

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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SEP 13 2019

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

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS R. MACHAK, D.D.S.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006604

Division of Legal Services and Compliance Case No. 19 DEN 030

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

Thomas R. Machak, D.D.S.
1873 Scarlet Oak Trail
Oshkosh, WI 54904

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 Thomas R. Machak, D.D.S., (DOB June 30, 1960) is licensed in the state of Wisconsin to practice dentistry, having license number 3974-15, first issued on September 9, 1988, and current through September 30, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1873 Scarlet Oak Trail, Oshkosh, Wisconsin 53904.

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

3. On March 15, 2019, the Department received a complaint regarding Respondent's practice as a dentist.

4. On March 21, 2019, the Department requested a response from Respondent regarding the allegations as well as copies of the continuing education certificates for the 2015-2017 biennium. Respondent provided a response and admitted that he did not complete any continuing education in the biennium preceding his most recent license renewal.

5. The Board screening panel reviewed the complaint and response and determined there was no violation on the merits of the complaint but opened the matter on for failure to comply with continuing education requirements.

6. On September 6, 2017, Respondent certified on his license renewal application that he did complete the required continuing education for the 2015-2017 biennium.

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, Thomas R. Machak, D.D.S., engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 13.03(1), by failing to complete 30 credit hours of continuing education related to the practice of dentistry or the practice of medicine during the 2-year period immediately preceding the renewal date.

3. By the conduct described in the Findings of Fact, Thomas R. Machak, D.D.S., violated Wis. Stat. § 447.07(3)(b), by giving false information in connection with an application for renewal of a license.

4. As a result of the above violations, Thomas R. Machak, D.D.S., is subject to discipline pursuant to Wis. Stat. § 447.07(3)(b) and (f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Thomas R. Machak, D.D.S., is REPRIMANDED.

3. The license to practice dentistry issued to Thomas R. Machak, D.D.S., (license number 3974-15) is LIMITED as follows:

- a. Within six (6) months of the date of this Order, Respondent shall successfully complete thirty (30) hours of education related to the practice of dentistry offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- i. Twenty-five (25) hours of education must be in clinical dentistry.
 - ii. 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.
 - iii. The education required by this Order may only be used to satisfy the CE requirements for the 2015-2017 biennium.
 - iv. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
- b. Within ninety (90) days from the date of this Order, Respondent shall successfully complete four (4) hours of education on ethics, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - i. This educational requirement cannot be counted toward the education required by paragraph a.
 - ii. 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.
 - iii. 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.
 - iv. This limitation shall be removed from Respondent's 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, Thomas R. Machak, D.D.S., shall pay COSTS of this matter in the amount of \$441.00.

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

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

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

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 3974-15) 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

01/08/2020
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS R. MACHAK, D.D.S.,
RESPONDENT.

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STIPULATION
ORDER 0006604

Division of Legal Services and Compliance Case No. 19 DEN 030

Respondent Thomas R. Machak, 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.

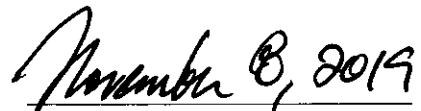
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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



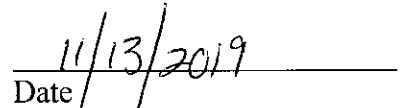
Thomas R. Machak, Respondent
1873 Scarlet Oak Trl.
Oshkosh, WI 54904
License no. 3974-15



Date



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



Date