

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
SEAN T. TARPENNING, D.D.S.,	:	
RESPONDENT.	:	

0005357

Division of Legal Services and Compliance Case No. 15 DEN 072 and 15 DEN 078

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

Sean T. Tarpenning, D.D.S.
4710 Commerce Valley Road
Eau Claire, WI 54701

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 Sean T. Tarpenning, D.D.S. (dob February 25, 1974) is licensed in the State of Wisconsin to practice dentistry, having license number 5304-15, first issued on January 4, 2001, and current through September 30, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4710 Commerce Valley Road, Eau Claire, Wisconsin 54701.

2. At all times relevant to these matters, Respondent practiced as a general dentist in Eau Claire, Wisconsin. At the time of these events, 10-15% of Respondent's cases involved orthodontic treatment.

3. The Division received complaints alleging that on multiple occasions Respondent provided orthodontic treatment that fell below professional standards.

4. In approximately January 2017, Respondent stopped accepting new orthodontic cases. Respondent does not intend to provide orthodontic treatment in the future.

5. Respondent has fully cooperated with the Division's investigation. 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, Sean T. Tarpenning, 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, Sean T. Tarpenning, D.D.S., is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a).

ORDER

1. The attached Stipulation is accepted.

2. Effective July 31, 2017, the license to practice dentistry issued to Sean T. Tarpenning, D.D.S., (license number 5304-15) is LIMITED to prohibit Respondent from providing orthodontic treatment except under the on-premises supervision of a licensed dentist who has been preapproved by the Board's designee. The supervising dentist shall have specialized in orthodontics for no fewer than five years, and shall not have been disciplined by the Board. The supervising dentist may be employed in the same practice at which Respondent practices.

- a. If, after observing treatment Respondent provides to ten orthodontic patients, the supervising dentist determines that Respondent is then minimally competent to provide orthodontic treatment, Respondent may petition the Board for removal or modification of this limitation. Respondent's petition, if any, shall be accompanied by a written statement from the supervising dentist describing the level of Respondent's competence in providing orthodontic treatment, along with a statement expressly supporting removal or modification of this limitation.
- b. The decisions of whether or not to approve a supervising dentist, and whether or not to modify or terminate this limitation shall be in the sole discretion of the Board and are not reviewable.

3. Within 180 days from the date of this Order, Sean T. Tarpenning, D.D.S., shall pay COSTS of this matter in the amount of \$2,696.00.

4. Any petitions, requests, documents 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:

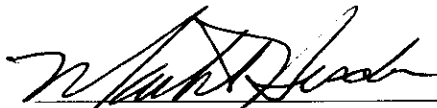
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. In the event that Respondent violates any term of this Order, Respondent's license (no. 5304-15) to practice dentistry in the state of Wisconsin may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:


A Member of the Board

7/5/17
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SEAN T. TARPENNING, D.D.S.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005357

Division of Legal Services and Compliance Case No. 15 DEN 072 and 15 DEN 078

Respondent Sean T. Tarpenning, 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.



Sean T. Tarpenning, D.D.S., Respondent
4710 Commerce Valley Road
Eau Claire, WI 54701
License no. 5304-15

6/19/2017
Date



Sandra L. Nowack, Prosecuting Attorney
State Bar Number 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
sandra.nowack@wisconsin.gov

6/19/17
Date