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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS J. HONL, D.D.S.
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0000825

[Division of Enforcement Case # 09 DEN 035]

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

Thomas J. Honl, D.D.S.
520A Vincent Street
Stevens Point, WI 54481

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

Wisconsin Dentistry Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

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.

FINDINGS OF FACT

1. Thomas J. Honl, D.D.S., Respondent (d/o/b April 12, 1951) is currently licensed as a dentist in the State of Wisconsin (license # 5001541-15). This license was first granted on June 20, 1975.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 520A Vincent Street, Stevens Point, WI 54481.

3. At all times relevant to this proceeding, Respondent was employed as a dentist at Advanced Dental Care in Stevens Point, Wisconsin. Respondent is a general dentist.

4. At all times relevant to this proceeding, MJ was an unlicensed person, employed by Respondent, as a dental assistant at his clinic.

5. Between February 11, 2002 and June of 2007, patient SB presented to Respondent's clinic with severe headaches secondary to possible bruxism. Respondent and employee MJ developed a treatment plan which included dental orthotics and eventually orthodontic appliances.

6. On February 18, 2002, patient SB presented to Respondent's clinic and consulted with employee MJ regarding a dental orthotic device. Employee MJ examined patient SB and developed a dental treatment plan for patient SB. In this consultation and examination, employee MJ evaluated the condition of patient SB's dental health.

7. Respondent did not examine or consult with patient SB on this date, nor did he observe or supervise employee MJ during her consultation with patient SB. Respondent's dental records from that date were stamped with Respondent's signature.

8. Employee MJ admitted that Respondent provided her with a stamp of his signature for her to use for his patient dental records and prescriptions.

9. Between February 25, 2002 and May 15, 2002, patient SB presented at Respondent's clinic for six dental appointments for treatment related to dental orthotics, including the insertion of the orthotic, various adjustments of the orthotic, various evaluations of the efficacy of the orthotic and Nociceptive Trigeminal Inhibition treatment.

10. All examinations and treatment for patient SB during these dates were performed by employee MJ. In these examinations and treatments of patient SB, employee MJ evaluated the condition of patient SB's dental health and applied techniques of dental science in her treatment.

11. The Respondent was not present for these six appointments; nor did he observe or supervise employee MJ during her examinations, consultations and treatments of patient SB.

12. On May 31, 2002, patient SB telephoned Respondent's office complaining of migraine pain. Employee MJ advised patient SB to take prescription medication. The dental records recording this telephone call and advice were initialed by MJ, and not by Respondent.

13. Between June 3, 2002 and October 30, 2003, patient SB presented at Respondent's clinic for four dental appointments for treatment related to adjustments to the orthotic device, consultations related to chronic migraine headaches and prescription medications. All examinations, consultations and treatment for patient SB during these appointments were performed by employee MJ. In these examinations and treatments of patient SB, employee MJ evaluated the condition of patient SB's dental health and applied techniques of dental science in her treatment.

14. The Respondent was not present for these four appointments; nor did he observe or supervise employee MJ during her examinations, consultations and treatments for patient SB.

15. In addition to the examinations, consultations and treatments stated above, employee MJ admitted to treating patient SB by employing a slow-speed handpiece fitted with a sandpaper disk to "smooth down" a cusp to adjust the fit of patient SB's dental orthotic, thus penetrating the dental tissue within patient SB's oral cavity. In her treatment of patient SB, employee MJ applied a technique of dental science in her treatment.

16. Respondent delegated the unsupervised examination, treatment and consultation for patient SB, as stated above, to employee MJ knowing that she was unlicensed.

CONCLUSIONS OF LAW

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

2. Respondent's conduct above constituted a substantial danger to the health, welfare or safety of a patient or the public in violation of Wis. Admin. Code § DE 5.02(1).

3. Respondent's conduct above aided, abetted and/or permitted an unlicensed person to practice dentistry in violation of Wis. Admin. Code § DE 5.02(21) by.

4. Respondent's conduct above violated Wis. Stat. § 447.01(8) by:

- a. Allowing an unlicensed professional to examine into the condition of dental health and apply techniques of dental science into the treatment of teeth (§ 447.01(8)(a));
- b. Allowing an unlicensed professional to give advice (§ 447.01(8)(c));
- c. Allowing an unlicensed professional to engage in any of the practices, techniques or procedures that one would learn in dental school (§ 447.01(8)(f)).
- d. Allowing an unlicensed professional penetrate the tissues within the human oral cavity (§ 447.01(8)(g)).
- e. Allowing an unlicensed professional to develop a treatment plan for a dental patient to treat, prescribe or advice the patient by any means (§ 447.01(8)(h)).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent, Thomas J. Honl, D.D.S., (License # 5001541-15) is hereby REMPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license to practice dentistry in the State of Wisconsin is LIMITED to require that, within ninety (90) days of the date of this Order, Respondent shall locate, and successfully complete a minimum of three (3) hours in ethics and three (3) hours in dentistry record keeping and charting; with all credits obtained through the Wisconsin Dental Association or Marquette University School of Dentistry. The courses attended in satisfaction of this requirement shall NOT be used to satisfy the statutory continuing education requirements for licensure.

3. Respondent is responsible for locating the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Dentistry Examining Board, or its designee, prior to commencement of the programs. For the purposes of this Order, the Board's designee is:

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. Respondent shall, within ninety (90) days from the date of this Order, pay a FORFEITURE in the amount of \$2,000 and costs of this proceeding in the amount of TWO THOUSAND DOLLARS (\$2,000). 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
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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 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 complete the continuing education course or timely pay the costs as set forth above, Respondent's license (#5001541-15) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with this Order.

6. This Order shall become effective on the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By: Blane Chute 
A Member of the Board

6/13/2011
Date