

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
JOSEPH C. FERRARO, D.D.S.,	:	
RESPONDENT.	:	

ORDER 0001410

[Division of Enforcement Case #09 DEN 098]

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

Joseph C. Ferraro, D.D.S
249 Ledgewood Drive
Fond du Lac, WI 54937

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

PROCEDURAL HISTORY

The Division of Enforcement filed the complaint that became DHA case SPS-11-0098 on October 11, 2011. Administrative Law Judge Jennifer Nashold was assigned to the case. Respondent Joseph C. Ferraro timely filed an Answer through his attorney, Mary Lee Ratzel of Von Briesen & Roper, S.C. The parties reached a resolution and presented it to the Dentistry Examining Board (Board) for its consideration. The Board considers the resolution acceptable, and makes the following:

FINDINGS OF FACT

1. Joseph C. Ferraro, D.D.S., ("Respondent") was born on November 6, 1956 and is licensed to practice as a dentist in the State of Wisconsin (license #3312-15). This license was first granted on June 19, 1984.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 249 Ledgewood Drive, Fond du Lac, Wisconsin.

3. At all times relevant to this action, Respondent owned and practiced as a dentist at Apple Valley Dental Center, located in Kimberly, Wisconsin.

4. Proper functioning of autoclave sterilization cycles should be verified by the periodic use of biological indicators, as heat sensitive chemical bags alone do not ensure adequacy of a sterilization cycle at the center of the sterilization load.

5. The Center for Disease Control and Prevention and the American Dental Association recommend a biological indicator test at least once weekly.

6. In the fall of 2008, Respondent was made aware that he needed to verify that his clinic's sterilization cycles were operating properly.

7. As of March 2009, when his clinic closed, Respondent had not performed the necessary verification of the sterilization cycles.

8. Respondent owned and operated a Waterlase laser, which is an Er,Cr:YSGG (Erbium, Chromium doped Yttrium Scandium Gallium Garnet) laser used to ablate herpetic lesions, papillomas, fibromas and hyperplastic tissue growth in and around the mouth and lips.

9. On several occasions during the operation of his own clinic, Respondent used the Waterlase laser to remove skin warts and moles from the hands, neck and shoulders of some friends, staff and family members.

10. The scope of dentistry in Wisconsin is limited to the human oral cavity and its adjacent tissues and structures.

11. Respondent has successfully obtained and completed three (3) hours of education in Ethics. Respondent understands that he cannot apply these three (3) hours of education to his biennial continuing education requirements.

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. Respondent's conduct described in paragraphs 4-7 above constitutes unprofessional conduct pursuant to Wis. Admin. Code §§ DE 5.02(1) and (5) and subjects Respondent to discipline pursuant to Wis. Stat. § 447.07(3)(a).

3. Respondent's conduct described in paragraphs 8-10 above constitutes unprofessional conduct pursuant to Wis. Admin. Code §§ DE 5.02(1) and (3) and subjects Respondent to discipline pursuant to Wis. Stat. § 447.07(3)(a).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Joseph C. Ferraro, D.D.S. (license #3312-15) is **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

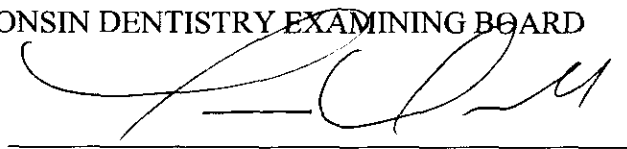
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. 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 (#3312-15) 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.

4. This Order shall become effective on the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By:


a member of the Board


Date