

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
THOMAS M. FRYE, D.D.S.,	:	
RESPONDENT.	:	ORDER 0001171

[Division of Enforcement Case #11 DEN 009]

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

Thomas M. Frye, D.D.S.
807 E. Wells St.
Prairie du Chien, WI 53821

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. Thomas M. Frye, D.D.S. ("Respondent"), was born on July 30, 1953 and is licensed to practice as a dentist in the State of Wisconsin (license #2264-15). This license was first granted on June 15, 1979.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 807 E. Wells St., Prairie du Chien, WI 53821.

3. At all times relevant to this action, Respondent was employed as a dentist at his own clinic, Thomas M. Frye, D.D.S., S.C., located in Prairie du Chien, Wisconsin.

4. Between September 2005 and June 2010, Patients D.N., D.F., and K.N. each presented approximately every six months for periodic and prophylaxis appointments.

5. On August 5, 2010, Patient D.N. presented to Dr. W.H. on referral from Respondent. Dr. W.H. observed large areas of decay on tooth #'s 2, 18 and 31 which may require endodontic treatment due to their size, and active gum disease.

6. Respondent failed to detect these dental caries and active gum disease.

7. On November 3, 2010, Patient D.F., a minor, presented to Dr. W.H. for examination. Dr. W.H. detected decays on tooth #'s 2, 3, 4, 5, 18, 19, 20, 21, 27, 28, 29, 30 and 31, and active gum disease.

8. Respondent failed to detect decays on Patient D.F.'s tooth #'s 2, 3, 4, 5, 18, 19, 20, 21, 27, 28, 29, 30 and 31, which could be seen on radiographs taken on March 6, 2010. Respondent failed to detect gum disease.

9. On December 16, 2010, Patient K.N. presented to Dr. W.H. for examination. Dr. W.H. detected a large area of decay on tooth #30, which needed immediate treatment due to its size.

10. Respondent failed to detect decay on Patient K.N.'s tooth #30, which could be seen on radiographs taken on March 6, 2010. Respondent recognized the potential for decay, with notes stating "watch 30 D," but failed to recognize the need to treat the tooth.

11. Respondent's failures substantially depart from the standard of care ordinarily exercised by a dentist.

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. Thomas M. Frye, D.D.S. (license #2264-15) is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license to practice dentistry is LIMITED by the condition that, within one hundred twenty (120) days from the date of this Order, Respondent shall obtain and successfully complete a minimum of six (6) hours of education in oral diagnosis.
 - 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 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 SIX HUNDRED DOLLARS (\$600.00). 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 (#2264-15) 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

11/2/11

Date