

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

JOHN C. STACEY, D.D.S.,
RESPONDENT.

FINAL DECISION AND ORDER

~~ORDER 0001175~~

[Division of Enforcement Case #07 DEN 068]

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

John C. Stacey, D.D.S.
858 Jupiter Drive
Madison, WI 53718

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

Dentistry Examining Board
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. John C. Stacey, D.D.S., ("Respondent") was born on June 28, 1943, and is licensed to practice dentistry in the state of Wisconsin pursuant to license number 15-5000714. This license was first granted on June 2, 1969.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 858 Jupiter Drive, Madison, Wisconsin 53718.

3. At all times relevant to this proceeding, Respondent was working as a dentist at Stacey Dental in Madison, Wisconsin.

4. Patient G.W. is a woman born on July 29, 1960.

5. On October 7, 2005, Respondent prepared Patient G.W.'s teeth numbers 15 and 18 for porcelain over gold crowns, and placed temporary crowns on those two teeth.

6. On October 20, 2005, Patient G.W. returned to Respondent's clinic to have the permanent crowns placed on teeth 15 and 18.

7. During the process of placing and cementing and adjusting the crowns, Respondent and his assistant Bridget W.

a. dropped one of the crowns on the floor, retrieved it, and placed it Patient G.W.'s mouth.

b. chipped an existing crown on an adjacent tooth, and chipped a new crown as well.

c. cut Patient G.W.'s lip with handpiece.

d. adjusted the occlusion on the crowns by removing so much porcelain with a handpiece and bur that the gold underneath was exposed.

8. Patient G.W. repeatedly told Respondent and his assistant that the crowns were too high.

9. Respondent told Patient G.W. that the crowns were not too high.

10. Patient G.W. returned to Respondent's clinic on October 24, 2005, with a complaint that the crown on tooth #18 had been chipped. Respondent's records for that date confirm that the crown on #18 was chipped, and that Patient G.W. was offered a replacement crown.

11. On November 3, 2005, Patient G.W. complained to Respondent, in writing, that the new crowns did not fit, that they had been weakened, according to Dr. Erik Stacey, by the removal of so much of the porcelain, and that the left side of her mouth was sensitive to pressure. Patient G.W. asked for a response to her letter by November 10, 2005.

12. On November 7, 2005, Patient G.W. called Respondent's clinic, asking to speak with Respondent. Instead, Respondent's employee Christine spoke with her, asking Patient G.W. "what would make her happy" according to the note in Respondent's record for Patient G.W. The note continued that Patient G.W. wanted Respondent to recommend a course of treatment, quickly, because she had been in pain since June 2005, when Respondent attempted to restore teeth #15 and #18.

13. Respondent's records document four surface restorations on teeth #15 and #18 on June 8, 2005, but do not include mention of the material used for the restorations.

14. On November 7, 2005, Respondent referred Patient G.W. to Madison Endodontics Associates.

15. On November 21, 2005, Respondent received a faxed letter from Patient G.W. Respondent did not retain the letter in his record of Patient G.W., but his employee Christine did make a note of the letter in Patient G.W.'s treatment notes. Christine noted that she called Patient G.W. on Respondent's instructions, to set up an appointment to discuss the crowns. Patient G.W. declined, and requested that Respondent respond to her letter of November 21, 2005, by letter.

16. Respondent dismissed Patient G.W. from his practice by letter dated November 21, 2005.

17. A subsequent treating dentist referred Patient G.W. to Capital Endodontics on December 21, 2005.

18. After limited evaluation on January 3, 2006, Dr. F. recommended that Patient G.W. have root canal therapy on tooth #15, and continued monitoring of #18.

19. Dr. F. performed root canal therapy on #15 on January 17, 2006.

20. Patient G.W. returned to Dr. F. on February 28, 2006, saying that #18 felt "weird." Dr. F. examined #18 and reported an open margin on the mesial surface of #18, between the tooth and the crown; he further diagnosed either a washed out base or recurrent caries on #18. Dr. F. new crowns for Patient G.W. because of the exposed coping of the crowns and "questionable" marginal integrity.

CONCLUSIONS 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. Respondent's failure to competently fit or place the crown on # 18 and failure to note the open margin on the crown placed on Patient G.W.'s tooth #18, constitutes a violation of Wis. Stat. § 447.07(3)(h) and Wis. Admin. Code § DE 5.02(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. John C. Stacey, D.D.S., is hereby REPRIMANDED.
2. The license of John C. Stacey, D.D.S., to practice dentistry in the State of Wisconsin is hereby LIMITED by the condition that within six months of the date of this Order, he successfully complete six hours of continuing education in the preparation, placement, and adjustment of posterior crowns.
 - a. None of the education Respondent completes in compliance with this Order may be credited to any other continuing education requirement to which Respondent may be subject.
 - b. Respondent is responsible for all costs associated with complying with this Order.
 - c. Respondent shall obtain approval of every course he intends to complete in compliance with this Order, before he attends the course. Respondent shall provide the Board's designee with satisfactory descriptions of each course he intends to complete in compliance with this Order no less than thirty days before the date of the course.
 - d. Respondent shall provide the Board's designee with satisfactory evidence that he has completed each course approved toward compliance with this Order within thirty days of completing the course.
 - e. For 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

IT IS FURTHER ORDERED that:

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand Seven Hundred Eighty-One Dollars. 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

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 timely submit payment of the costs or payment of the forfeiture as ordered or fails to comply with the ordered continuing education as set forth above, the Respondent's license (#5000714-15) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and forfeiture and completion of the continuing education.

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

Wisconsin Dentistry Examining Board

By:


A Member of the Board

11/2/11
Date