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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FINAL DECISION AND
ORDER
CASE NO. LS 0411243 DEN

DALE FALK, DDS
RESPONDENT

02 DEN 013

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Dale P. Falk, D.D.S.
W575 Highway 18
Sullivan WI 53178

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

Dentistry Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Dale P. Falk, D.D.S, (DOB 3/17/1954) is duly licensed to practice dentistry in the state of Wisconsin (license # 2284). This license was first granted on 6/19/1979.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is W175 Highway 18, Sullivan, Wisconsin 53178.
3. At all times relevant to this action, Respondent was working as a dentist at W175 Highway 18, Sullivan, Wisconsin 53178.
4. On August 14, 2000, Respondent restored teeth I, J, K and L on patient T.G., a boy born May 1, 1992. Respondent did not use anesthetic.
5. On August 21, 2000, Respondent restored teeth A, B, S, and T on patient T.G., again without anesthetic.

6. On August 21, 2000, the restoration fell out of tooth T.
7. On August 22, 2000, Respondent replaced the restoration that had fallen out of tooth T.
8. On September 19, 2000, patient T.G. complained of a tooth ache to his parents, who gave him Tylenol, which they noted seemed to help.
9. On September 20, 2000, patient T.G. again complained of tooth pain.
10. On September 21, 2000, Respondent's receptionist told patient T.G.'s parent that Respondent could not see patient T.G. until September 25, 2000.
11. On September 23, 2000, Jeffrey Grant, DDS, examined patient T.G. and noted that the cavity in the tooth I extended to the pulp chamber. Dr. Grant further diagnosed that tooth A was missing a two surface amalgam restoration, and that the restorations on teeth K and L were loose.
12. On October 11, 2000, Dr. Gray removed defective restorations Respondent had placed in teeth K, L, S, and T and replaced them.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 447.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).
2. The conduct described in paragraph(s) 1 - 12, above, constitutes a violation of Wis. Stat. § 447.07(3)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Dale P. Falk, D.D.S., is REPRIMANDED.
2. The license of Dale P. Falk, D.D.S., to practice dentistry in the State of Wisconsin is hereby LIMITED by the condition that, within nine months of this Order, he satisfactorily complete 6 hours of continuing dental education approved by the Board in the topic of pediatric dentistry, and by the condition that he satisfactorily complete 6 hours of continuing dental education approved by the Board in the topic of restorative dentistry including preparing teeth to receive and placing amalgam restorations. Dr. Falk shall obtain approval from the Board or its designee before taking any course he intends for compliance with this Order, and Dr. Falk shall be solely responsible for all costs associated with this Order. For purposes of this Order, the Board's designee is:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

IT IS FURTHER ORDERED that:

3. Respondent shall, within (90) days from the date of this Order, pay costs of this proceeding in the amount of Two Thousand Three Hundred Seventy-Five Dollars and Twenty-Two Cents (\$2,375.22). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
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4. Respondent shall, within (90) days from the date of this Order, pay a forfeiture in the amount of Five Hundred (\$500.00) Dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
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5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, or fails to pay costs as ordered or fails to comply with the ordered continuing education the Respondent's license(#2284) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Wisconsin Dentistry Examining Board

By: Bruce Barrette, DDS
A Member of the Board

9/29/05
Date