

# 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](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

MICHAEL W. USS, D.D.S., :  
RESPONDENT. :

FINAL DECISION AND ORDER  
LS0711072DEN

---

Division of Enforcement Case # 04 DEN 041

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

Michael W. Uss, D.D.S.  
1024 Main Street  
Onalaska, WI 54650

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. Michael W. Uss, D.D.S., (“Respondent”) was born on April 2, 1940, and is licensed to practice dentistry in the state of Wisconsin pursuant to license number 1677. This license was first granted on June 22, 1976.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 1024 Main Street, Onalaska, Wisconsin 54650.
3. At all times relevant to this proceeding, Respondent was working as a dentist at Onalaska, Wisconsin.
4. On May 3, 2005, an investigator for the Division of Enforcement, Department of Regulation and Licensing, performed an inspection of Respondent’s clinic, in response to a report that Respondent’s clinic was out of compliance with current infection control and sanitation requirements applicable to dental clinics.

5. As Respondent was accompanying the investigator during the inspection, Respondent answered questions about his procedures in a manner that indicated he was generally aware of the applicable standards and required procedures, and recognized some deficiencies in his compliance with those standards and practices.
6. Believing that Respondent was sufficiently aware of the standards of the profession and the sanitation and infection controls minimally required to protect the health of his patients, and that Respondent would voluntarily come into compliance with those standards, the Department of Regulation and Licensing did not issue an inspection report of any kind to Respondent.
7. On April 26, 2007, the same investigator returned to Respondent's office for a follow-up inspection.
8. During the April 2007 inspection visit, the investigator noted that Respondent had made several significant modifications to his clinic equipment, which addressed several of the concerns noted during the May 2005 inspection. The investigator also noted that several of the infection control and sanitation concerns identified in May 2005 were still present in April 2007.
9. Respondent practices by himself, without a dental assistant or dental hygienist.

#### 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).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Michael W. Uss, D.D.S., to practice dentistry in the state of Wisconsin is hereby LIMITED by the conditions that:
  - a. On or before the effective date of this Order, Respondent shall retain an infection control and sanitation consultant acceptable to the Board to advise him on achieving and maintaining compliance with infection control and sanitation requirements for dental clinics, and to train Respondent and all of his staff who, in the judgment of the consultant, require training in infection control and sanitation practices in dental clinics.
  - b. On or before the effective date of this Order, Respondent shall retain a cleaning service capable of maintaining his clinic in compliance with current sanitation requirements.
  - c. Respondent shall provide the Board or its designee with a copy of the contracts for the consultant and the cleaning service no later than thirty days after the date of this Order.
  - d. Respondent shall, no later than thirty days after the date of this Order, require the consultant to provide the Board or its designee with confirmation that the consultant has provided Respondent with advice and training as required by this Order, and an assessment by the consultant of Respondent's level of understanding of infection control and sanitation requirements applicable to dental practice.
  - e. Respondent shall continue to retain a professional cleaning service to thoroughly clean his clinic no less than once every two weeks, until further Order of the Board.
  - f. 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:

2. Respondent's dental clinic shall be inspected at least once during the year following the consultant's report described in paragraph 1.d, above, to ensure continued compliance with required standards.
3. 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 comply with the limitation, the Respondent's license(#1677) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
4. This Order is effective on the date of its signing.

Dentistry Examining Board

By: Lori R. Barbeau D.D.S.  
A Member of the Board

11/7/07  
Date

