

## 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

MICHAEL C. FISHER, D.D.S.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007461**

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Division of Legal Services and Compliance Case Nos.  
18 DEN 048, 18 DEN 084, 18 DEN 121, 19 DEN 119

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

Michael C. Fisher, D.D.S.  
Dodgeville, WI 53533

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 agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, subject to the approval of the Dentistry Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Michael C. Fisher, D.D.S., (Year of Birth 1957) is licensed in the state of Wisconsin to practice dentistry, having license number 4191-15, first issued on September 25, 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 in Dodgeville, Wisconsin 53533.

2. At all times relevant to these matters, Respondent practiced dentistry at a dental clinic located in Dodgeville, Wisconsin.

3. On January 5, 2000, the Board issued Order No. LS9909141DEN suspending Respondent's license to practice dentistry and ordering him to undergo remedial education for five separate counts of substantially departing from the standard of care. The Board granted a stay of the suspension on May 3, 2000. Respondent's license was fully restored on September 5, 2001.

#### 18 DEN 048

4. On March 11, 2018, the Department's Division of Legal Services and Compliance (DLSC) received a complaint alleging that Respondent refused to disclose his hygienist's name to the complainant.

5. DLSC Case No. 18 DEN 048 was opened to investigate Respondent's compliance with continuing education (CE) requirements for the 2016-2017 biennium only. The Board's screening panel had no concerns regarding the underlying allegations.

6. Respondent maintained that he completed 49.5 hours of CE; however, he only provided proof of completion of 5.50 CE credit hours from a valid educational institution for the 2016-2017 biennium.

7. Respondent asserts that the laws regarding dental CE audits are vague.

8. Respondent provided proof of completion of 33.50 CE hours, with at least 25 CE hours of instruction in clinical dentistry or clinical medicine, for the 2018-2019 biennium, satisfying the 2018-2019 CE requirement.

#### 18 DEN 084

9. On November 20, 2013, Respondent treated Patient A (a female born in 1959) and placed a crown on Patient A's tooth #13. The x-rays taken post-procedure showed decay remained under the crown and that the crown was improperly placed leaving the margins open.

10. On May 17, 2017, Respondent placed a crown on Patient A's tooth #7. The x-rays taken post-procedure showed that the crown was improperly placed leaving the margins open.

11. By failing to correct all dental caries prior to placing the crown on tooth #13 and by not replacing the improperly placed crowns on teeth #13 and #7, Respondent created an unacceptable risk of the crowns failing and/or loosening and permitting organisms to enter under it, promoting the development of worsening dental caries, further periodontal disease, and potential tooth loss.

#### 18 DEN 121

12. On January 31, 2014, Respondent treated Patient B (a female born in 1954) and placed an aesthetic crown on wisdom tooth #32. However, x-rays taken in October 2011 showed that progressing decay existed under a crown on tooth #31 that Respondent never corrected or discussed with Patient B.

13. The standard of care dictated that Respondent should have reviewed the prior x-rays, developed a treatment plan and discussed the plan with Patient B, removed the crown on tooth #31, and corrected the decay under it.

14. By placing the crown on tooth #32 without addressing the decay on tooth #31, Respondent created difficulties for the patient's ability to clean her teeth, resulting in an unacceptable risk of worsening dental caries, further periodontal disease, and potential tooth loss.

#### 19 DEN 119

15. On January 16, 2015, Respondent treated Patient C (a female born in 1965) and placed a crown and post on tooth #4. However, x-rays taken on March 3, 2015 still showed decay on distal #4.

16. By failing to correct the decay under the restoration on tooth #4 before placement of the crown, Respondent created an unacceptable risk of worsening dental decay, further periodontal disease, and potential tooth loss.

17. In May of 2018, Respondent retired from the practice of dentistry. Respondent wishes to maintain his license to engage in volunteer dentistry.

18. Respondent denies engaging in unprofessional conduct related to his practice and maintains he has been the subject of retaliation from the purchaser of his practice for unknown reasons. However, since he has now retired and does not wish to incur additional expenses in contested disciplinary proceedings, he consents to the entry of the following Conclusions of Law and Order in resolution of these matters.

#### CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in these matters 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 committed unprofessional conduct under Wis. Admin. Code § DE 5.02(16) by violating Wis. Admin. Code § DE 13.03(1), which requires a dentist to complete 30 credit hours of continuing education related to the practice of dentistry, including not less than 25 credit hours of instruction in clinical dentistry or clinical medicine, during the two-year period immediately preceding the renewal date.

3. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct under 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 which harms or could have harmed a patient.

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

### ORDER

1. The attached Stipulation is accepted.

2. The license of Respondent Michael C. Fisher, D.D.S., to practice dentistry in the state of Wisconsin (license number 4191-15) is SUSPENDED for a period of six (6) months from the date of this Order.

3. Respondent's license to practice dentistry in the state of Wisconsin (license number 4191-15) is further LIMITED as follows:

- a. Within six (6) months of the date of this Order, Respondent shall at his own expense, successfully complete ten (10) hours of education on the topic(s) of comprehensive diagnosis, informed consent, and prosthodontics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the course(s).
- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution(s) 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.
- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

4. Within 180 days from the date of this Order, Respondent shall pay the COSTS of these matters in the amount of \$2,450.00.

5. Any requests for approval, petitions, payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), and any other information required by this Order, shall be submitted to:

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

Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

6. If, after a period of six (6) months from the date of this Order, Respondent has fully complied with the requirements in paragraphs 3 and 4, Respondent shall be restored to full licensure.

7. In the event Respondent violates any term of this Order, Respondent's license to practice dentistry (license number 4191-15), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED indefinitely, 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.

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

WISCONSIN DENTISTRY EXAMINING BOARD

By:   
A Member of the Board

7 July 2021  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MICHAEL C. FISHER, D.D.S.,  
RESPONDENT.

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STIPULATION

**ORDER 0007461**

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Division of Legal Services and Compliance Case Nos.  
18 DEN 048, 18 DEN 084, 18 DEN 121, 19 DEN 119

Respondent Michael C. Fisher, 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 four (4) pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations 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. Respondent is represented by Attorney Ellison F. Hitt.


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 these investigations may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, 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.

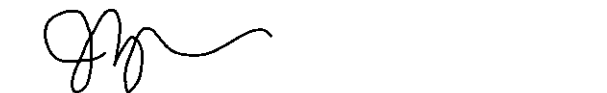
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Michael C. Fisher, D.D.S., Respondent  
Dodgeville, WI 53533  
License No. 4191-15

06/25/2021  
Date

  
Ellison F. Hitt, Attorney for Respondent  
Siesennop & Sullivan LLP  
111 W. Pleasant St., Suite 110  
Milwaukee, WI 53212

6/25/21  
Date

  
Julie A. Zimmer, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

6/25/2021  
Date