

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
SCOTT W. CHARMOLI, D.D.S., :  
RESPONDENT. : ORDER # 7197

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Division of Legal Services and Compliance Case No. 19 DEN 117

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

Scott W. Charmoli, D.D.S.  
Hartford, WI 53027

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 Scott W. Charmoli, D.D.S., (Year of Birth 1960) is licensed in the state of Wisconsin to practice dentistry, having license number 3671-15, first issued on August 1, 1986, and current through September 30, 2021.<sup>1</sup> Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Hartford, Wisconsin 53027.

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<sup>1</sup> Respondent's license was set to expire on October 1, 2021, and he has not attempted to renew. Due to 2021 Wisconsin Act 10, all health care provider credentials will not expire until thirty days after the end of the declared national emergency. Therefore, Respondent's license has not expired despite the fact he has not completed any of the renewal requirements as of the date of this Final Decision and Order. Pursuant to Wis. Stat. § 440.08(3), Respondent would retain the right to apply for renewal until September 30, 2026.

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

3. On October 29, 2019, the Division of Legal Services and Compliance (Division) received a complaint alleging that Respondent, while working at the Clinic, unnecessarily recommended crowns for patients who did not need them, purposefully damaged patients' teeth in order to create a need for crowns, and submitted photos of that damage in support of insurance claims. The Division opened Case No. 19 DEN 117 to investigate the allegations.

4. On February 2, 2021, the Board issued Interim Order No. 7197 that suspended Respondent's license to practice dentistry in the state of Wisconsin until the Board issues a Final Decision and Order in Case No. 19 DEN 117.

5. On March 10, 2022, Respondent was convicted of five counts of Healthcare Fraud, in violation of Title 18 United States Code, Sections 1347 and 2, and two counts of False Statements Relating to Healthcare Matters, in violation of Title 18 United States Code, Section 1035(a)(2), in United States District Court – Eastern District of Wisconsin, Case No. 20-CR-242. The conduct underlying the convictions is the same conduct that is the subject of the Division's investigation in Case No. 19 DEN 117.

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

#### CONCLUSIONS OF LAW

1. The 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 violated 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.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § DE 5.02(8) by obtaining or attempting to obtain any compensation by fraud.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § DE 5.02(15) by violating any law or being convicted of a crime the circumstances of which substantially relate to the practice of a dentist or dental hygienist.

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 SURRENDER by Respondent of his license to practice dentistry in the state of Wisconsin (license no. 3671-15), as well as his right to apply for renewal of such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of his license to practice dentistry, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.

4. In the event Respondent petitions the Board for reinstatement of his license to practice dentistry in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$13,732.00 before any petition or application for a credential will be considered by the applicable board or Department.

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

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

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

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

WISCONSIN DENTISTRY EXAMINING BOARD

By:   
A Member of the Board

7/6/22  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
SCOTT W. CHARMOLI, D.D.S., : STIPULATION  
RESPONDENT. : ORDER # 7197

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Division of Legal Services and Compliance Case No. 19 DEN 117

Respondent Scott W. Charmoli, 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. Respondent is represented by Attorney Patrick Sullivan and Attorney Ellison 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

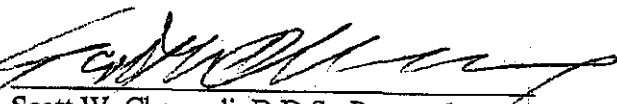
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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 this investigation 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 Section adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

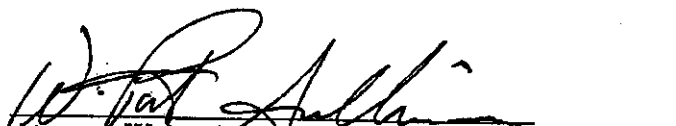
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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



Scott W. Charmoli, D.D.S., Respondent  
Hartford, WI 53027 Grafton, WI 53024  
License No. 3617-15

6/2/22  
Date



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

6/2/22  
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

06/02/2022  
Date