

## 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

SALLY JO MCCALL, RDH,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0005944**

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Division of Legal Services and Compliance Case 17 DEN 067

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

Sally Jo McCall, RDH  
601 York Road  
P.O. Box 297  
Edgerton, WI 53534

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 Sally Jo McCall, RDH (DOB: November 1, 1961) is licensed in the state of Wisconsin to practice as a dental hygienist, having license number 3562-16, first issued on September 19, 1984, and current through September 30, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 601 York Road, Post Office Box 297, Edgerton, Wisconsin 53534.

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

3. On January 10, 2017, Respondent had an opening in her schedule and agreed to perform a dental cleaning for a temporary receptionist who was working at the Clinic that day, but who had never been treated previously at the Clinic.

4. The receptionist advised Respondent that she only wanted her teeth cleaned and did not need a complete exam as she had received an examination performed by a different dentist at another office, within the past three (3) months.

5. Respondent performed a teeth cleaning on the receptionist without having an examination performed.

6. The standard of care ordinarily exercised by a dental hygienist in Wisconsin would have been to require the receptionist to receive an examination by the dentist at the Clinic, before receiving a cleaning.

7. 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, Sally Jo McCall, RDH, 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, Sally Jo McCall, RDH, is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Sally Jo McCall, RDH, is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Sally Jo McCall shall pay COSTS of this matter in the amount of \$ 532.00.

4. 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

You may also submit this information online via DSPS' Monitoring Case Management System,  
here:


<https://app.wi.gov/DSPSMonitoring>

5. In the event that Respondent violates any term of this Order, Respondent's license (no. 3562-16) to practice as a dental hygienist 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

11-7-18  
Date

SEP 05 2018

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

DEPT OF SAFETY & PROFESSIONAL SERVICES  
DIV OF LEGAL SERVICES & COMPLIANCE

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

SALLY JO MCCALL, RDH,  
RESPONDENT.

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STIPULATION

0005944

Division of Legal Services and Compliance Case No. 17 DEN 067

Respondent Sally Jo McCall, RDH, 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.

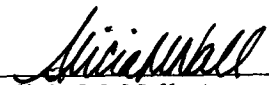
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
Sally Jo McCall, RDH, Respondent  
601 York Road  
P.O. Box 297  
Edgerton, WI 53534  
License no. 3562-16

8-30-18  
Date

  
Alicia M. Nall, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

9/11/18  
Date