

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/wscca>.
- 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

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
RANDALL H. STRAUB, DDS, : LS # 0507133DEN
RESPONDENT. :

(02 DEN 107)

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

Randall H. Straub, DDS
601 N. Thompson Rd.
Sun Prairie, WI 53590

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

Wisconsin 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 Wisconsin 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. Randall H. Straub, DDS, Respondent herein, date of birth 4/13/55, is duly licensed as a dentist in the State of Wisconsin, license #2762. This license was first granted on 06/23/81.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 601 North Thompson Road, Sun Prairie, Wisconsin, 53590.

3. At all times relevant to this action, Respondent was working as a dentist at Parkview Dental Associates, 1020 North Bristol Street, Sun Prairie, Wisconsin. Respondent practices as a general dentist and also provides orthodontic services for his patients.

4. K.L., the patient herein, date of birth 3/5/84, had received general dental services from the Respondent from 9/29/87. On 4/28/99, Respondent commenced orthodontic treatment for the patient. Prior to commencing the orthodontic treatment, Dr. Straub obtained bitewing x-rays on 4/2/98 and a Panorex x-ray on 6/11/98 and had last examined the patient's teeth for dental caries and cleaned the patient's teeth on 10/7/98. Respondent retained responsibility for the patient's general dental care throughout the time that the patient was receiving orthodontic treatment from the Respondent.

5. On 5/11/01, the Respondent removed the bands on the mandibular braces and, on 12/4/01, he removed the bands on the maxillary braces. Respondent obtained Panorex x-rays on 12/29/99 and 2/23/00 but did not perform any general dental examination of the patient's teeth for dental caries or other dental pathology at any time between 4/28/99 and 12/4/01.

6. On 6/21/02, the patient returned to Respondent's office for dental hygiene services and for a general dental examination. Respondent obtained bitewing x-rays and performed the general dental examination. His examination disclosed dental caries on various surfaces of 15 of the patient's teeth. Another dentist who provided a second opinion for the patient confirmed numerous dental caries and performed the necessary restorative work including root canal therapy on tooth #14 and tooth #27.

7. At the time of this incident, Respondent was part of a multi-dentist practice that used an office-wide system to track patients due for hygiene and examination appointments. A postcard mailing system was used by Respondent's office. Respondent believed that the system was reliable, and he assumed that postcards to remind the patient about scheduling hygiene appointments were mailed to the patient or her parents. This system may have failed in this case. Since that time, Respondent's office has changed to a computerized system which Respondent believes to be state-of-the-art. The current system in place has been working very effectively. To the extent that the appointment notification system in the office contributed to these events, Respondent is confident that those problems have been solved and will not occur again. Respondent is confident that the issues involving the office communications systems have been recognized, addressed and corrected.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 447.07, [\[smg1\]](#) and is authorized to enter into the attached Stipulation and Final Decision and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4, 5 and 6 of the Findings of Fact was conduct that substantially departed from the standard of care ordinarily exercised by a dentist and harmed the patient in violation of Wis. Admin. Code § DE 5.02(5) in that Respondent failed to perform routine dental hygiene and regular general dental examinations to identify dental caries or other dental pathology while the patient was receiving orthodontic treatment from the Respondent, thereby resulting in a failure to timely identify and treat the dental caries that had developed.

3. The Wisconsin Dentistry Examining Board has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against the Respondent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Randall H. Straub, DDS is hereby REPRIMANDED.

2. The license of Randall H. Straub, DDS to practice dentistry in the State of Wisconsin is hereby limited as follows:

a. Respondent shall attend and satisfactorily complete a minimum of 8 hours of courses in treatment and treatment planning for the orthodontic patient including course material on the risks and complications associated with orthodontic treatment. Any course attended in whole or in part to satisfy any portion of this 8 hour requirement shall be attended in its entirety.

b. Each course attended in satisfaction of this 8 hour requirement shall be pre-approved by the Wisconsin Dentistry Examining Board or its designee.

c. Respondent shall complete this 8 hour requirement within 1 year of the date of this Final Decision and Order.

d. Respondent shall within 60 days of completion of the approved courses provide evidence satisfactory to the Wisconsin Dentistry Examining Board that he has attended each of the approved courses in its entirety. This evidence shall include:

i. Certification of attendance from the sponsoring organization; and

ii. Respondent's affidavit given under oath that he has attended each of the approved courses in its entirety.

e. Respondent shall pay all costs of attending the approved courses and of verifying attendance at the courses.

f. The limited license will terminate and the Respondent's license will be restored to full and unrestricted active status when all terms of this Final Decision and Order have been complied with.

IT IS FURTHER ORDERED that:

3. Respondent shall pay a forfeiture in the amount of \$750.00, payable to the Wisconsin Department of Regulation and Licensing, within 30 days of the date of this Final Decision and Order.

IT IS FURTHER ORDERED that:

4. All requests for approval of courses, certifications of attendance, affidavits, payments of forfeiture and other documents required to be filed with the Wisconsin Dentistry Examining Board or the Department of Regulation and Licensing shall be mailed, faxed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing

P.O. Box 8935
1400 East Washington Avenue
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

IT IS FURTHER ORDERED that:

5. Respondent shall, within 30 days from the date of this Final Decision and Order, pay costs of this proceeding in the amount of \$2,200.00. 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
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

6. Violation of any of the terms of this Final Decision and Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Wisconsin Dentistry Examining 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 Final Decision and 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 #2762 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Final Decision and Order. [\[smg2\]](#)

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

Wisconsin Dentistry Examining Board

By: Bruce Barrette
A Member of the Board

July 13, 2005
Date

[\[smg1\]](#) This should be deleted/ changed to a blank

[\[smg2\]](#) This section should be the standard summary suspension provision: **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.** Where the terms of discipline consist of a forfeiture, costs or continuing education, alternative "self-effectuating" language should be utilized. E.g.: **In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, the Respondent's license(#1550) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.**