

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	:	
	:	FINAL DECISION AND ORDER
J. CHARLES MESEC, D.D.S.,	:	
RESPONDENT.	:	

ORDER 0001081

[Division of Enforcement Case #10 DEN 019]

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

J. Charles Mesec, D.D.S.
240 North Main Street
Burlington, WI 53105

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Dentistry Examining Board
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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 (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. J. Charles Mesec, D.D.S. ("Respondent"), was born on July 27, 1958 and is licensed to practice as a dentist in the State of Wisconsin (license #3120-15). This license was first granted on June 23, 1983.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 240 North Main Street, Burlington, Wisconsin.

3. At all times relevant to this action, Respondent was employed as a dentist at Burlington Family & Laser Dentistry, located in Burlington, Wisconsin.

4. Patient N.G. presented on April 21, 2008 for a crown due to a fracture in tooth #18. On April 29, 2008, Patient N.G. presented for a follow-up procedure to cement the crown on tooth #18.

5. Patient N.G. presented on May 28, 2008 for a periodic evaluation and prophylaxis appointment. At this appointment, Respondent took four bitewing radiographs and a periapical radiograph on tooth #18. Because Patient N.G. complained of severe sensitivity in tooth #18, Respondent adjusted the occlusal on that tooth.

6. After Respondent's adjustment of the occlusal on tooth #18, Patient N.G. continued to experience severe sensitivity.

7. The periapical radiograph of tooth #18, taken on May 28, 2008, demonstrates poor marginal integrity in the crown that Respondent fabricated for tooth #18.

8. Minimal standards of the profession of dentistry require that a crown be fabricated to closely meet the tooth ("marginal integrity"). Poor marginal integrity, without correction, puts the patient at the unacceptable risk of dental caries in the area of the margin, as food may be trapped between the crown and the tooth.

9. Respondent's fabrication of the crown for tooth #18 failed to meet the minimum standard for marginal integrity of a crown. Respondent failed to detect and correct this deficiency, which should have been detected through the periapical radiograph taken on May 28, 2008.

10. As a result, Patient N.G. experienced severe discomfort in tooth #18, and subsequently required a new crown fabricated for tooth #18 by Dr. N.E.

11. Respondent's deficiencies in the treatment of Patient N.G. substantially departed from the standard of care and minimum competence in the practice of dentistry.

CONCLUSION 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. The conduct described above constitutes unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(5) and subjects Respondent to discipline pursuant to Wis. Stat. § 447.07(3)(a).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. J. Charles Mesec, D.D.S. (license #3120-15) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license to practice dentistry is LIMITED by the condition that, within ninety (90) days from the date of this Order, Respondent shall obtain and successfully complete a minimum of **two (2) hours** of education in **each** of the following areas: crown fabrication, bridge, and endodontic procedures.

- a. Respondent shall locate and have the Board or its designee pre-approve the educational program(s) prior to Respondent completing them.
- b. Within 30 days after Respondent has completed each educational program, Respondent shall submit to the Department Monitor proof of his attendance and that he has successfully completed each educational program.
- c. Respondent cannot apply these six hours of education to the biennial continuing education requirements. If Respondent obtains more than six hours of education to fulfill the requirements of this Order, then Respondent can use any of the hours of education obtained in excess of six hours towards the biennial continuing education requirements.
- d. The Limitation shall be removed from Respondent's license after he has satisfied the Board or its designee that he has successfully completed all of the ordered education.
- e. Requests for pre-approval of education and proof of successful completion shall be submitted to the Department Monitor at the address below.
- f. Respondent is responsible for all costs of compliance with this Order.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of SEVEN HUNDRED SEVENTY-FIVE DOLLARS (\$775.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

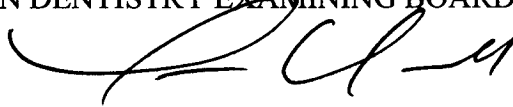
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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 provide evidence of satisfactory completion of the education, or pay the costs as set forth above in a timely matter, the Respondent's license (#3120-15) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted evidence of satisfactory completion of the education.

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

WISCONSIN DENTISTRY EXAMINING BOARD

By:



A Member of the Board

9-7-11

Date