

## 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 THE LICENSE OF	:	FINAL DECISION AND ORDER
	:	FOR REMEDIAL EDUCATION
RANDALL C. PACK, D.D.S.,	:	
LICENSEE.	:	0005745

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Division of Legal Services and Compliance Case No. 16 DEN 063

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

Randall C. Pack, D.D.S.  
3131 Milton Avenue  
Janesville, WI 53545

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. Licensee Randall C. Pack, D.D.S., DOB December 24, 1949, is licensed by the State of Wisconsin to practice dentistry, having license number 5001352-15, first issued on June 25, 1974, and current through September 30, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3131 Milton Avenue, Janesville, Wisconsin 53545.

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

3. On June 6, 2016, Patient A, DOB March 9, 1982, first presented to Licensee for dental treatment because her insurance carrier no longer covered services provided by her

previous dentist. Patient A had a legal guardian who attended Patient A's appointments with her due to Patient A's disability.

4. Patient A presented with a cracked tooth, #11, and pain in the area of #12.

5. Licensee's staff member told Patient A that she needed to undergo a full panoramic x-ray. The purpose of the x-rays was to check for cysts, lesions, abscess, sinus abnormalities, retained roots, fractures and to identify wisdom teeth. Patient A's guardian reports that she informed Licensee's staff that Patient A had her wisdom teeth removed 18 years earlier, and that the previous treater had taken x-rays within the past six months. This information is not documented in the patient health care record.

6. Licensee's staff-member took a panoramic and 12 periapical x-rays. Licensee explains that the initial radiographs are standard practice in his office and requiring them allows him to get a full picture of the patient's dental health, including other signs of trauma. Licensee believed that the x-rays were justified based on his experience in working with individuals with the same disability that Patient A has.

7. The standard of care in the practice of dentistry would have permitted either the panoramic or periapical x-rays, but not both. The standard of care in the practice of dentistry requires that x-ray exposure should be limited to the lowest levels of radiation necessary to patient care.

8. Patient A's guardian told Licensee that she wanted the "best for long term treatment." While there were other reasonable alternatives available, Licensee recommended that Patient A's cracked tooth be treated with a crown. The patient health care records contain no other justification for Licensee's decision to place a crown rather than offer a more conservative restoration. The patient health care records also lack specific documentation that Licensee explained the risks and benefits associated with the crown, and what those alternatives might have been. Rather, the record indicates "after consult [guardian] agrees to pursue treatment." The patient health care records contain no indication that Licensee informed the patient about the availability of alternative treatments and about the risks and benefits of each.

9. Licensee's treatment plan for Patient A called for two adult prophylaxis and gingival irrigation. However, Licensee documented 2-3 mm pockets with no gingival irritation or inflammation, and the health care record contains no documentation justifying the prophylaxis or gingival irrigation. Licensee did document that Patient A was pre-diabetic, which he said justifies the care provided.

10. This is the first time the Board has opened an investigation of Licensee. He denies all wrong-doing but to avoid the costs and uncertainty associated with litigation consents to the entry of the following Conclusions of Law and Order. Licensee is undergoing surgery and has requested additional time to complete the education ordered below.

### 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. The license to practice dentistry issued to Randall C. Pack, D.D.S. (license number 5001352-15) is LIMITED to require remedial education as follows:
  - a. Within one hundred eighty (180) days of the date of this Order, Licensee shall successfully complete four (4) hours of education on the topic of record keeping and informed consent; eight (8) hours of education on exposures and correct use of radiographs; and eight (8) hours of education on the diagnosis and treatment of periodontal disease, use of oral gingival irrigants; and use of prophylaxis. Successful completion requires that Licensee take and pass any examinations offered for the courses.
  - b. All courses used in satisfaction of this limitation shall be pre-approved by the Board's monitoring liaison. Courses taken without preapproval shall not be used to satisfy this requirement.
  - c. All education completed pursuant to this Order shall be taken in-person. Education, such as webinar, online, or self-study shall not be approved.
  - d. Licensee 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.
  - e. 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.
  - f. This limitation shall be removed from Licensee's license after Licensee petitions the Board and satisfies the Board or its designee that Licensee has successfully completed all of the ordered education.

3. Request for approval of courses, and proof of successful course completion shall be sent by Licensee 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

5-9-18  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

RANDALL C. PACK, D.D.S.,  
LICENSEE.

STIPULATION

0005745

Division of Legal Services and Compliance Case No. 16 DEN 063

Licensee Randall C. Pack, D.D.S., with his attorney, Erik H. Monson, 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. Licensee consents to the resolution of this investigation by Stipulation.
2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:
  - the right to a hearing on the allegations against Licensee, 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 Licensee;
  - the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
  - the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Licensee is aware of Licensee's right to seek legal representation. Licensee is represented by Erik H. Monson.
4. Licensee 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. Licensee 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 Licensee, 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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



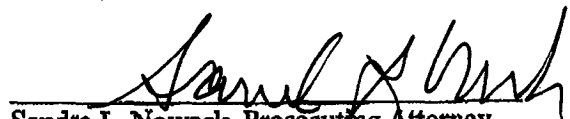
Randall C. Pack, D.D.S., Licensee  
3131 Milton Avenue  
Janesville, WI 53545  
License no. 5001352-15

3/16/18  
Date



Erik H. Monson  
Coyne, Schultz, Becker & Bauer, S.C.  
150 East Gilman Street, Suite 100  
Madison WI 53703

3/19/18  
Date



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

3/19/18  
Date