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State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Eugene Weber, DDS
Respondent.
LS0401074DEN

Final Decision and Order

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

Eugene Weber
5841 Sandra Drive
Appleton WI 54913

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 having agreed to the attached stipulation, the Dentistry Examining Board makes the following:

Findings of Fact

1. Eugene Weber, DDS, was born on April 15, 1934, and is licensed to practice dentistry in the state of Wisconsin pursuant to license number 1635, first granted on June 25, 1960.
2. Respondent failed to recognize, diagnose, or treat periodontal conditions in a number of long-time patients at regular recall appointments over the course of at least ten years preceding his retirement from active practice; and he did not take necessary diagnostic radiographs.
3. Respondent failed to exercise reasonable supervision of the dental hygienist who performed dental hygiene services on a number of long-time patients at regular dental hygiene recall appointments over the course of at least ten years preceding Respondent's retirement from active practice of dentistry, in that he did not require the hygienist to perform a sufficiently thorough prophylaxis to remove readily apparent subgingival calculus or perform or chart minimal periodontal probing, and did not require regular health history updates.
4. Respondent recognized no later than 1991 that his system of maintaining patient records was inadequate to meet the then current standard of record keeping on patient history, patient condition, patient care plan, or patient treatment, but he did not change any facet of his patient record system before his retirement from active practice in October 2000.

Conclusions of Law

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07, Stats.
2. Respondent's failure to recognize, diagnose or treat periodontal conditions in long-term patients over an extended number

of regular recall appointments and examinations, and his failure to take necessary diagnostic radiographs, is practice in a manner which substantially departs from the standard of care ordinarily exercised by a dentist which could harm a patient, within the meaning of s. DE 5.05(5), Wis. Admin. Code.

3. Respondent's failure to exercise responsible supervision over the dental hygienist who performed regular prophylaxes on long-term patients in not requiring the hygienist to perform minimally thorough prophylaxes, or perform or chart periodontal probings, or take or record health history updates is unprofessional conduct within the meaning of s. 447.07(3), Stats.

4. Respondent's failure to maintain adequate dental patient records is practice in a manner which substantially departs from the standard of care ordinarily exercised by a dentist which could harm a patient, within the meaning of s. DE 5.02(5), Wis. Admin. Code.

Order

Respondent Eugene Weber is reprimanded.

IT IS FURTHER ORDERED that within 9 months of this Order, Eugene Weber shall successfully complete 24 hours of continuing dental education in the recognition, diagnosis, treatment, and prevention of periodontal disease.

IT IS FURTHER ORDERED that with 6 months of this Order, Eugene Weber shall successfully complete 12 hours of continuing dental education in dental professional responsibility, including the dentist's responsibility of supervision of delegated functions.

IT IS FURTHER ORDERED that within 6 months of this Order, Eugene Weber shall successfully complete 12 hours of continuing dental education in dental practice risk management, to include at least 6 hours in dental patient record keeping.

IT IS FURTHER ORDERED that Dr. Weber will be responsible for locating courses satisfactory to the Wisconsin Dentistry Examining Board or its designee and for obtaining the required pre-approval of the courses from the Wisconsin Dentistry Examining Board prior to taking the courses.

The Board shall not unreasonably withhold approval of any educational opportunity nominated by Dr. Weber; however, the Board will not approve any educational opportunity unless it is recognized by the American Dental Association Continuing Education Recognition Program or is sponsored or provided by an institution accredited by the Council on Dental Education of the American Dental Association.

Further, the Board may reject in whole or in part any educational opportunity which is nominated by Dr. Weber when, in the Board's judgment, the syllabus or description of the course or other educational opportunity is insufficient to fulfill the purpose for which Dr. Weber nominates it by reason of the educational opportunity's scope, content, method of instruction, or degree of participation required of students. If the Board approves an educational opportunity in fulfillment of less than the entire purpose for which Dr. Weber nominates it, Dr. Weber may either accept the Board's limited approval, or forego the opportunity entirely.

IT IS FURTHER ORDERED that Dr. Weber will be responsible for any and all the costs of any educational program.

IT IS FURTHER ORDERED that Dr. Weber will file with the Dentistry Examining Board certification from the sponsoring organizations of his attendance at the required courses and his personal written certification that he has attended each course in its entirety. The certifications of attendance from the sponsoring organizations and Dr. Weber's certificate will be filed with the Dentistry Examining Board within 60 days of the date upon which the courses are concluded.

IT IS FURTHER ORDERED that certification, reports or other documents required to be filed with the Dentistry Examining Board be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
1400 East Washington Ave.
Madison, WI 53708

All certifications, reports or other documents required to be filed with the Dentistry Examining Board will be deemed filed with the Dentistry Examining Board upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that following his completion of the educational programs, Dr. Weber will appear before the Dentistry Examining Board, if an appearance is requested by the Board, to demonstrate to the Dentistry Examining Board that he has complied with all of the terms of this Order.

IT IS FURTHER ORDERED that Dr. Weber shall pay the costs of this proceeding in the amount of \$2,750.00 within 60 days of the date of this Order.

Dated: 1-7-04

Wisconsin Dentistry Examining Board

Bruce Barrette
A member of the Board