

## 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	:	
	:	FINAL DECISION AND ORDER
RICHARD J. GRZYBOWSKI, D.D.S.,	:	
RESPONDENT.	:	<b>ORDER 0007871</b>

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Division of Legal Services and Compliance Case No. 20 DEN 098

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

Richard J. Grzybowski, D.D.S.  
Nashotah, WI 53058

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 Richard J. Grzybowski, D.D.S., (Year of Birth 1959) is licensed in the state of Wisconsin to practice dentistry, having license number 3572-15, first issued on October 15, 1985, 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 Nashotah, Wisconsin 53058.

2. At all times relevant to this proceeding, Respondent practiced dentistry at a dental clinic located in Wauwatosa, Wisconsin (Clinic). The Clinic had provided dental treatment to Patient A, a female born in 1962, since 2008.

3. On August 5, 2017, Patient A presented to Respondent for an adult periodic examination. Respondent had not treated Patient A prior to this appointment and was filling in for the dentist of record.

4. Respondent charted that he reviewed Patient A's x-rays but did not identify which x-rays. Respondent also charted that Patient A had "good oral hygiene, plaque, v sl calc sl bop." Respondent recommended no new treatment.

5. The x-rays taken on August 5, 2017, in comparison with Patient A's 2016 x-rays, showed recurrent decay on both abutments of the lower right bridge at teeth #29-31.

6. Respondent failed to document whether he clinically examined teeth #29-31 or was watching any suspicious margins at that site, failed to document in the chart that he compared Patient A's 2017 x-rays with her 2016 x-rays, failed to document the "gingival inflammation related to a food trap at teeth #28-29" that he later identified, and failed to diagnose and correct the recurrent decay at teeth #29-31.

7. On January 30, 2019, Patient A presented to another provider at the Clinic who charted "gross decay on tooth #29," removed Patient A's teeth #29-31, and placed a site preservation graft for a future implant.

8. 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(3) 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 which harms or could have harmed a patient.

3. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a) and (h), and Wis. Admin. Code Ch. DE 5.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent's license to practice dentistry in the state of Wisconsin (license number 3572-15) is LIMITED as follows:

a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete two (2) hours of education on each of the following topics: patient documentation and diagnostics.

b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Board's monitoring liaison prior to commencement of the course(s).

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. Within thirty (30) days of completion of the ordered education, Respondent shall submit proof of successful completion in the form of verification from the institution providing the education to the Department Monitor at the address stated below.

e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

g. 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 ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$474.00.

5. Any requests for course approval, proof of successful course completion, and payment of costs (made payable to Department of Safety and Professional Services) 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://dpsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (license number 3572-15) or Respondent's right to renew his license, 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:  Date 3/2/2022  
A Member of the Board

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD J. GRZYBOWSKI, D.D.S.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**ORDER 000787 1**

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Division of Legal Services and Compliance Case No. 20 DEN 098

Respondent Richard J. Grzybowski, 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 Ellison Hitt.

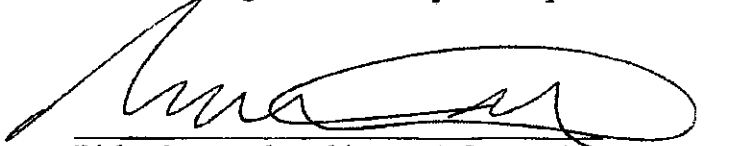
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

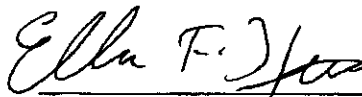
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's 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 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.

  
Richard J. Grzybowski, D.D.S., Respondent  
Nashotah, WI 53058  
License No. 3572-15

2/1/2022  
Date

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

2/1/22  
Date

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

2/1/2022  
Date