

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
TIMOTHY M. FISCHER, D.D.S.,	:	
RESPONDENT.	:	0002511

Division of Legal Services and Compliance¹ Case No. 12 DEN 016

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

Timothy M. Fischer, D.D.S.
303 E. Wisconsin Street
Portage, WI 53901

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 Timothy M. Fischer, D.D.S. (dob July 28, 1952), is licensed in the State of Wisconsin to practice dentistry, having license number 5002016-15, first issued on June 9, 1978, and current through September 30, 2013. Timothy M. Fischer, D.D.S.' most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 303 E. Wisconsin Street, Portage, Wisconsin 53901.

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

2. At all times relevant to this proceeding, Respondent was working as a dentist at Family Dentistry in Portage, Wisconsin.

3. Patient A was born on December 3, 1931.

4. On May 8, 2007, Respondent recorded performing root canal treatment, and placing retention post and core on tooth # 26 for Patient A.

5. Respondent did not take any radiographs before, during, or after the root canal treatment procedure.

6. Respondent's treatment records were extremely brief. His note reads "5-8-07 RCT #26. 1 xylocaine. No symptoms. wL about 19 mm." Respondent did not record any other information about the root canal treatment, and did not sign his record.

7. In response to a Division inquiry, Respondent transcribed his nearly illegible treatment note and explained, "The 2 teeth in question #26 and #28 were treated with endodontic treatment and retention post and core, to later be finished with permanent crowns on both. This was 5-8-2007 and 5-17-2007 for tooth #26."

8. On June 20, 2007, Respondent performed a root canal treatment, and placed retention posts and cores on tooth # 28.

9. Respondent did not take any radiographs before, during or after the June 20, 2007, root canal treatment procedure.

10. Respondent's treatment records of the June 20, 2007, procedure were extremely brief and did not contain any notes about the root canal treatment procedure itself. There is no documentation of the working, the fill lengths, or the files used.

11. On January 27, 2011, Patient A returned to see her general dentist, Dr. W, because she was experiencing pain and sensitivity in teeth # 30 and #31. Dr. W, examined Patient A, and took radiographs. Dr. W. discovered that the root canals in teeth #26 and #28 had not been adequately filled, and found that there were abscesses in teeth # 26 and 28. Dr. W referred Patient A to an endodontist, Dr.K, to have the root canal treatments in teeth #26 and #28 redone.

12. On March 16, 2011, Dr. K examined Patient A, and discovered that there were posts in the canal spaces of teeth # 26 and #28, with no apparent root canal filing material in the canal space. Dr. K made a diagnosis of necrotic pulp and chronic apical periodontitis in the canal space of teeth # 26 and #28. Dr. K redid the root canal treatments in teeth #26 and #28, and referred Patient A back to Dr. W for restoration of teeth #26 and #28.

13. The standard of minimal competence in dentistry requires radiographs to be taken before, during and after root canal procedures. Failing to do so creates the unacceptable risk of pain and loss of the permanent tooth.

14. Respondent neither admits nor denies these facts but 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. Timothy M. Fischer, D.D.S. violated Wis. Admin. Code. § DE 5.02(5) by failing to take radiographs before, during, and after the root canal treatment procedures.

3. Timothy M. Fischer, D.D.S. violated Wis. Admin. Code. § DE 5.02(5) by failing to properly and legibly document in the patient medical records the root canal procedures, and the materials used in installing the post and core space with a crown.

4. As a result of the above violations, Timothy M. Fischer, D.D.S. is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Timothy M. Fischer, D.D.S. is REPRIMANDED.

3. The license issued to Timothy M. Fischer, D.D.S. to practice dentistry (license number 5002016-15) is LIMITED as follows:

a. Respondent shall not provide any treatment to any patient in the area of endodontics until Respondent has successfully completed all of the education specified in this Order.

b. Within 90 days of the date of this Order, Respondent shall successfully complete a minimum of six (6) hours of education on the topic of endodontic treatment, and a minimum of six (6) hours of education on the topic record keeping. All courses must be offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

c. 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.

d. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 90 days from the date of this Order, Timothy M. Fischer, D.D.S. shall pay COSTS of this matter in the amount of \$750.00.

5. Request of approval of courses, proof of successful course completion and payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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 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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 5002016-15) 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

7/10/13
Date