

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FREDERICK B. GILBERT, D.D.S.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007145

Division of Legal Services and Compliance Case No. 19 DEN 003

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

Frederick B. Gilbert, D.D.S.
Pewaukee, WI 53702

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 Frederick B. Gilbert, D.D.S., (DOB XX-XX-1956) is licensed in the state of Wisconsin to practice dentistry, having license number 3585-15, first issued on January 22, 1986, and current through September 30, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Pewaukee, Wisconsin 53702.

2. At all times relevant to this proceeding, Respondent was employed as a dentist at a correctional facility (Facility), located in Wisconsin.

Prior Discipline

3. On January 25, 2000, pursuant to Final Decision and Order (FDO) No. LS9905053DEN, Respondent's license to practice dentistry in the state of Wisconsin was suspended for 90 days. Respondent's license was indefinitely limited as follows: Respondent shall not perform any fixed prosthodontics until Respondent demonstrates competence to perform such procedures; Respondent shall take and successfully pass a course in fixed prosthodontics; and, after completion of the class, Respondent shall undergo assessment of his skills by a dentist approved by the Board.

4. On March 4, 2009, pursuant to FDO No. LS0903041DEN, Respondent was reprimanded and his license to practice dentistry in the state of Wisconsin was limited. The Respondent was required, within 90 days of the date of the order, to submit documentation acceptable to the Board showing successful completion of 8-16 hours of education in record keeping and 8-16 hours in oral diagnosis and treatment planning including radiographic diagnostics.

5. On October 5, 2011, the Board granted Respondent's request for return of full licensure.

Patient A

6. On December 14, 2018, the Facility sent a letter to Respondent advising him that he would be suspended without pay for one day, effective December 28, 2018, due to falsification of records, disobedience, and failure to comply with or violating any rule, etc.

7. Respondent was suspended by the Facility because he falsified patient records when he noted in those records that he had treated a patient on a particular date when he had not. Respondent admitted to having his assistant repack the patient's extraction site without being present "to prevent an argument" with the patient.

Continuing Education Requirements

8. After request from the Division of Legal Services and Compliance (Division) to provide evidence of completion of the required 30 continuing education (CE) credit hours for the 2015-2017 biennium, Respondent provided evidence of having completed 11 credit hours of CE during the 2015-2017 biennium. Respondent did not provide evidence of having completed the required 30 credit hours.

9. 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, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(7), by intentionally falsifying patient records.

3. By the conduct described in the Findings of Fact, Respondent 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.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(16), by failing to complete 30 credit hours of continuing education related to the practice of dentistry or the practice of medicine, with 25 of those credit hours being instruction in clinical dentistry or clinical medicine, during the 2015-2017 biennium, as required by Wis. Admin. Code § DE 13.03(1).

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

ORDER

1. The attached Stipulation is accepted.

2. The license of Respondent (license number 3585-15) to practice dentistry in the state of Wisconsin is **SUSPENDED** for fifteen (15) continuous days, the first day of such suspension beginning within two (2) weeks of the date of this Order.

3. The license to practice dentistry issued to Respondent (license number 3585-15) is **LIMITED** as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete three (3) 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 course(s). The monitoring liaison may require in-person education.
- b. Within ninety (90) days of the date of this Order, Respondent shall successfully complete nineteen (19) hours of instruction in clinical dentistry or clinical medicine, to fulfill his continuing education requirement for the 2015-2017 biennium. The Department Monitor, in consultation with the Board Monitoring Liaison, shall be the sole determiners of whether such education meets the requirements of Wis. Admin. Code ch. DE 13.
- 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 Order may be used to satisfy any continuing education requirements following the 2015-2017 biennium.
- e. For two (2) years following the date of this Order, Respondent shall practice only under the supervision of a dentist licensed in Wisconsin, approved by the Board or its designee, who has received a copy of this Order.
- f. For two (2) years following the date of this Order, Respondent shall provide a copy of this Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a dentist, currently or in the future. Respondent shall provide Respondent's employer with a copy of this Order before engaging in, or continuing to engage in, any dentistry employment. Respondent shall provide the Department Monitor with written acknowledgment from each employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order
- g. For two (2) years following the date of this Order, it is Respondent's responsibility to arrange for quarterly written work reports to be submitted to the Department Monitor from his supervisor at each setting in which Respondent practiced dentistry in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Respondent's work performance, and shall include the number of hours of active dentistry practiced worked during that quarter. If a report indicates poor work performance, the Board may institute additional limitations on Respondent's dentistry license, or may suspend Respondent's dentistry license in its discretion.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$995.00

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://dpsmonitoring.wi.gov>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 3585-15) 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

6 January 2021
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FREDERICK B. GILBERT, D.D.S.,
RESPONDENT.

STIPULATION

ORDER 0007145

Division of Legal Services and Compliance Case No. 19 DEN 003

Respondent Frederick B. Gilbert, 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.

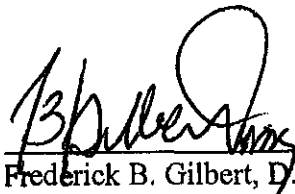
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.



Frederick B. Gilbert, D.D.S., Respondent
Pewaukee, WI 53702
License no. 3585-15

12/18/20
Date



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

12/18/20
Date