

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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State of Wisconsin
Before the Dentistry Examining Board

FILE COPY

In the Matter of Disciplinary Proceedings Against

Teresa Hitzeman, D.D.S.
Respondent
Case No. 95 DEN 119

Final Decision and Order

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

Teresa Hitzeman, D.D.S.
1128 Milwaukee Street
Kewaunee WI 54216

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 to this proceeding have agreed to the attached stipulation. Therefore, the Dentistry Examining Board makes the following

FINDINGS OF FACT

1. Teresa Hitzeman, D.D.S., was born on November 19, 1960, and is licensed to practice dentistry in the state of Wisconsin pursuant to license number 4192, first granted on September 25, 1990. Dr. Hitzeman practices in Kewaunee, Wisconsin.
2. On October 27, 1992, Dr. Hitzeman treated patient F.J., a 32 year old male who came to Dr. Hitzeman with complaints of tooth pain. Dr. Hitzeman diagnosed periocoronitis, and recommended extraction of tooth #32.
3. Patient F.J. consented to the extraction, and Dr. Hitzeman attempted to extract the tooth. Dr. Hitzeman's recording of the procedure is limited to "32-extract surgical" in the patient records, and Patient F.J. believed that the entire tooth had been extracted.

4. Dr. Hitzeman discharged Patient F.J. with a supply of painkillers, which he used for the next several days until he was incarcerated at a state prison where he was not permitted to continue the controlled substances.

5. Patient F.J. continued to have complaints of tooth pain at #32. On November 5, 1992, F.J. was examined at Racine Correctional Institution. The examining dentist noted extensive caries in tooth #32, and assessed a periapical abscess and non-vital #32, and planned to schedule extraction of #32.

6. On December 15, 1992, Patient F.J. was again seen in the Health Services Unit at Racine Correctional Institution, complaining of pain in #32. The examining dentist noted that the tooth was partially removed before Patient F.J. was brought to Racine Correctional, and noted that a panorex radiograph was needed to determine which portions of the tooth remained.

7. On December 16, 1992, a panorex radiograph was taken at Divine Savior Hospital in Baraboo, which showed that only the coronal portion of #32 was missing from Patient F.J.'s mouth.

8. On January 14, 1993, the remainder of #32 was surgically removed by an oral surgeon.

9. Dr. Hitzeman was interviewed in the course of the investigation of this matter, and stated that she had had no information that the patient was continuing to have pain, and had had no opportunity to do follow up evaluation or treatment. Dr. Hitzeman further stated that the standard practice when removing a tooth in several pieces is to reassemble the tooth after it has been removed to be sure that all the pieces have been removed, but that she does not recall doing that reassembly in the case of #32 with Patient F.J.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07, Stats.

2. Failure to ensure that the entire tooth has been extracted is conduct substantially below the standard of care which is normally exercised by a dentist, which conduct caused continuing pain and additional surgery for Patient F.J., in violation of s. DE 5.02(5), Wis. Admin. Code, and s. 447.07(3), Stats.

ORDER

Now, therefore, it is ordered that Dr. Hitzeman be and hereby is reprimanded.

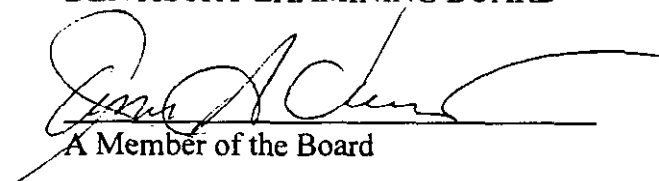
It is further ordered that Dr. Hitzeman will complete 4 hours of continuing education approved by the Board in record keeping, and 4 hours of continuing education approved by the Board in diagnosis, treatment planning and performance of exodontia. Dr. Hitzeman shall obtain approval

from the Board for any course she intends to take in compliance with this Order before she takes the course. The expense of the course shall be the sole responsibility of Dr. Hitzeman. The courses shall be completed within one year of the date of this Order.

It is further ordered that Dr. Hitzeman shall pay the costs of the investigation and disposition of this matter, pursuant to s. 440.22, Stats., in the amount of \$350.00.

Dated this 5th day of March, 1997.

DENTISTRY EXAMINING BOARD



A Member of the Board

State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Teresa Hitzeman, D.D.S.
Respondent
Case No. 93 DEN 165

Stipulation

It is hereby stipulated between Teresa Hitzeman, D.D.S., personally and on her own behalf and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending proceedings concerning Dr. Hitzeman's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Dentistry Examining Board for its consideration and adoption.
2. In resolution of these proceedings, Dr. Hitzeman consents to the entry of the attached Final Decision and Order.
3. Dr. Hitzeman is aware of and understands each of her rights, including:
 - the right to a hearing on the allegations against her, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
 - the right to confront and cross-examine the witnesses against her,
 - the right to call witnesses on her own behalf and to compel their attendance by subpoena,
 - the right to testify herself,
 - 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,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of her choosing, at her own expense,
 - all other rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

4. Dr. Hitzeman is aware and understands that by signing this stipulation she voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.

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 the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

Teresa Hitzeman
Teresa Hitzeman, D.D.S.

1-8-97
Date

James E. Polewski
James E. Polewski
Attorney
Division of Enforcement

January 6, 1997
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On March 5, 1997, the Dentistry Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$350.00 Case #: 95 DEN 119

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 350.00

The costs and/or forfeitures are due: April 4, 1997

NAME: Teresa Hitzeman LICENSE NUMBER: 4192

STREET ADDRESS: 1128 Milwaukee Street

CITY: Kewaunee STATE: WI ZIP CODE: 54216

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G\BDSL\FM2145.DOC

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE DENTISTRY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Teresa Hitzeman, D.D.S.,

AFFIDAVIT OF MAILING

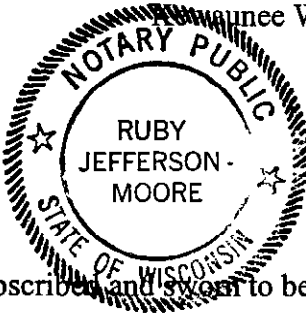
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 17, 1997, I served the Final Decision and Order dated March 5, 1997, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Teresa Hitzeman, D.D.S. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 373 778.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Teresa Hitzeman, D.D.S.
1128 Milwaukee Street
Kewaunee WI 54216



Subscribed and sworn to before me
this 18th day of March, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison. WI 53708.

The Date of Mailing this Decision is:

March 17, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)