

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
GREGORY E. MACHULAK, D.D.S.,	:	
RESPONDENT.	:	ORDER 0001295

[Division of Enforcement Case # 10 DEN 032]

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

Gregory E. Machulak, D.D.S.
3705 N. 92nd St
Milwaukee, WI 53222

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

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 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 this Stipulation and considers it acceptable.

The Board adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Gregory E. Machulak, D.D.S., ("Respondent") was born on October 2, 1950 and is licensed as a dentist in the State of Wisconsin (license #5001887-15). This license was first granted on July 13, 1977.
2. Respondent's most recent address on file with the Dentistry Examining Board is 3705 N 92nd Street, Milwaukee, Wisconsin 53222.
3. On June 30, 2009, Patient D.K. presented for treatment of a chip caused by decay on the lingual margin of a resin inlay on tooth #14. Upon examination, Respondent observed caries in tooth #14.

4. Respondent restored tooth #14 with a temporary filling and pulp cap.

5. Respondent did not take any radiographs.

6. Respondent recommended that Patient D.K. see a root canal specialist.

7. On October 8, 2009, Patient D.K. presented to Dr. S. for examination. Dr. S. noted gross decay on teeth #14 and #15. On October 14, 2009 and October 22, 2009, Patient D.K. presented to Dr. S. for endotherapy on tooth #14 and restoration on tooth #15.

8. Minimum standards of the profession of dentistry require that radiographs be taken prior to treatment. Respondent's deficiencies in the treatment of Patient D.K. substantially departed from the standard of care and minimum competence in the practice of dentistry.

9. Respondent's records for Patient D.K. are sparse and incomplete. Parts of Patient D.K.'s examination notes are written on single sheets of paper, rather than in his patient charts.

10. Respondent's deficiencies in record-keeping substantially departed from the minimum standards in the practice of dentistry.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 447.07 and is authorized to enter into the attached Stipulation 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. Gregory E. Machulak, D.D.S. (license #5001887-15) is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license to practice dentistry is LIMITED by the condition that, within one hundred eighty (180) days from the date of this Order, Respondent shall obtain and successfully complete a minimum of **three (3) hours** of education in record-keeping and **three (3) hours** of education in radiographic diagnosis.

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.

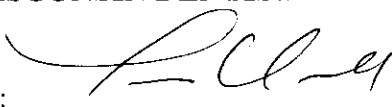
3. Respondent shall, within ninety (90) days of the date of this Order, pay costs of this proceeding in the amount of FIVE HUNDRED DOLLARS (\$500.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor
Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Ave.
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 timely pay the costs or submit proof of successful completion of the education as set forth above, the Respondent's license (#5001887-15) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted proof of successful completion of the education.

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

WISCONSIN DENTISTRY EXAMINING BOARD

By: 
A Member of the Board

1-4-12
Date