

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
J. CHARLES MESEC, D.D.S., :
RESPONDENT. :

ORDER 0008836

Division of Legal Services and Compliance Case No. 21 DEN 106

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

J. Charles Mesec, D.D.S.
Burlington, WI 53105

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. J. Charles Mesec, D.D.S. (Respondent), (Year of Birth 1958) is licensed in the state of Wisconsin to practice dentistry, having license number 3120-15, first issued on June 23, 1983 and current through September 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Burlington, Wisconsin 53105.

Prior Discipline

2. On September 7, 2011, the Board issued Order Number 0001081, which reprimanded Respondent and required him to successfully complete education on the topics of crown fabrication and bridge and endodontic procedures. Respondent failed to meet the minimum

standard for marginal integrity of a crown and failure to detect and correct the deficiency through periapical radiographs. On January 18, 2012, the Board issued an Order Granting Full Licensure to Respondent.

3. On July 1, 2020, the Board issued Order Number 0006871, which reprimanded Respondent for practicing dentistry after his license expired on September 30, 2019, until October 22, 2019, when he renewed his license.

Current Discipline

4. At all times relevant to these matters, Respondent practiced dentistry at a clinic located in Burlington, Wisconsin (Clinic).

5. On September 11, 2018, Respondent had an initial appointment with Patient A (male born in 1986). Respondent's treatment plan for Patient A included extractions, endodontic treatment, and multiple composite restorations.

6. Between September 19 and November 28, 2018, Respondent extracted four teeth, filled caries on nine teeth, performed a root canal on tooth #5, placed porcelain/ceramic crowns on teeth #2 and #5, and prescribed hydrocodone-acetaminophen 5-325 mg tablets for tooth pain management.

7. On December 5, 2019, while filling caries on tooth #15, part of the tooth broke off. On December 11, 2019, Respondent performed a root canal on tooth #15 and placed a temporary resin crown.

8. Respondent did not use a rubber dam during the root canal procedures on teeth #'s 5 and 15, and failed to document any consultation with Patient A regarding the risks, benefits, and alternatives to root canal treatment.

9. On May 10, 2021, Patient A consulted another dentist (Dentist B) after a filling fell out on the upper left side of Patient A's mouth. Dentist B recommended a treatment plan which involved treatment for multiple teeth that Respondent had previously treated. This included treatment related to a ledge on the buccal margin with radiographically open mesial margin on tooth #2, an ill-fitting crown with distal margins on tooth #5, core buildup missing and caries present for previous root canal on tooth #15, and recurrent caries in teeth previously filled by Respondent.

10. On November 9, 2021, the Department sent a request to the Respondent for a verification of his continuing education completed during the 2019-2021 biennium. Respondent provided the Department with proof of 30 hours of continuing education, but he did not complete the required two hours on the topic of responsible prescribing of controlled substances for the treatment of acute dental pain.

11. Respondent falsely certified in his 2021 license renewal application that he completed the required two hours on the topic of responsible prescribing of controlled substances for the treatment of acute dental pain.

12. 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 practiced in a manner which substantially departed from the standard of care ordinarily exercised by a dentist or dental hygienist which harms or could have harmed a patient within the meaning of Wis. Admin. Code § DE 5.02(5).

3. By the conduct described in the Findings of Fact, Respondent failed to comply with the continuing education requirement for dentists to complete 30 credit hours of continuing education which shall include 2 hours in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain for the biennium ending in 2021 within the meaning of Wis. Admin. Code § DE 13.03(1m).

By the conduct described in the Findings of Fact, Respondent made a false statement or gave false information in connection with an application for a license, certificate, or registration or for renewal or reinstatement of a license, certificate, or registration, or received a license, certificate, or registration through error within the meaning of Wis. Stat. § 447.07(3)(b).

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a) and (b) and Wis. Admin. Code § DE 5.02.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The license issued to Respondent to practice dentistry in the State of Wisconsin (license number 3120-15), is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete three (3) hours of education on the topic of treatment planning, three (3) hours of education on the topic of performing root canals, and three (3) hours of education on the topic of record keeping offered by a provider pre-approved by the Board monitoring liaison, including taking and passing any exam offered for the courses.
- b. All education completed pursuant to this Order shall be taken in person. The Board's monitoring liaison may approve course(s) to be taken via webinar, online, or otherwise remotely, in response to a request from Respondent.

- c. Respondent 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 also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. The Board 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.
- e. 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 \$2,108.00. If costs are not paid ninety (90) days from the date of this Order, interest shall accrue at the statutory rate of 12% per annum, pursuant to Wis. Stat. § 440.22(2).

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://dpsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (no. 3120-15), 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:



A Member of the Board

11/1/2023

Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

J. CHARLES MESEC, D.D.S.,
RESPONDENT.

STIPULATION

ORDER 0008836

Division of Legal Services and Compliance Case No. 21 DEN 106

J. Charles Mesec, D.D.S. (Respondent), 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

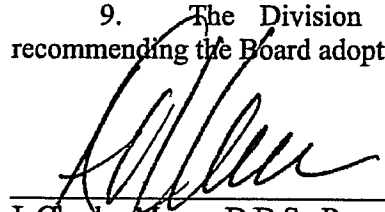
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

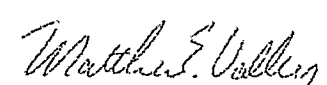
8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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.



J. Charles Wiese, D.D.S., Respondent
Burlington, WI 53105
License No. 3120-15

9/28/2023
Date



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

10/6/23
Date