

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
BRIAN T. FICK, D.D.S., : FINAL DECISION AND ORDER  
RESPONDENT. :  
 : ORDER 0001170

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[Division of Enforcement Case #09 DEN 111]

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

Brian T. Fick, D.D.S.  
621 South Park Street  
Madison, WI 53715

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. Brian T. Fick, D.D.S. ("Respondent"), was born on November 17, 1966 and is licensed to practice as a dentist in the State of Wisconsin (license #4523-15). This license was first granted on August 10, 1993.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 621 South Park Street, Madison, Wisconsin.

3. At all times relevant to this action, Respondent was employed as a dentist at Center for Cosmetic Dentistry, located in Middleton, Wisconsin.
4. On August 18, 2004, Patient K.F. presented for dental restoration in the upper anterior teeth. Respondent recommended a bridge from tooth #7 through #10.
5. On August 26, 2004, Patient K.F. presented for extensive oral examination. At this appointment, Patient K.F. had scaling and root planing performed in the upper right, upper left, and lower right quadrants. Scaling and root planing causes tissue changes, including tissue shrinkage.
6. On August 27, 2004, one day after extensive deep cleaning of her teeth, Patient K.F. presented for bridge preparation. Respondent advised Patient K.F. that the extent of her gum disease may compromise the bridge work. Respondent recommended waiting for six months for the resolution of gum disease. Patient K.F. was unwilling to wait and Respondent complied with immediate restoration work. Impressions were taken despite the inadequate time allowed for tissues to heal from the scaling and root planing procedure.
7. Unhappy with the first temporary bridge, Patient K.F. presented for a new temporary restoration on September 29, 2004.
8. On October 6, 2004, Patient K.F. presented for upper impression of the new temporary restoration, which was sent in for fabrication of the permanent restoration.
9. On October 12, 2004, Respondent advised Patient K.F. of the need for gingivectomy. Patient K.F. rejected treatment.
10. On December 16, 2004, Patient K.F. presented for cementation of the permanent bridge, over three and a half months after her teeth were prepared for the bridge.
11. On September 30, 2009, Patient K.F. presented at the Madison Area Technical College Dental Hygiene Clinic for a prophylaxis appointment. During this appointment, Dr. L.L. observed that Patient K.F.'s bridge margins were open and poorly adapted to the teeth.
12. Minimal standards of the profession of dentistry require that a dentist adequately diagnose and treat a dental condition. Respondent's decision to proceed with restoration work despite his own acknowledgement of Patient K.F.'s poor periodontal state substantially departed from the standard and minimum competence in the practice of dentistry.
13. As a result, Patient K.F. expended time and capital for a dental restoration that requires retreatment.

## 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. Brian T. Fick, D.D.S. (license #4523-15) is 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 **four (4) hours** of education in **each** of the following areas: treatment sequence, periodontal, and prosthodontics.
  - a. Respondent shall locate and have the Board or its designee pre-approve each educational program prior to Respondent completing it.
  - 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 twelve hours of education to the biennial continuing education requirements. If Respondent obtains more than twelve hours of education to fulfill the requirements of this Order, then Respondent can use any of the hours of education obtained in excess of twelve 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 THREE HUNDRED SEVENTY-FIVE DOLLARS (\$375.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

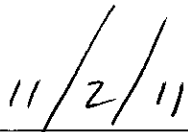
Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

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 submit evidence of satisfactory completion of the education, or pay the costs as set forth above in a timely matter, the Respondent's license (#4523-15) 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

  
Date