

## 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

ROBERT G. MOULTON, D.D.S., S.C.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0005862**

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Division of Legal Services and Compliance Case No. 17 DEN 035

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

Robert G. Moulton, D.D.S., S.C.  
504 South Main Street  
Jefferson, WI 53549

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 Robert G. Moulton, D.D.S., S.C., (DOB July 13, 1947) is licensed in the State of Wisconsin to practice dentistry, having license number 5000930-15, first issued on May 26, 1971, and current through September 30, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 504 South Main Street, Jefferson, Wisconsin 53549.

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

3. Respondent provided dental care treatment to Patient A, a 79-year old female, from March 23, 1976, through November 17, 2016.

4. Patient A made 3-4 visits annually to Respondent for dental cleanings and exams.

5. Respondent told Patient A she had gum problems.

6. During early 2017, Patient A saw a subsequent treating dentist and was diagnosed with chronic severe periodontal disease. The subsequent treating dentist noted bone loss, decay, and mobility conditions. Patient A required a maxillary denture and a mandibular partial denture.

7. Respondent's care of Patient A fell below the standard of minimal competence in dentistry as follows:

a. Over a ten (10) year span, Respondent failed to take sufficient radiographs. Respondent took bitewing radiographs between June 4, 2007, and March 2, 2015; he took no images of anterior teeth.

b. There was clear evidence of decay on radiographs from June 13, 2013, without documentation in the clinical notes.

c. Every radiograph in the patient file revealed evidence of bone loss and radiographic calculus; however Respondent made no clinical notation of those conditions.

d. The clinical chart shows no evidence of periodontal charting.

e. Clinic notes from December 4, 2000, February 26, 2002, October 23, 2008, and June 2, 2015, mentioned referral to a periodontist, but there is no documentation of the diagnoses or of the patient's response.

8. Respondent failed to provide treatment or inform Patient A of any existing decay, recurrent or otherwise.

9. In practicing below the minimal standards of the profession, Respondent created the unacceptable risk that Patient A would unnecessarily lose her teeth.

10. Respondent contends that the treatment issues were partly due to the patient's lack of communication of her concerns and failure to follow through with treatment. To avoid the costs and uncertainty of litigation, 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, Robert G. Moulton, D.D.S., S.C., 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 or dental hygienist which harms or could have harmed a patient.

3. As a result of the above violations, Robert G. Moulton, D.D.S., S.C., is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a) and (h).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Robert G. Moulton, D.D.S., S.C., is REPRIMANDED.

3. The license to practice dentistry issued to Robert G. Moulton, D.D.S., S.C., (license number 5000930-15) is LIMITED as follows:

- a. Within one hundred eighty (180) days of the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of record keeping; four (4) hours of education on the topic of informed consent; six (6) hours of education on the topic of diagnosis and treatment of periodontal disease; and four (4) hours of education on the topic of radiographs in dentistry 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 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, 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 and Respondent will be granted a full unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within ninety (90) days from the date of this Order, Robert G. Moulton, D.D.S., S.C., shall pay COSTS of this matter in the amount of \$552.85.

5. Request for 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

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 5000930-15) 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.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:

  
A Member of the Board

9-5-18  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ROBERT G. MOULTON, D.D.S., S.C.,  
RESPONDENT.

STIPULATION

**0005862**

Division of Legal Services and Compliance Case No. 17 DEN 035

Respondent Robert G. Moulton, D.D.S., S.C., 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.

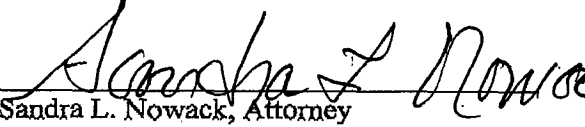
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

  
Robert G. Moulton, D.D.S., S.C., Respondent  
504 South Main Street  
Jefferson, WI 53549  
License no. 5000930-15

27 APRIL 2018  
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

5/1/18  
Date