

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
TIMOTHY J. FLANIGAN, D.D.S. : FINAL DECISION AND ORDER
RESPONDENT. :
 : ORDER 0000947

[Division of Enforcement Case # 10 DEN 18]

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

Timothy J. Flanigan, D.D.S.
Dental Associates
430 Main Street
Green Bay, WI 53401

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

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. Timothy J. Flanigan, D.D.S. ("Respondent") was born on September 5, 1946, and is licensed to practice dentistry in the state of Wisconsin pursuant to license number 3198-15. This license was first granted on August 12, 1983. Respondent is an oral surgeon.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is Dental Associates, 430 Main Street, Green Bay, WI 54301.

3. At all times relevant to this proceeding, Respondent was working as a dentist at Dental Associates, Ltd., in Green Bay, Wisconsin.

4. On January 15, 2007, Dr. S saw patient HP for evaluation of a lower left broken tooth and sensitivity. Dr. S examined patient HP and determined that tooth # 20 was carious, non-restorable, and needed to be extracted. Dr. S referred patient HP to Respondent, an oral surgeon, for extraction of tooth # 20.

5. On February 26, 2007, Respondent saw patient HP for the extraction of tooth # 20. Respondent mistakenly extracted tooth # 21 instead of tooth # 20. Respondent immediately recognized his mistake, informed the patient of his mistake, reimplemented tooth # 21, and then extracted the correct tooth, tooth # 20.

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. Admin. Code § DE 5.02(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Timothy J. Flanigan, 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 (\$200.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

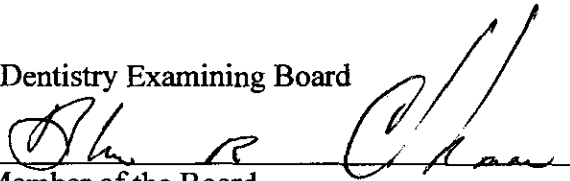
Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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 (# 3198-15) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of the costs.

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

Wisconsin Dentistry Examining Board

By:


A Member of the Board


Date