

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
STEVEN KAMINSKI, D.D.S., :
RESPONDENT. : LS0803054DEN

Division of Enforcement Case # 05 DEN 093

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

Steven Kaminski
Dental Associates, Ltd.
430 Main Street
Green Bay, WI 54301

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Dentistry Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Dentistry Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Steven Kaminski, D.D.S., (DOB 11/11/1961) is duly licensed as dentist in the state of Wisconsin (license # 15-5268). This license was first granted on August 15, 2000.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 430 Main Street, Green Bay, Wisconsin, 54301.
3. From approximately January 21, 2004 through approximately February 7, 2005, patient M.C. received

services from Respondent. Subsequently, she complained that the crown that Respondent placed on tooth # 6 repeatedly came off, and a space developed between tooth # 5 and tooth # 6. She was also dissatisfied with the shading of tooth # 6.

4. In or about July, 2005, Respondent sought a second opinion from another dentist. That dentist recommended having the crown re-made with the diastema # 5-6 closed and to address the post/buildup/retention issues, while paying close attention to her occlusion to try to eliminate the mobility and fremitus exhibited by the tooth.

5. Respondent's dental records for patient M.C. were obtained and evaluated. The records were incomplete and inadequate in that they did not address all treatment planning, treatments, procedures, and outcomes.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 447.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3 - 5 above constitutes a violation of Wisconsin Administrative Code DE 5.02(5), and subjects Respondent to discipline pursuant to Wis. Stat. § 447.07.

ORDER

IT IS ORDERED:

1. Steven Kaminski, D.D.S. is REPRIMANDED.

2. The license of Steven Kaminski, D.D.S. to practice dentistry in the State of Wisconsin is LIMITED as follows:

(a) Within ninety (90) days of the date of this Order, Respondent shall complete at least six (6) hours of pre-approved continuing education in record keeping for dentists, six (6) hours of pre-approved continuing education in treatment planning for dentists, and six (6) hours of pre-approved continuing education in the treatment of occlusion issues.

(b) Respondent shall certify to the Board the successful completion of these continuing education courses. Upon successful completion, this limitation will be removed.

(c) All courses taken in satisfaction of the above requirements must be pre-approved by the board. Prior to any such course, Respondent shall submit to the Board Monitor at the address listed below an outline of the required training for approval, which shall contain the name of the institution providing the instruction, the name of the instructor, and the course content.

(d) Respondent shall be responsible for the cost of compliance with the terms of this Order.

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Four Hundred Dollars (\$400.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. In the event Respondent fails to pay costs as ordered, or fails to comply with the ordered continuing education, Respondent's license (#15-5268) SHALL BE SUSPENDED, without further notice or hearing, until Respondent

has complied with the terms of this Order.

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

Dentistry Examining Board

By: Lori R. Barbeau DDS
A Member of the Board

3/5/08
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
STEVEN KAMINSKI, D.D.S. : LS# _____
RESPONDENT. :

Division of Enforcement Case # 05 DEN 093

Steven Kaminski, D.D.S., personally and by his attorney W. Patrick Sullivan; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 05 DEN 093). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Dentistry Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board 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 Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Steven Kaminski, D.D.S.
Dental Associates, Ltd
430 Main Street
Green Bay, WI 54301

Date

W. Patrick Sullivan
Attorney for Steven Kaminski, DDS
Siesennop & Sullivan
200 N. Jefferson St. # 200
Milwaukee, WI 53202-5900

Date

Jeanette Lytle, Attorney
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date