

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
JOSEPH P. BARTA, D.D.S., : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION
:

ORDER 0006880

Division of Legal Services and Compliance Case No. 18 DEN 094

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

Joseph P. Barta, D.D.S.
Kenosha, WI 53144

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 Joseph P. Barta, D.D.S., (DOB xx/xx/1961) is licensed in the state of Wisconsin to practice dentistry, having license number 3960-15, first issued on August 11, 1988, and current through September 30, 2021. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Kenosha, Wisconsin.

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

3. On May 31, 2017, Licensee saw Patient A and performed root canal treatment on tooth #18, irrigating the canals and temporizing the tooth. Patient A was scheduled for completion of endodontic care upon cessation of pain.

4. On June 5, 2017, Patient A contacted Licensee complaining of pain. Licensee diagnosed an infection in tooth #18, prescribed an antibiotic, and recommended a filling in tooth #19, which was completed on June 6, 2017.

5. On July 18, 2017, Patient A presented for treatment, reported that tooth #19 was asymptomatic, and was scheduled for completion of endodontic care on tooth #18.

6. On August 8, 2017, Patient A presented for completion of endodontic care on tooth #18. Licensee's clinical note states that he was "only able to get to 16 mm in mesial canals. Filled to length" and "distal canal fill to 18 mm". Full crown coverage of tooth #18 was deferred until 2018 due to insurance coverage reasons.

7. On February 6, 2018, Patient A presented for treatment and Licensee prepped tooth #18 for a final crown.

8. On March 7, 2018, Licensee placed a crown on tooth #18. This was the last time that Licensee treated Patient A.

9. On April 27, 2018, Patient A saw another dentist (Dentist B) who concluded, among other things, that tooth #18 needed possible retreatment. Patient A was referred to an endodontist (Endodontist C) for a consult and further treatment.

10. On May 7, 2018, Patient A saw Endodontist C who concluded that the prior root canal on tooth #18 had missed a canal and had a short fill of another canal. Endodontist C recommended retreatment of tooth #18, which was to be scheduled in the future.

11. On May 9, 2018, Licensee reviewed imaging taken by Dentist B and acknowledged that it showed tooth #18 needed retreatment.

12. In resolution of this matter, Licensee 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).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, Licensee shall at his own expense take and successfully complete six (6) hours of education on the topic of root canal treatment and therapy as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- 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. Licensee 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.
- 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.
- e. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

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

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

<https://dspsmonitoring.wi.gov>

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: Matthew Bistarcic, A
A Member of the Board

7/1/2020
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:	
	:	STIPULATION
JOSEPH P. BARTA, D.D.S.,	:	
LICENSEE.	:	ORDER 0006880

Division of Legal Services and Compliance Case No. 18 DEN 094

Licensee Joseph P. Barta, 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. 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 and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Ellison Hitt.

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.

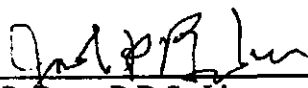
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be

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.

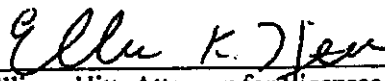
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Joseph P. Barta, D.D.S., Licensee
Kenosha, WI 53144
License No. 3960-15

6-24-2020


Date



Ellison Hitt, Attorney for Licensee
Siesennop & Sullivan, LLP
111 W. Pleasant Street, Suite 110
Milwaukee, WI 53212

6/19/20

Date



Carley Peich Kiesling, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison WI 53707-7190

06/26/20

Date