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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

| | | |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | FINAL DECISION AND ORDER |
| ROBERT J. GOELZ, D.D.S., | : | <u>ORDER 0000282</u> |
| RESPONDENT. | : | |

[Division of Enforcement Case # 06 DEN 56]

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

Robert J. Goelz, D.D.S.
1052 Bel Aire Court
Green Bay, WI 54304

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. Robert J. Goelz, D.D.S., (DOB March 12, 1945) is duly licensed as a dentist in the state of Wisconsin (license # 5000898). This license was first granted on May 26, 1971.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 1052 Bel Aire Court, Green Bay, WI 54304.
3. At all times relevant to this action, Respondent was working as dentist at his dental clinic in Green Bay, Wisconsin.
4. On November 26, 1985, Respondent began treating Patient RB.
5. On February 12, 1992, Patient RB began experiencing bleeding and periodontal pockets. Respondent started seeing Patient RB every four months for periodontal prophylaxis.
6. From April 25, 1995 through December 20, 1995, Patient RB's condition worsened. On April 25, 1995, Patient RB had one 6mm pocket (tooth # 2), and thirteen 5mm pockets (teeth # 2, 3, 4, 12, 18, 19, and 31). During this time, Respondent only performed periodontal prophylaxis, and did not refer Patient RB to a periodontist.
7. From May 1, 1996 through November 17, 1999, Patient RB's condition continued to worsen. On May 1, 1996, Patient RB had two 6mm pockets (teeth # 11, and 31), and six 5mm pockets (teeth # 18, 19, 30, and 31). During this time, Respondent only performed periodontal prophylaxis, and did not refer Patient RB to a periodontist.
8. From the end of November 1999 through the beginning of January 2001, Patient RB stopped seeing Respondent.
9. From January 10, 2001 through September 11, 2002, Patient RB returned to the Respondent for treatment. Patient RB's condition continued to worsen. On September 19, 2001, Patient RB had four 6mm pockets (teeth # 11, 12, and 31), and nineteen 5mm pockets (teeth # 2, 3, 5, 6, 14, 15, 18, 19, 30, and 31). On September 11, 2002, Patient RB had one 8mm pocket (tooth # 12), three 7mm pockets (teeth # 12, and 14), six 6mm pockets (teeth # 2, 3, 11, and 15), and seventeen 5mm pockets (teeth # 2, 3, 4, 5, 6, 14, 18, 19, 20, 30, and 31). During this time, Respondent only performed periodontal prophylaxis, and did not refer Patient RB to a periodontist. On September 11, 2002, Patient RB asked for a referral to a periodontist, and Respondent finally provided one.
10. On January 8, 2003, Patient RB saw a periodontist, Dr. P, for a second opinion. Dr. P found two 10mm pockets (teeth # 12, and 14), 9mm pockets (tooth # 3), 8mm pockets (tooth # 2), 7mm pockets (teeth # 15, and 31), 6mm pockets (teeth # 4, 5, 6, 11, 14, 19, , 28, 30), and 5mm pockets (tooth # 13), and made a diagnosis of severe periodontal disease. Dr. P said

that treatment would require extensive osseous surgery including bone grafts in all four quadrants.

11. On February 11, 2003. Patient RB saw Dr. T for a third opinion. Patient RB had four 9mm pockets (teeth # 2, 3, 12, and 14), one 9-8mm pocket (tooth # 15), one 6-7mm pocket (tooth # 31), one 6mm pocket (tooth # 11), and one 5-6mm pocket (tooth # 18). Dr. T informed Patient RB that he would require bone grafts and that he would likely lose some teeth.

12. From February of 2003 through May of 2003, Dr. P performed extensive osseous surgery on Patient RB including surgery on teeth # 2 -5, 11-15, 19, 30, and 31, along with a complete occlusal adjustment and free gingival graft on tooth # 28.

13. The prognosis for Patient RB is not good. Eventually, teeth # 3, 12, 14, and 15 will have to be extracted and bone augmented. Patient RB will need sinus lifts upper right and upper left, and implants in # 3, 12, 14, 15, and 16. Dr. P noted that the patient had been referred too late for periodontal surgery to be completely effective in controlling the infection.

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 failure of not performing periodontal charting on a consistent basis between 1995 and 2002, and Respondent's continued failure to refer the patient to a periodontist, despite the patient having many periodontal pockets greater than 5mm, as described above, constitutes a violation of Wis. Admin. Code §§ DE 5.02(1) and DE 5.02(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Robert J. Goelz is REPRIMANDED.

2. The license previously granted to Robert J. Goelz to practice dentistry in the State of Wisconsin is hereby LIMITED by the condition that he shall successfully complete the course "Empowering the Dental Team to Deliver "Quality" Periodontal Care in a Restorative Practice" in Philadelphia on November 19, 2010, and the course "A Contemporary Approach to Diagnosis, Treatment Planning and Therapy in Periodontics" in Los Angeles on December 3, 2010. Respondent is responsible for the costs of the educational courses. The limitation will be lifted when the Board or its designee has satisfactory evidence of Respondent's successful completion of the education required by this Order. No part of the education required by this Order may be

applied to any other continuing education requirement to which Respondent may be subject. The Department Monitor is the Board's designee for purposes of this Order.

3. Respondent shall, within 90 days from the date of this Order, pay COSTS of this proceeding in the amount of One Thousand Five Hundred Sixty Five DOLLARS (\$1565.00). 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 submit payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, the Respondent's license (# 5000898) 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 or completion of the continuing education.

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

Wisconsin Dentistry Examining Board

By: *Jon R. Parbeau DDS*
A Member of the Board

7/7/10
Date