

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

NOV 04 2019

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

FINAL DECISION AND ORDER

ROBERTO E. MONTEAGUDO, D.D.S.,
RESPONDENT.

ORDER 0006607

Division of Legal Services and Compliance Case No. 18 DEN 005

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

Roberto E. Monteagudo, D.D.S.
1469 S. 70th Street
West Allis, WI 53214-4814

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 Wisconsin 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 Roberto E. Monteagudo, D.D.S., (DOB July 20, 1963) is licensed in the state of Wisconsin as a dentist, having license number 4186-15, first issued on September 12, 1990, and current through September 30, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1469 South 70th Street, West Allis, Wisconsin 53214-4814.

2. At all times relevant to this proceeding, Respondent was employed as a medical director at a B-12 injection store (Store), located in Mount Pleasant, Wisconsin.

3. During a separate investigation (DLSO Case No. 16 UNL 123), Store owner, Perry Ruiz, confirmed that Respondent was the medical director of the Store.

4. Mr. Ruiz stated that Respondent's duties included signing the customer intake forms and signing for the shots themselves.

5. Based on information provided by Mr. Ruiz, the instant matter was opened for investigation.

6. Respondent stated that, after a request by Mr. Ruiz, he was to assist with revising the Store's client intake forms, ensuring store compliance and safety for clients and staff, and evaluating intramuscular injection techniques and safety protocols.

7. Respondent stated that he signed client intake forms to approve accurate information and ensure compliance with health department regulations, per city requirements. He specified that since he was not a physician, he would not have any involvement with medical necessity, treatment options, or dosages.

8. Respondent reported that the Store owners would forward new client intake forms to review and sign. On rare occasions, the Store owners would call him to discuss concerns with a client. Respondent denies ever providing medical advice.

9. Mr. Ruiz provided the Department investigator with a copy of the intake form which the client is required to sign prior to an injection.

10. The intake form requires that the "patient" indicate whether they have any of the following: fatigue, low depressed mood, pernicious anemia, weight issues, irritability/moodiness, pregnant/trying to become pregnant, breast feeding, heart disease, diabetes, memory loss/Alzheimer's, sleep disorders, osteoporosis, tendonitis, asthma, allergies, immunosuppression, thyroid disorders, IBS/inflammatory bowels, and/or numbness or tingling of the body.

11. The intake form is divided into sections which require patient acknowledgement. These areas include informed consent, "B12 Facts," "Benefits of B12," and "Possible Side Effects and Contraindications of B12," which lists several drug interactions and medical contraindications of the B12 injection.

12. The intake form asks the patient to provide recent lab work showing the results of blood work, such as a metabolic panel, to indicate kidney and liver function.

13. There is a signature line for the "Medical Director" directly under the signature line for the patient.

14. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONTINUATIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 447.07(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. "Dentistry," as defined by Wis. Stat. § 447.01(8)(am), is the examination, evaluation, diagnosis, prevention, or treatment, including surgery, of diseases, disorders, or conditions of the human oral cavity or its adjacent or associated tissues and structures, or of the maxillofacial area, and their impact on the human body.

3. The "practice of medicine and surgery," as defined by Wis. Stat. § 448.01(9)(a), means to examine into the fact, condition, or cause of human health and disease, or to treat, operate, prescribe, or advise for the same, by any means or instrumentality.

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § DE 5.02(3) by practicing beyond the scope of any license or certificate.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a) and (f).

ORDER

1. The attached Stipulation is accepted.
2. Respondent, Roberto E. Monteagudo, D.D.S., is REPRIMANDED.
3. The dentistry license issued to Respondent (license number 4186-15) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete four (4) hours of education on the topic of ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. 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. 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.
 - c. 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 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$666.00.

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:

www.dspsmonitoring.wi.gov

6. In the event Respondent violates any term of this Order, Respondent's license (no. 4186-15), or Respondent's right to renew his license, 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 BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERTO E. MONTEAGUDO, D.D.S.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0006607

Division of Legal Services and Compliance Case No. 18 DEN 005

Respondent Roberto E. Monteagudo, 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 Board of Nursing (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.

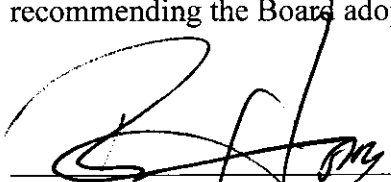
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

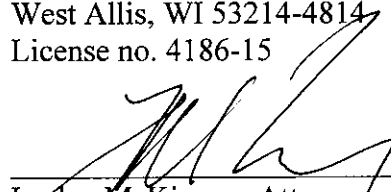
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Roberto E. Monteagudo, D.D.S., Respondent
1469 S. 70th St.
West Allis, WI 53214-4814
License no. 4186-15

10/28/19

Date



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

11/5/19

Date