

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

MARC A. SHANTZ, II, D.D.S.,
RESPONDENT.

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:
:
:
:

FINAL DECISION AND ORDER

ORDER 0001409

[Division of Enforcement Case #09 DEN 088]

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

Marc A. Shantz, II, D.D.S.
125 South John Street
Neenah, WI 54956

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. Marc A. Shantz, II, D.D.S. ("Respondent"), was born on April 6, 1960 and is licensed to practice as a dentist in the State of Wisconsin (license #3839-15). This license was first granted on July 30, 1987.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 125 South John Street, Neenah, Wisconsin.

3. At all times relevant to this action, Respondent was employed as a dentist at Shantz Dental Care, L.L.C., located in Prairie du Chien, Wisconsin.

4. On April 27, 2006, Patient A, a minor, presented for an orthodontic evaluation. Patient A presented for a follow-up consultation on May 25, 2006.

5. On September 6, 2006, Respondent determined that Patient A's treatment should be to proceed directly into brackets and elastics for at least 36 months.

6. On September 13, 2006, Patient A presented for bracketing.

7. Between September 13, 2006 and November 12, 2008, Patient A presented on 21 occasions for routine orthodontic examination and treatment.

8. On November 12, 2008, Patient A presented for routine examination of her orthodontic treatment. At this appointment, Respondent debracketed Patient A and fitted her for retainers. Respondent did not record in the patient notes that treatment was complete and did not consult with Patient A's family before debracketing Patient A. Patient A's mother was subsequently informed that the retainers will be ready in a few days, at which time Patient A must come in to be fitted.

9. Patient A could not get an appointment for the retainer fitting until December 30, 2008, at which time the bottom retainer no longer fit.

10. Patient A was subsequently informed in January 2009 that Respondent's office had closed, and that she would have to visit a new dentist for her retainer fitting.

11. Respondent's office referred Patient A to Dr. W.H.

12. On January 7, 2009, Patient A presented to Dr. W.H. for retainer fitting. At this appointment, Dr. W.H. determined that a new bottom retainer would need to be fabricated, as Patient A's teeth have shifted since November 2008 and the current bottom retainer no longer fit.

13. After a complete examination of Patient A, Dr. W.H. determined that Patient A's case was finished prematurely. Patient A's finished case with Respondent left her with a Class II Malocclusion, substantial overjet and maxillary midline shifted to the right. Correctly completing Patient A's treatment required approximately 15 to 18 months of brackets and elastics at a cost of \$3,750.

14. Respondent's deficiencies in the treatment of Patient A 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. Marc A. Shantz, II, D.D.S. (license #3839-15) 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 eight (8) hours of education in the area of orthodontic case selection.

- 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 eight hours of education to the biennial continuing education requirements. If Respondent obtains more than eight hours of education to fulfill the requirements of this Order, then Respondent can use any of the hours of education obtained in excess of eight 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 FIFTY DOLLARS (\$750.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

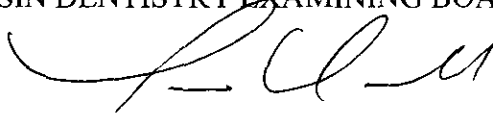
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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 (#3839-15) 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

3/7/12

Date