

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

LELAND R. JUDD, D.D.S.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004693

Division of Legal Services and Compliance Case No. 15 DEN 080

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

Leland R. Judd, D.D.S.
4831 Larson Beach Rd.
Mc Farland, WI 53558

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 Wisconsin 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 Leland R. Judd, D.D.S., DOB September 8, 1963, is licensed to practice dentistry in the state of Wisconsin, having license number 4278-15, first issued on July 16, 1991. This license will expire on September 30, 2017 Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4831 Larson Beach Road, Mc Farland, Wisconsin 53558.

2. At all times relevant to this proceeding, Respondent owned and practiced as a dentist at a clinic located in Mc Farland, Wisconsin.

3. On February 12, 2013, Respondent performed root canal therapy on Patient A's #18 tooth.

4. The post-operative radiograph revealed that calcium hydroxide sealer had exuded out of the apex and into close proximity of the mandibular nerve.

5. Patient A continued to complain of pain and discomfort with #18.

6. On October 15, 2015, Respondent's medical malpractice insurer paid Patient A \$200,000.00 for damage to her trigeminal nerve during the root canal of #18.

7. During the Department's investigation it was revealed the Respondent engaged in the practice of dentistry from September 30, 2015 through February 16, 2016, and maintained the website (<http://dentsitrybydesign.ws>) in which Respondent held himself out as authorized to practice dentistry in the state of Wisconsin without a valid license to do so.

8. Respondent immediately renewed his license to practice dentistry upon notification that the license was expired.

9. 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 paragraphs 3 – 7 in the Findings of Fact above, Leland R. Judd, 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. Pursuant to Wis. Stat. § 447.03(1), no person may do any of the following unless he or she is licensed to practice dentistry under this chapter:

(a) Practice or offer to practice dentistry.

...

(c) Inform the public directly or indirectly in any language, orally, in writing or printing, or by drawings, demonstrations, signs, pictures or other means that he or she can perform or will attempt to perform dental services of any kind.

4. By the conduct described in paragraph 8 of the Findings of Fact, Leland R. Judd, D.D.S., violated Wis. Stat. 447.03(1)(a), by engaging in the practice of dentistry without a valid license.

5. By the conduct described in paragraph 8 of the Findings of Fact, Leland R. Judd, D.D.S., violated Wis. Stat. § 447.03(1)(c), by informing the public directly or indirectly through his website that he can perform or will attempt to perform dental services.

6. By violating Wis. Stat. § 447.03(1)(a) and (c), Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(15), by violating any law the circumstances of which substantially relate to the practice of a dentist.

7. As a result of the above conduct, Leland R. Judd, D.D.S., is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a) and (f).

ORDER

1. The attached Stipulation is accepted.

2. The license to practice dentistry in the state of Wisconsin issued to Leland R. Judd, D.D.S., (license number 4278-15) is **SUSPENDED** for a period of one week, commencing thirty (30) days from the date of this Order.

3. The license to practice dentistry in the state of Wisconsin issued to Leland R. Judd, D.D.S., (license number 4278-15) is **LIMITED** as follows:

- a. Within ninety (90) days from the date of this Order, Respondent shall complete any required continuing education necessary to satisfy the requirements of the 2013-2015 biennium.
- b. Within ninety (90) days from the date of this Order, Respondent shall provide proof of successful completion of the required continuing education for the 2013-2015 biennium to the Department Monitor at the address below.
- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the required education for the 2013-2015 biennium.
- d. 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.

4. The license to practice dentistry in the state of Wisconsin issued to Leland R. Judd, D.D.S., (license number 4278-15) is further **LIMITED** as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete six (6) hours of education on the topic of endodontics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. All education completed pursuant to this Order shall be taken in-person. Education, such as webinar, online, or self-study shall not be approved.
- c. 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 below.
- d. 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.
- e. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

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

6. Any documents, request for approval of course, 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:

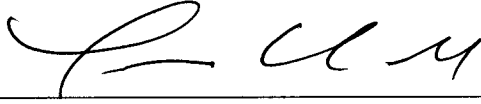
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 for a violation of any of the terms of this Order. In the event Respondent fails to timely submit proof of successful completion of the required education for the 2013-2015 biennium, fails to timely submit proof of successful completion of the ordered education, or fails to timely submit payment of the costs as ordered, Respondent's license (no. 4278-15) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has submitted proof of successful completion of the required continuing education for the 2013-2015 biennium, submitted proof of successful completion of the ordered education and has complied with payment of costs.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:

A handwritten signature in black ink, appearing to be 'R. C. M.', written over a horizontal line.

A Member of the Board

5-4-16

Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LELAND R. JUDD, D.D.S.,
RESPONDENT.

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STIPULATION

0004693

Division of Legal Services and Compliance Case No. 15 DEN 080

Respondent Leland R. Judd, 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.

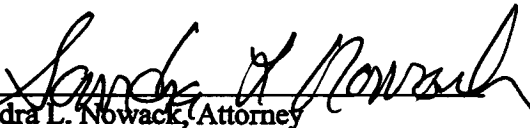
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Leland R. Judd, D.D.S., Respondent
4831 Larson Beach Rd.
Mc Farland, WI 53558
License no. 4278-15

4/18/16

Date



Sandra L. Nowack, Attorney
State Bar No. 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
Fax (608) 266-2264
sandra.nowack@wisconsin.gov

4/18/16

Date