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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS J. HEBERT, JR., D.D.S.
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0000281

[Division of Enforcement Case # 06 DEN 30]

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

Thomas J. Hebert, Jr., D.D.S.
46710 Commerce Valley Drive
Eau Claire, WI 54701

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. Thomas J. Hebert, Jr., D.D.S. ("Respondent") was born on September 15, 1944, and is licensed to practice dentistry in the state of Wisconsin pursuant to license number 5001465-15. This license was first granted on June 20, 1975.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 4710 Commerce Valley Road, Eau Claire, WI 54701.

3. At all times relevant to this proceeding, Respondent was working as a dentist at Herbert Dental in Eau Claire, Wisconsin

4. Respondent treated patient KS from 2002 through March 29, 2005. During this time, Respondent provided restorations on teeth # 3, 4, 7, 13, 14, 19, 29, 30, and 31.

5. On March 29, 2005, Respondent took radiographs of patient KS, failed to properly interpret the radiographs, and failed to recognize and diagnose that there were dental caries under the restoration in tooth # 13 that required treatment.

6. On October of 2005, a subsequent treating dentist saw patient KS and immediately diagnosed extensive dental decay under the restoration in tooth # 13. Tooth # 13 required a root canal and a crown.

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 5, above, constitutes a violation of Wis. Stat. § 447.07(3)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Thomas J. Hebert, Jr., D.D.S. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license to practice dentistry is LIMITED in that within ninety (90) days from the date of this Order, Respondent shall obtain a minimum of eight (8) hours of continuing education in the areas of the proper interpretation of radiographs and the recognition and diagnosis of dental caries.

a). Respondent shall locate and have the Board or its designee preapprove each educational program(s) prior to Respondent completing them.

b). Within 30 days after Respondent has completed each educational program(s), Respondent shall submit to the Board or its designee proof of his attendance and that he has successfully completed each educational program(s).

c). Respondent cannot apply these eight hours of continuing education to the biennial continuing education requirements. If Respondent obtains more than eight hours of continuing education to fulfill the requirements of this Order, then Respondent can use any of hours of continuing education obtained in excess of eight hours towards the biennial continuing education requirements.

d). The Limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that he has successfully completed all of the ordered continuing education.

e). The Department Monitor is the Board's designee for purposes of this Order.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of TWO THOUSAND THREE-HUNDRED DOLLARS (\$2,300.00). 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

4. 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 pay costs as ordered or fails to comply with the ordered continuing education the Respondent's license (# 5001465-15) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Dentistry Examining Board

By Joi R. Barbeau DDS
A Member of the Board

7/7/10
Date