

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
BENJAMIN F. INGALDSON, D.D.S.	:	LS0905066DEN
RESPONDENT.	:	

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[Division of Enforcement Case # 06 DEN 045]

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

Benjamin F. Ingaldson, D.D.S.  
5303 South Hidden Drive  
Greenfield, WI 53221

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 and 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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Benjamin F. Ingaldson, D.D.S., Respondent, date of birth February 16, 1948, is licensed by the Wisconsin Dentistry Examining Board to practice dentistry in the state of Wisconsin pursuant to license number 5001762, which was first granted February 24, 1977.

2. Respondent's address of record with the Department of Regulation and Licensing is 5303 South Hidden Drive, Greenfield, WI 53221.

3. At the time of the events set out below, Respondent was employed as a dentist at Northpark Dental Group (currently known as Forward Dental), 3030 N. Ballard Road, Appleton, Wisconsin.

4. On November 19, 2002, Mr. A presented for an appointment to have his upper left front tooth (#9-crown with post) recemented. At this appointment, Respondent discussed with Mr. A the unfavorable prognosis of that tooth. Respondent's recommendations to Mr. A were to either:

- a. Extract the tooth, make a temporary flipper and insert a permanent fixed bridge #'s 8-10, or
- b. Refer him to an orthodontist prior to proceeding with general dentistry (a referral to the clinic's orthodontist was done on that date).

5. On January 2, 2003, Mr. A had the crown #9 recemented again.

6. On March 11, 2003, Respondent discussed treatment plans with Mr. A. Mr. A decided to call at a future date to inform Respondent which alternative treatment he would like to pursue.

7. On May 8, 2003, Mr. A was scheduled for tooth extraction. The orthodontic staff member normally responsible for appointing patients was not in the office. In the staff member's absence, Respondent relied on the orthodontic treatment records to determine the course of action.

8. Respondent interpreted an April 1, 2003, "Ortho Diagnostic Summary" to indicate that teeth numbers 4 and 14 were to be extracted. Respondent showed Mr. A the "Ortho Diagnostic Summary" sheet showing the treatment plan for extraction of #'s 4 and 14. Mr. A then signed an Oral Surgery Consent form authorizing Respondent to perform the extraction of #4 and 14. Respondent did not realize that the "Ortho Diagnostic Summary" used the Palmer Notation method for tooth numbering, as opposed to the Universal Numbering system used by dentists.

9. Respondent expressed remorse for the error, and attributed it in part to the large corporation for which he was then-employed and miscommunication. This is the only complaint about Respondent's practice received by the Board in the 31 years Respondent has been licensed and practicing in Wisconsin.

#### CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 447.07(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct as set out above, has committed unprofessional conduct as defined by Wis. Adm. Code § DE 5.02(5), and is subject to discipline pursuant to Wis. Stat. § 447.07(3)(e).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Benjamin F. Ingaldson, D.D.S., is hereby REPRIMANDED.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$425.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

4. 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

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
BENJAMIN F. INGALDSON, D.D.S.	:	LS _____ DEN
RESPONDENT.	:	

[Division of Enforcement Case # 06 DEN 045]

It is hereby stipulated and agreed, by and between Benjamin F. Ingaldson, D.D.S., Respondent; and Sandra L. Nowack, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 06 DEN 045). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Benjamin F. Ingaldson, D.D.S.  
Respondent  
5303 South Hidden Drive  
Greenfield, WI 53221

Date

Sandra L. Nowack  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

Date