

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

THOMAS A. LINSTROTH, D.D.S.,  
RESPONDENT.

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FINAL DECISION AND ORDER

0004224

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Division of Legal Services and Compliance Case No. 13 DEN 86

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

Thomas A. Linstroth, D.D.S.  
7941 Gittings Rd.  
Racine, WI 53406

Wisconsin Dentistry Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Thomas A. Linstroth, D.D.S., (DOB January 3, 1981) is licensed in the State of Wisconsin to practice dentistry, having license number 6957-15, first granted on July 6, 2012 and current through September 30, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 7941 Gittings Road, Racine, Wisconsin 53406.

2. At all times relevant to this proceeding, Respondent was employed as a dentist at a dental clinic (Clinic) located in Mukwonago, Wisconsin.

3. The Department received a complaint pertaining to Respondent's treatment of patients at the Clinic; the complaint alleged that Respondent had failed to take proper radiographs, made improper diagnoses, had improper treatment planning, failed to remove all caries, performed clinically unacceptable restorations and failed to properly review medical histories.

4. Respondent underwent Peer Review at the Clinic and was ultimately terminated from his position.

5. The Department reviewed medical records for seven of Respondent's patients at the clinic and determined that Respondent's overall treatment fell below the standard of care; Respondent performed clinically unacceptable restorations, made improper treatment plans, failed to complete progress notes and made improper diagnoses.

6. 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, Thomas A. Linstroth, D.D.S., engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(5), by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a dentist which harms or could have harmed a patient.

3. As a result of the above violations, Thomas A. Linstroth, D.D.S., is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a)(f).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Thomas A. Linstroth, D.D.S., is REPRIMANDED.

3. The license to practice dentistry issued to Thomas A. Linstroth, D.D.S., (license number 6957-15) is LIMITED as follows:

- a. Within twenty four (24) months of the date of this Order, Respondent shall successfully complete remedial education as follows: four (4) credits on the topic of diagnosis, four (4) credits on the topic of treatment planning, four (4) credits on the topic of radiology, eight (8) hands on credits on the topic of operative dentistry, eight (8) hands on credits on the topic of crowns and bridges, four (4) credits on the topic of record keeping, and six (6) credits on the topic of risk management. All courses must be pre-

approved by the Board's monitoring liaison, and Respondent must take and pass any exam(s) offered for the courses.

- b. Respondent shall submit proof of successful completion of the ordered 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 may not be used in future attempts to upgrade a credential in Wisconsin.
- c. This limitation shall be removed from Respondent's license after Respondent satisfies the Board or its designee that Respondent has successfully completed all of the ordered education.

4. The license to practice dentistry issued to Thomas A. Linstroth, D.D.S., (license number 6957-15) is further LIMITED as follows:

- a. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- b. Within ninety (90) days from the date of this Order, Respondent shall engage the services of a professional mentor who is licensed to practice dentistry in the state of Wisconsin, and who has not been disciplined by the Board.
- c. Within thirty (30) days of the date of this Order, Respondent shall submit to the Department Monitor at the address below a written request for approval of a proposed mentor. The request for approval shall be accompanied by the mentor's current curriculum vitae and a letter from the mentor confirming that he or she has read the Final Decision and Order and agrees to undertake the duties of a professional mentor as set out in this paragraph.
- d. The professional mentor shall be actively engaged in the practice of dentistry and shall not have any personal or professional relationship, past or present, with Respondent that could reasonably be expected to compromise the proposed mentor's ability to render fair and unbiased reports to the Department.
- e. The Board's designee has the full and final authority to approve or reject a proposed mentor. This decision is based on an exercise of discretion and is not reviewable. The Board's designee may, for good cause, approve or direct a change in the professional mentor at any time.

- f. Every month, for a period of twelve (12) months, the mentor shall randomly select and review the charts of at least five (5) patients that have presented to Respondent in the preceding month. The chart review shall thoroughly assess whether Respondent's records are compliant with the rules and regulations of the profession and completed in a timely manner. Records shall be assessed at the standard of minimum competence.
- g. The professional mentor shall offer feedback and direction to Respondent for the purposes of assisting Respondent in improving the quality of care provided to patients and record-keeping. Respondent shall follow the appropriate guidance of the mentoring dentist. Whether or not guidance of the mentoring dentist is appropriate and whether or not Respondent has complied with the guidance shall be in the sole discretion of the Board's designee. These discretionary determinations are not reviewable.
- h. The mentor shall submit written and thorough quarterly reports identifying the number of charts reviewed in the previous quarter; the quality of record keeping, and identifying any concern with Respondent's practice. It is Respondent's responsibility to ensure the quarterly reports are submitted when due.
- i. The mentor shall immediately report any unprofessional conduct or suspected violation of this Order to the Department Monitor.
- j. After the timely submission of three (3) consecutive quarterly mentor reports, and with a written recommendation from the mentor expressly supporting the request, Respondent may petition the Board or its designee for modification or termination of any part of this limitation. Whether to modify the terms of this Limitation is in the sole discretion of the Board or its designee and is not reviewable.
- k. Respondent is responsible for any and all costs associated with the services of the professional mentor.

5. Within one hundred and eighty (180) days from the date of this Order, Thomas A. Linstroth, D.D.S., shall pay COSTS of this matter in the amount of \$800.00.

6. Request of approval of courses, 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 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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

7. 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 costs as ordered, fails to obtain a professional mentor or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 6957-15) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and completion of the education.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:   
A Member of the Board

9-2-15  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

THOMAS A. LINSTROTH, D.D.S.,  
RESPONDENT.

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STIPULATION

0004224

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Division of Legal Services and Compliance Case No. 13 DEN 086

Respondent Thomas A. Linstroth, D.D.S., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

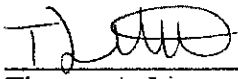
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Thomas A. Linstroth, D.D.S., Respondent  
7941 Gittings Rd.  
Racine, WI 53406  
License no. 6957-15

6/30/15

Date



Cody Wagner, Prosecuting Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

7/6/15

Date