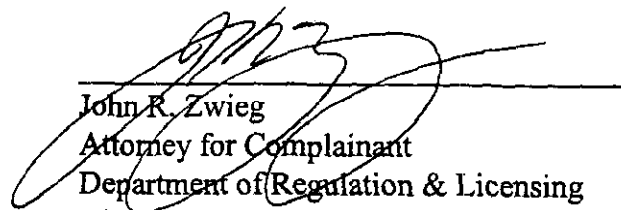
6. The parties to this Stipulation agree that the Respondent, Respondent's attorney, if any, an attorney for the Division of Enforcement, and the member of the Board who has been appointed as the investigative advisor may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

Dated this 4th day of March, 1997.



Balbirsingh R. Bagga, D.D.S.
Respondent

Dated this 25th day of February, 1997.



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

T:\gag\legal\baggastp.doc

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416 -hearing or speech
TRS# 1-800-947-3529 -impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On May 7, 1997, the Dentistry Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$400.00 Case #: 95DEN155

The amount of the forfeiture is: \$500.00 Case # 95DEN155

Please submit a check or a money order in the amount of \$ 900.00

The costs and/or forfeitures are due: June 6, 1997

NAME: Balbarsingh R. Bagga LICENSE NUMBER: 2545

STREET ADDRESS: 3814 S. Howell Avenue

CITY: Milwaukee STATE: WI ZIP CODE: 53207

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

For Receiving Use Only

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G:\BDLS\FM2145.DOC

Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE DENTISTRY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Balbirsingh R. Bagga, D.D.S.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

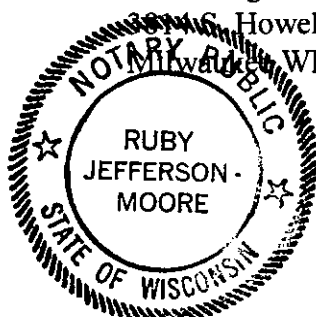
1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On May 9, 1997, I served the Final Decision and Order dated May 7, 1997, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Balbirsingh R. Bagga, D.D.S. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 374 221.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Balbirsingh R. Bagga, D.D.S.

3316 Howell Avenue
Milwaukee, WI 53207



Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 9th day of May, 1997.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin

My commission is permanent.

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:

STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

May 9, 1997

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.)