

# 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
BERNARD E. STEIN, DDS,	:	DHA Case DRL 10 - 0074
RESPONDENT.	:	ORDER 0000824

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Division of Enforcement Cases 06DEN106; 06DEN107

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

Bernard E. Stein, DDS  
4036 South County Road A  
Superior, WI 54880

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 Wisconsin 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. Bernard E. Stein, DDS, Respondent herein, date of birth 7/6/48, is duly licensed as a dentist in the state of Wisconsin, license # 5002003-15. This license was first granted on 5/22/78.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 4036 South County Road A, Superior, Wisconsin 54880.

3. At all times relevant to this action, Respondent was working as a dentist in Superior, Wisconsin.

4. The patient, C.W., was born on 9/21/99 and had his initial appointment with the Respondent on 11/16/04. The Respondent examined the patient on 11/16/04 but did not obtain any x-rays, due to the patient's combative behavior. The Respondent identified what he believed were several small incipient caries, which he did not believe required restorations at the time of this appointment. He advised the patient's mother of his findings and recommended that the best course of treatment would be in the hospital setting under general anesthesia. The patient's mother brought the patient back to Dr. Stein for re-evaluation of the dental caries on 3/9/05, 5/18/05 and 8/8/05. Respondent did not provide any treatment for the dental caries on 3/9/05 or 5/18/05 but he performed pulpotomies and placed alloy restorations in teeth "K" and "L" on 8/8/05, because Dr. Stein felt that those teeth were either already abscessed or might abscess in the future, due to the deep decay. The restoration placed in tooth "L" was of poor quality and did not conform to the standards of professional practice. On 11/21/05, Respondent saw the patient for his regularly scheduled 6-month appointment. At this appointment, Respondent examined the patient, obtained a panoramic x-ray and two bitewing x-rays. One of the bitewing x-rays showed radiographic evidence of an abscess associated with tooth "L" which Respondent failed to identify when he examined the x-rays. The Respondent did not perform any dental treatments for the patient on 11/21/05. The patient's last appointment with the Respondent was on 1/24/06 when he re-treated teeth "K" and "L". At that time, Dr. Stein replaced the earlier restorations and re-did the pulpotomies, in an effort to save the teeth.

The patient's mother took the patient to another dentist on 3/1/06 for a second opinion. This subsequent treating dentist examined the patient and reviewed the x-rays previously taken by the Respondent on 11/21/05. The soft tissue examination performed by the subsequent treating dentist on 3/1/06 revealed a buccal abscess to tooth "L" and his review of the x-rays taken by the Respondent on 11/21/05 revealed radiographic evidence of an abscess associated with tooth "L". The subsequent treating dentist recommended extraction of tooth "L" and the extraction was performed on 3/14/06.

5. The patient, H.S., was born on 7/12/99 and had his initial appointment with Respondent on 3/8/06. The patient returned to Respondent's office on 6/12/06 at which time the Respondent placed glass ionomer restorations in teeth "L", "S" and "T" to treat dental caries in these teeth. The glass ionomer restorations placed in teeth "S" and "T" were, in fact, a single unit restoration spanning both teeth "S" and "T".

6. Respondent successfully completed course Homestead Schools, Inc. dental continuing education course #6685, "pediatric dentistry", three hours; and GSC Home Study Course #L0118, "Pediatric Oral Health, Caries Management and Preventative Therapy", four hours, in November 2009.

7. Respondent has registered for a twenty hour continuing education course "Miniresidency in Pediatric Dentistry" at the University of Minnesota School of Dentistry, February 18-20, 2011.

8. Respondent denies the allegations in this matter, but acknowledges that there is sufficient evidence from which the Board could reasonably conclude otherwise, and Respondent has agreed to resolve this matter under the terms of this Final Decision and Order, to avoid the uncertainties and expense of litigation."

#### 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 Final Decision and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 4 of the Findings of Fact constitutes a violation of Wis. Stat. § 447.07(3)(h) in that Respondent on 8/8/05 placed a poor quality restoration in tooth "L" which did not conform to the standards of professional practice and on 11/21/05 failed to diagnose and timely treat an abscess associated with tooth "L" thereby demonstrating a lack of knowledge of and an inability to apply the principles and skills of dentistry.

3. The conduct described in paragraph 5 of the Findings of Fact constitutes a violation of Wis. Stat. § 447.07(3)(h) in that Respondent on 6/12/06 placed a single unit glass ionomer restoration which spanned both teeth "S" and "T" to treat dental caries in teeth "S" and

"T" thereby demonstrating a lack of knowledge of and an inability to apply the principles and skills of dentistry.

4. The Wisconsin Dentistry Examining Board has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against the Respondent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Bernard E. Stein, DDS is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The Board recognizes the continuing education courses referenced in paragraph 6 of the Findings of Fact as partial completion of the education Respondent requires.

3. The Board recognizes the continuing education course referenced in paragraph 7 of the Findings of Fact as completion of the education the Board would otherwise have ordered in this case.

a. Bernard E. Stein may not apply the first nine continuing education credits earned at the Miniresidency in Pediatric Dentistry toward satisfaction of his biennial registration requirements, but may apply any additional credits earned in successful completion of that course toward satisfaction of his biennial registration requirements.

IT IS FURTHER ORDERED that:

4. Bernard E. Stein shall, within 60 days from the effective date of this Final Decision and Order, pay costs of this proceeding in the amount of \$2,446.21. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

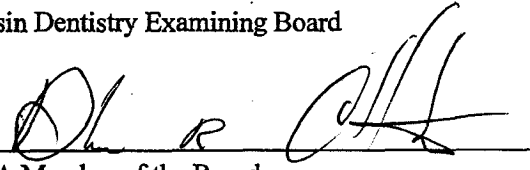
Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

5. 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 Bernard E. Stein's license. The Wisconsin Dentistry Examining 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 Bernard E. Stein fails to timely submit payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, Bernard E. Stein's license # 5002003-15 may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Bernard E. Stein has complied with payment of the costs or completion of the continuing education.

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

Wisconsin Dentistry Examining Board

By:

  
A Member of the Board

5/4/2011  
Date