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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

JOSEPH L. ARENA, D.D.S.,
RESPONDENT.

: FINAL DECISION AND ORDER
: AS TO DR. ARENA
: LS0905063DEN
:

[Division of Enforcement Case # (05 DEN 109)]

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

Joseph L. Arena, D.D.S.
245 N. Monroe Street
Waterloo, WI 53594

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 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. Joseph L. Arena, D.D.S., (DOB August 30, 1946) is duly licensed as dentist in the state of Wisconsin (license # 5000996). This license was first granted on May 25, 1972.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 245 N. Monroe St., Waterloo, WI 53594.
3. At all times relevant to this action, Respondent was working as a dentist at the Anderson & Arena dental clinic in Waterloo, Wisconsin.
4. Respondent's routine practice was to delegate the performance of periodic examinations of patients to dental hygienists.

5. Respondent's routine practice was to bill his patients' insurance companies for a periodic oral examination by a dentist on the date of a prophylaxis, even when the only examination had been performed by a dental hygienist.

6. Respondent represents that he has ceased delegating the performance of dental examinations to dental hygienists, and that he has stopped billing insurance carriers for dental examinations that have not been performed.

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. Respondent's lack of knowledge of the principles of dentistry, in that a periodic oral evaluation of a continuing patient at a prophylaxis is the practice of dentistry; and that dental hygienists cannot perform periodic examinations because dental hygienists cannot perform dental diagnosis, which is the purpose of the examination, as described in paragraph 4, above, constitutes a violation of Wis. Stat. § 447.07(3)(h).

3. Respondent's repeated irregularities in billing, and billing for dental exams that were not performed, as described in paragraph 5, above, constitutes a violation of Wis. Stat. § 447(3)(k)

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Joseph L. Arena, D.D.S., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within six (6) months from the date of this Order, successfully complete a minimum of six (6) hours of continuing education in the area of the scope of dentistry practice and delegation. Respondent shall be responsible for finding or arranging the creation of an acceptable course, and he shall bear all costs of the continuing education.

3. The Board or its designee must approve all continuing education programs prior to Respondent enrolling in, attending, or completing a continuing education program. Respondent shall send a Certificate of Completion for each continuing education program to the Department Monitor upon successful completion of each continuing education program.

4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Seven Hundred (\$700.00) 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
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

5. In the event Respondent fails to timely pay costs or complete the continuing education as ordered, the Respondent's license (# 500996) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid them in full, including any accrued interest.

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

Wisconsin Dentistry Examining Board

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

5/6/09
Date