

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

DAVID J. BROWN, D.D.S.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
: FOR REMEDIAL EDUCATION
:

0005487

Division of Legal Services and Compliance Case No. 15 DEN 099

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

David J. Brown, D.D.S.
55 Maplewood Drive
Stevens Point, WI 54481

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 David J. Brown, D.D.S., DOB June 16, 1957, is licensed in the state of Wisconsin to practice dentistry, having license number 5318-15, first issued on March 6, 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 55 Maplewood Drive, Stevens Point, Wisconsin 54481.

2. At all times relevant to this proceeding, Respondent was employed as a dentist at a clinic located in Edgar, Wisconsin.

3. On September 28, 2015, Patient A presented to Respondent for a comprehensive oral examination and x-rays. Patient A was scheduled to undergo a joint arthroplasty. The purpose of the examination was to verify that Patient A did not suffer from a dental infection.

4. After a periodontic examination, Respondent documented that Patient A's tissue was "pink, firm, no bleeding with scaling." And further, "healthy periodontium."

5. Despite documentation of healthy periodontium, Respondent performed three scalings and root planing, for which Patient A was charged a total of \$675.00.

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).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, David J. Brown, D.D.S., shall at his own expense take and successfully complete four (4) hours of education on the topic of periodontal assessment and diagnosis as follows:

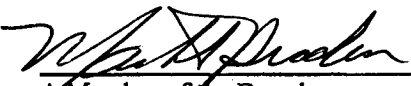
- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Respondent shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Respondent must take and pass any exam offered for the course(s). Courses taken without preapproval will NOT be accepted to fulfill this requirement.
- b. The remedial education must be taken live and in-person. Webinars, on-line or self-study are not acceptable to fulfill this requirement.
- 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.
- 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.

3. Request for approval of courses and proof of successful course completion 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

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: 
A Member of the Board

11/1/17
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID J. BROWN, D.D.S.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005487

Division of Legal Services and Compliance Case No. 15 DEN 099

Respondent David J. Brown, 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. Respondent is represented by Attorney W. Patrick Sullivan.

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 or Respondent's attorney, 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.




David J. Brown, D.D.S., Respondent
55 Maplewood Drive
Stevens Point, WI 54481
License no. 5318-15

9/11/2017
Date



W. Patrick Sullivan, Attorney for Respondent
Siesennop & Sullivan
111 West Pleasant Street, Suite 110
Milwaukee, WI 53212

9/13/17
Date



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

9/11/17
Date