

# 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 :  
 :  
JOHN W. MILLER, D.D.S., : FINAL DECISION AND ORDER  
RESPONDENT. : ORDER0000278

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[Division of Enforcement Case # 09 DEN 114]

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

John W. Miller, D.D.S.  
3127 W. Woodfield Drive  
Mequon, WI 53092

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. John W. Miller, D.D.S., (DOB September 6, 1966) is duly licensed as dentist in the state of Wisconsin (license # 4512). This license was first granted on July 21, 1993.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 3127 W. Woodfield Drive, Mequon, WI 53092.

3. At all times relevant to this action, Respondent was working as a dentist at his dental clinic in Mequon, Wisconsin.

4. On August 31, 2006, patient presented to Respondent for extraction of tooth # 18. Respondent mistakenly extracted tooth # 17 instead of tooth # 18. When Respondent recognized his error, he immediately informed the patient, and then subsequently extracted tooth # 18.

#### CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 447.07(3), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 4, above, constitutes a violation of Wis. Admin. Code § DE 5.02(5).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. John W. Miller, D.D.S. is hereby REPRIMANDED.

2. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of TWO HUNDRED DOLLARS (\$200). 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

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 timely submit payment of the costs as set forth above, the Respondent's license (# 4512) may, in the discretion of the board or its designee, be

SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

Wisconsin Dentistry Examining Board

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

          7/7/10            
Date