

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

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

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FINAL DECISION AND ORDER

**ORDER 0007959**

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Division of Legal Services and Compliance Case No. 21 DEN 069

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

Frederick B. Gilbert, D.D.S.  
Pewaukee, WI 53072

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 Wisconsin 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., (Year of Birth 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, 2023. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is in Pewaukee, Wisconsin 53072.

Prior Discipline

2. On January 25, 2000, the Board suspended Respondent's license for 90 days, prohibited Respondent from performing any fixed prosthodontics until he demonstrated competence, ordered him to complete education in fixed prosthodontics and practice in a

supervised setting for two years, and ordered him to undergo an assessment by an approved dentist. The Board's Order was based on Respondent's placement of poorly fit crowns and his failure to cooperate with the Board's investigation.

3. On March 4, 2009, the Board reprimanded Respondent and ordered him to complete 8-16 hours of education in recordkeeping and 8-16 hours of education in oral diagnosis and treatment planning, including radiographic diagnostics. The Board's Order was based on Respondent's failure to conduct an exam or take x-rays of a patient who complained of painful fillings, failure to complete treatment records, and failure to respond. The Board granted full reinstatement of Respondent's license on October 5, 2011.

4. On January 6, 2021, the Board suspended Respondent's license for 15 days and ordered him to complete three hours of education in ethics. The Board's Order was based on Respondent's suspension by his employer for falsifying patient records and failing to comply with his continuing education requirements for the 2015-2017 biennium.

#### Current Case

5. At all times relevant to this proceeding, Respondent was employed as a dentist at a correctional institution in Racine, Wisconsin.

6. On May 25, 2021, the Department received a complaint from Patient A, a male born in 1971, alleging that Respondent prescribed amoxicillin to him after an extraction despite being told by Patient A he was allergic to Augmentin, which caused a severe allergic reaction.

7. On October 18, 2019, Patient A presented to Respondent for an extraction of tooth #19. After the procedure, Respondent prescribed 10 capsules of amoxicillin 500mg, overriding the electronic prescription system. Respondent's charting did not indicate any allergies nor any discussion with Patient A about any allergies.

8. At two prior visits on July 17 and July 22, 2019, Respondent noted in Patient A's chart that Patient A was allergic to Augmentin.

9. Respondent maintains that Patient A told him he was not allergic to anything, and Respondent assumed the new prescription system was incorrect.

10. Patient A subsequently suffered an itchy rash on his entire body and was sent to the emergency department on October 26, 2019 after he reported throat and feet swelling. He was prescribed steroids and discharged.

11. Respondent provided evidence of having completed the required 30 credit hours of continuing education for the 2019-2021 biennium; however, Respondent did not provide evidence that he completed two hours of continuing education on the topic of responsible prescribing of controlled substances, as required by Wis. Admin. Code § DE 13.03(1m).

12. Respondent has informed the Department that he has retired and no longer practices dentistry.

13. 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. Based on the Findings of Fact, Respondent committed unprofessional conduct by engaging in any practice which constitutes a substantial danger to the health, welfare or safety of a patient or the public, pursuant to Wis. Admin. Code § DE 5.02(1).

3. Based on the Findings of Fact, Respondent committed unprofessional conduct 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, pursuant to Wis. Admin. Code § DE 5.02(5).

4. Based on the Findings of Fact, Respondent committed unprofessional conduct by failing to complete two hours of continuing education on the topic of responsible prescribing of controlled substances for the treatment of acute dental pain for the biennium ending in 2021, pursuant to Wis. Admin. Code §§ DE 5.02(16) and DE 13.03(1m).

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

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER by Respondent of his license to practice dentistry in the state of Wisconsin (license number 3585-15), and his right to renew such license, is accepted.

3. Respondent shall not petition the Board for reinstatement of his license to practice dentistry in the state of Wisconsin for at least one (1) year from the date of this Order. If the Respondent petitions for reinstatement after one (1) year, the Board in its sole discretion may grant or deny the petition, or impose any limitations or restrictions on Respondent's license, and the Board's decision is not reviewable.

4. In the event Respondent petitions the Board for reinstatement of his license to practice dentistry, 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 \$676.00 before any petition or application for a credential will be considered by the applicable board or Department.

5. Any petitions or payment of costs (made payable to Department of Safety and Professional Services) 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  
DPSMonitoring@wisconsin.gov

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

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

WISCONSIN DENTISTRY EXAMINING BOARD

By:   
A Member of the Board

5/4/22  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

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

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STIPULATION

**ORDER 0007959**

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Division of Legal Services and Compliance Case No. 21 DEN 069

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.

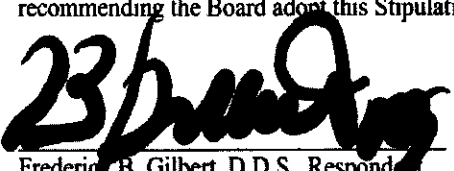
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

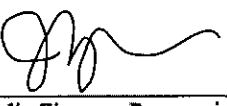
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. 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.

  
Frederick B. Gilbert, D.D.S., Respondent  
Pewaukee, WI 53072  
License No. 3585-15

  
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

4/4/2022  
Date