

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	:	
	:	FINAL DECISION AND ORDER
	:	FOR REMEDIAL EDUCATION
MARK R. ZELKO, D.D.S.,	:	
LICENSEE.	:	ORDER 0007667

Division of Legal Services and Compliance Case No. 21 DEN 057

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

Mark R. Zelko, D.D.S.
Waukesha, WI 53188

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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Licensee Mark R. Zelko, D.D.S., (Year of Birth 1988) is licensed in the state of Wisconsin to practice dentistry, having license number 1001162-15, first issued on June 25, 2015, and current through September 30, 2021. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Waukesha, Wisconsin 53188.

2. At all times relevant to this proceeding, Licensee practiced dentistry at a dental clinic in Pewaukee, Wisconsin (Clinic).

3. On July 25, 2017, Patient A (male born in 1987) presented to Licensee at the Clinic for bridge preparation on teeth #29-31.

4. On August 1, 2017, Patient A returned to the Clinic with throbbing pain in the area of the bridge. Licensee removed the temporary crown on tooth #29 and determined there was excess cement from the temporary crown below the gum line. Licensee removed the excess cement and noted inflammation of the gingival tissue.

5. On August 9, 2017, Licensee seated a bridge on Patient A's teeth #29-31.

6. On November 14, 2017, Patient A returned to the Clinic complaining that pain in tooth #29 had returned. Licensee completed endodontic testing on Patient A and diagnosed tooth #29 with symptomatic apical periodontitis with irreversible pulpitis and performed pulpal debridement to relieve Patient A's symptoms. On December 6, 2017, Licensee completed root canal treatment on tooth #29.

7. On February 7 and March 26, 2018, Patient A returned to the Clinic with continued symptoms of sensitivity to cold and chewing. Licensee adjusted the bridge occlusion of teeth #29-31 and suggested to Patient A that if symptoms remain, the bridge would be removed and a new bridge would be fabricated.

8. Patient A continued to return to Licensee for his regular periodontal maintenance with ongoing complaints of sensitivity and pain. On June 16, 2020, Patient A complained of sensitivity to cold on the upper and lower right for the last month. Licensee examined Patient A and concluded that tooth #31 had gingival recession with root exposure and sensitivity toothpaste was recommended.

9. On October 12, 2020, Patient A saw another dentist (Dentist B) for evaluation of his continued pain and sensitivity at teeth #29-31. Dentist B took panoramic x-rays and referred Patient A to an endodontist (Dentist C) for evaluation of teeth #29 and 31, noting a positive cold response in both teeth and a fracture in tooth #31 on x-rays.

10. On October 15, 2020, Dentist C examined Patient A and concluded that the prior endodontic treatment on tooth #29 was inadequate or incomplete due to poor compaction. Dentist C similarly diagnosed tooth #31 with a fracture and need for root canal treatment.

11. Dentist C subsequently did root canal treatment on teeth #29 and 31, and Dentist B inserted a new crown/bridge on teeth #29-31.

12. The standard of care required Licensee to completely and competently perform root canal treatment on Patient A's tooth #29 and to diagnose the need for root canal treatment on Patient's A's tooth #31.

13. 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 is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

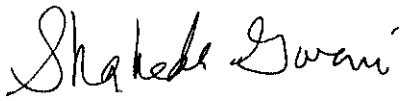
1. The attached Stipulation is accepted.
2. Within six (6) months of the date of this Order, Licensee shall at his own expense take and successfully complete sixteen (16) hours of continuing education on the topic of root canal diagnosis and treatment, eight (8) credits of which must be in-person with hands-on clinical instruction (involving participation by Licensee), 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 course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
 - b. 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. 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 may not be used in any future attempt to upgrade a credential.
 - c. 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. Requests for course approval 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

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

WISCONSIN DENTISTRY EXAMINING BOARD

By: 
A Member of the Board

Date 3 November 2021

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

MARK R. ZELKO, D.D.S.,
LICENSEE.

:
:
:
:

STIPULATION

ORDER 0007667

Division of Legal Services and Compliance Case No. 21 DEN 057

Licensee Mark R. Zelko, 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.
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.



Mark R. Zelko, D.D.S., Licensee
Waukesha, WI 53188
License No. 1001162-15

8/30/21

Date



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

08/30/2021

Date