

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HARRY EDWARD GIBSON, D.D.S.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:
: ORDER 0002326

Division of Legal Services and Compliance¹ Case No. 12 DEN 110

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

Harry Edward Gibson, D.D.S.
1149 Boughton Street, Building B
Watertown, WI 53094

Wisconsin Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Dentistry Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Harry Edward Gibson, D.D.S., (dob June 18, 1949) is licensed in the State of Wisconsin to practice dentistry, having license number 15-2641, first granted on October 17, 1980, and current through September 30, 2013. Harry Edward Gibson, D.D.S.' most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1149 Boughton Street, Building B, Watertown, Wisconsin 53094.

2. At all times relevant to this proceeding, Respondent was employed as a dentist at Area Dental Clinic in Watertown, Wisconsin.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. Respondent routinely delegates the placement of composite dental restorations to his unlicensed dental assistant. Respondent removes the decay and defective tooth structure himself in preparation for placement of the restoration. Respondent states that he places a base for the restoration, and then he leaves the operatory. In his absence, his assistant conditions the tooth to receive the restoration and places the bonding material and the composite restoration material without supervision. Respondent permits his unlicensed assistant to take a radiograph to assess the integrity of the restoration. Respondent then returns to the operatory to contour the restoration and check the occlusion.

4. Under Wis. Admin. Code § DE 12.01, the placement of dental restorations cannot be delegated to an unlicensed person because it is a procedure of a character which may cause damage to the patient's teeth or oral cavity which cannot be remedied without professional intervention.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Harry Edward Gibson, D.D.S. substantially departed from the standard of care ordinarily exercised by a dentist which could harm a patient in violation of Wis. Admin. Code § DE 5.02(5) by delegating a non-delegable dental procedure to an unlicensed person in violation of Wis. Admin. Code § DE 12.01(1).

3. As a result of the above violations, Harry Edward Gibson, D.D.S. is subject to discipline pursuant to Wis. Stat. § 447.07(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Harry Edward Gibson, D.D.S. is REPRIMANDED.

3. The license previously granted to Respondent Harry Edward Gibson, D.D.S. is limited by the condition that within six months of the date of this Order, Harry Edward Gibson, D.D.S. shall at Respondent's own expense take and successfully complete six hours of education in dental risk management as follows:

(a) Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Respondent shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Respondent must take and pass any exam offered for the course(s).

(b) Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$ 400.00.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent Harry Edward Gibson, D.D.S. to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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 for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 15-2641) 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 completion of the education.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: 
A Member of the Board

3/6/13
Date