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State of Wisconsin
Before the Dentistry Examining Board

In the Matter of the Disciplinary Proceedings Against

RICARDO E. ARAUJO, D.D.S,
Respondent

FINAL DECISION AND ORDER
LS0111071DEN

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Ricardo E. Araujo, D.D.S.
1335 S. 124th St.
Brookfield, WI, 53005

Dentistry Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties having agreed to the attached stipulation, the Wisconsin Dentistry Examining Board makes the following:

FINDINGS OF FACTS

1. Ricardo E, Araujo, D.D.S., 1335 S. 124th St., Brookfield, WI 53005, was born on 4/23/1960 and has been licensed as a dentist in the state of Wisconsin since 3/2/1994, license # 4577.
2. On 5/7/1997, Respondent saw the patient, a 5-year-old child, for the first time. The patient had previously been seen by another dentist and had just switched to Dental Associates. The respondent examined the patient and diagnosed caries in teeth # J, K, T, 19, and 30 and diagnosed hypocalcification in teeth #9 and 30. The respondent scheduled an appointment on 6/4/1997 for fillings and sealants on teeth # K, T, and 30.
3. On 6/4/1997, respondent drilled and filled tooth # T with a buccal amalgam, tooth # K with a buccal amalgam and an occlusional preventative resin restoration, and tooth # 30 with an occlusional amalgam based with dycal and a sealant.
4. The respondent said that the patient was apprehensive, very hyper, and uncooperative during the visit. He recommended to the patient's mother the use of nitrous oxide, but she refused. The respondent said that neither the patient's mother nor the patient requested any anesthesia and during respondent's treatment the patient did not exhibit any symptoms of pain.
5. The patient's mother said that she did refuse the use of nitrous oxide, but that she told the respondent that if her son needed an anesthetic that the respondent should use a local anesthetic like Bupivacaine or Carbocaine. However, the respondent did not use or offer a local anesthetic.

6. The respondent said that he only drilled and filled three teeth and he did not do any work on the left side of the patient's mouth. According to the respondent, when the patient's mother refused to allow the use of nitrous oxide as a anesthetic he decided not to use a local anesthetic and he did not drill or perform any type of treatment on teeth # J and 19.

7. The patient's mother said the respondent drilled all five teeth but because he "was out of time" he was not able to complete the fillings for the remaining teeth so he scheduled an appointment to finish the dental procedure. The patient's mother thought that the respondent had put temporary fillings in all five teeth.

8. An appointment was scheduled on 7/10/1997 to do the work on teeth # J and 19.

9. On 6/5/1997, 24 hours later, the patient's mother said that the patient complained of pain on the left side of his mouth while eating crunchy foods and drinking cold fluids. The patient's mother said she called Dental Associates and was informed that Dr. Araujo would not see the patient until the scheduled appointment on 7/10/1997. The respondent said that he was out of the office on 6/5/1997 and was not able to provide any emergency dental services for the patient. However, other Dental Associates dentists were available who could have seen the patient and provided emergency dental services. Dental Associates has no record that the patient's mother ever contacted Dental Associates about the patient's complaints of pain.

10. Later on 6/5/1997, the patient's mother took the patient to see Dr. S. Dr. S. examined the patient and observed that tooth # J had a filling missing and needed replacement; tooth # K was prepped but not filled; and tooth # 19 had incomplete enamel formation on occlusal surface resulting in a very deep occlusal pit with decay present. The patient's mother wanted a second opinion and did not have Dr. S. do any dental work on the patient.

11. On 6/6/ 1997, the patient's mother took the patient to see Dr. T. Dr. T examined the patient and said that tooth # K had been prepped for filling but wasn't filled; tooth # 19 had been prepped, drilled, had decay present but had not been filled; and tooth # J has an OL and the patient's mother had thought that the filling had fallen out. Dr. T. was going on vacation and was unable to provide treatment to the patient. Dr. T. believed that the patient was not in substantial discomfort and that his condition was not serious enough to require immediate emergency treatment so he scheduled an appointment with Dr. C.M. on 6/9/1997.

12. On 6/9/1997, the patient's mother took the patient to see Dr. C.M. Dr. C.M. examined the patient and observed that fillings on teeth # T and 30 on the right side of the patient's mouth had been done to completion. However, teeth # K, and 19 looked like they had been previously drilled, decay was present, and no filling or temporary filling material had been placed in the drilled teeth. Tooth # J looked like the filling had fallen out because there were still remnants of filling still present. Dr. C.M. drilled out the decay and filled teeth # K, J, and 19 with amalgam fillings.

13. Respondent has demonstrated that, after the date of this incident, he successfully completed in excess of 24 hours of continuing education in restorative dentistry and pain control for pediatric patients.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction in this proceeding pursuant to sec. 447.07, Wis. Stats.

2. The Wisconsin Dentistry Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that the Board recognizes that the instruction Ricardo E. Araujo, D.D.S. has obtained in restorative dentistry and pain control for pediatric patients meets the education the Board would otherwise have ordered for rehabilitation of the Respondent.

Dated at Madison, Wisconsin, this 7th day of November, 2001.

Wisconsin Dentistry Examining Board

Bruce Barrette

