

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	:	
	:	FINAL DECISION AND ORDER
ROBERT S. BATES, D.D.S.,	:	DHA case SPS 12-0065
RESPONDENT.	:	

0002412

Division of Legal Services and Compliance¹ Case No. 11 DEN 106

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

Robert S. Bates, D.D.S.
P.O. Box 429
Clarence, NY 14031

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 Robert S. Bates, D.D.S., (dob August 24, 1968) is licensed in the State of Wisconsin as a dentist, having license number 15-6088, first granted on March 12, 2007 and current through September 30, 2013. Respondent's most recent

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

address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 429, Clarence, NY 14031.

2. Respondent was the President and sole shareholder of Allcare Dental and Dentures of WI, PC (“Allcare WI”), and he was the President and shareholder of Allcare Dental Management, LLC (“Allcare Management”). Allcare WI and Allcare Management (collectively “Allcare”) owned/operated two dental practices in Wisconsin. Through corporations of which Respondent was president and shareholder, Respondent owned and operated dental practices in a total of thirteen states.

3. In December of 2010, Respondent ordered all of the Allcare dental clinics to close for the last two weeks of the year, and required all employees to take a two week furlough. On December 31, 2010, based on the strict advice of legal counsel due to Allcare’s financial problems, Respondent ordered all of the Allcare dental clinics to be permanently closed, terminating all operations and all employees without prior notice to patients, or the authorities of any of the jurisdictions in which Allcare was operating.

4. On October 12, 2011, Respondent signed, and on October 14, 2011, the Board of Dentistry of the Commonwealth of Massachusetts entered a consent agreement for reprimand and return of Respondent’s license to practice dentistry in Massachusetts.

5. On January 6, 2012, the West Virginia Board of Dental Examiners and Respondent signed a consent decree and order suspending Respondent’s license for one year, with all but ninety days stayed.

6. On March 19, 2012, Respondent signed, and on April 4, 2012, the North Dakota State Board of Dental Examiners adopted a Settlement Agreement with Respondent, suspending his license to practice dentistry in the state of North Dakota for three years and imposing a fine of \$2,000.00 on Respondent.

7. On March 19, 2012, Respondent and his attorney signed, and on April 11, 2012, the Ohio State Dental Board adopted, a consent agreement between Respondent and the Ohio State Dental Board suspending Respondent’s license to practice dentistry in Ohio for three years.

8. On April 26, 2012, Respondent signed, and on May 9, 2012, the New Hampshire Board of Dental Examiners adopted, a consent decree in the matter of the misconduct allegations against Robert S. Bates, DDS, to resolve more than 143 complaints from Allcare patients following the closing of Allcare offices in New Hampshire. By the consent decree, Respondent agreed to surrender his license to practice dentistry in New Hampshire.

9. On June 13, 2012, Respondent signed, and on July 11, 2012, the State of Vermont Board of Dental Examiners adopted a stipulation and consent order imposing an administrative penalty of \$1,000.00 against Respondent and “conditioning” his license to require him to comply with the orders of the Massachusetts Board of Dentistry and West Virginia Board of Dental Examiners.

10. On June 23, 2012, Respondent signed, and on September 20, 2012, the state of Tennessee Board of Dentistry adopted a consent decree in the matter of Robert S. Bates, DDS, by which his Tennessee license was suspended for ninety days.

11. On May 25, 2012, Respondent signed and on June 6, 2012, the Connecticut State Dental Commission accepted, a consent decree reprimanding Respondent’s license in Connecticut.

12. On February 1, 2013, the Iowa Dental Board placed Respondent’s license to practice dentistry in Iowa on probation for five years, as discipline for having been disciplined in Massachusetts, West Virginia, Ohio, North Dakota, New Hampshire, Vermont, and Connecticut.

13. Respondent agrees that there is evidence from which the Board can reasonably conclude that he has been disciplined in Massachusetts, West Virginia, North Dakota, Ohio, New Hampshire, Vermont, Tennessee, Connecticut, and Iowa. In resolution of this matter, Respondent tenders the surrender of his license to practice dentistry in the state of Wisconsin and while admitting no guilt, violation, or wrongdoing, 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(3), 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, Respondent Robert S. Bates, D.D.S., violated Wis. Admin. Code § DE 5.02(14) by having his dentistry licenses in Massachusetts, West Virginia, North Dakota, Ohio, New Hampshire, Vermont, Tennessee, and Connecticut subjected to disciplinary action.

3. As a result of the above violation, Respondent Robert S. Bates, D.D.S., is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of Respondent Robert S. Bates' license to practice dentistry in Wisconsin is ACCEPTED.

3. Respondent Robert S. Bates, D.D.S., shall pay COSTS of this matter in the amount of \$4,078.00 with any application for a license to practice dentistry in the state of Wisconsin.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

5. 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 as ordered, Respondent's license (no. 15-6088) 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.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: 
A Member of the Board

5/1/13
Date