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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST :

JOHN M. KOSMEN, DDS
RESPONDENT

FINAL DECISION AND ORDER
LS_9901063DEN

Division of Enforcement Case No. 97 DEN 015

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

John M. Kosmen
201 S. Yellowstone Dr., #312
Madison, WI 53705

Department of Regulation and Licensing

Division of Enforcement

PO Box 8935

Madison, WI 53708-8935

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 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. John M. Kosmen (D.O.B. 10-27-61), is duly licensed as a dentist in the state of Wisconsin (license #4590). This license was first granted on June 15, 1995.
2. Dr. Kosmen's most recent address on file with the Wisconsin Dentistry Examining Board is 201 S. Yellowstone Dr., #312, Madison, WI 53705
3. On February 3, 1997, patient T.L. was seen by Dr. Kosmen for extraction of her ankylosed deciduous tooth T. After reviewing the referral form and provided x-ray of T.L., Dr. Kosmen's independent evaluation was an erupted tooth K with the permanent tooth #20 developing in place below tooth K.
4. Dr. Kosmen did not visualize Tooth T as impacted and in his review of the x-ray the tooth was not ankylosed and did not have a permanent tooth developing below it.
5. After Dr. Kosmen extracted tooth K, he visualized the development of the permanent tooth below. Dr. Kosmen attempted reimplantation of tooth K, but could not achieve this due to the development of the permanent tooth below.
6. Dr. Kosmen has changed the process for treatment of pediatric patients as follows: (1)his own x-rays are obtain; (2)the referring doctor completes a form provided by Dr. Kosmen; (3)consultation with the patient is done two to four weeks prior to any dental procedure; (4) if any inaccuracies arise between the referring doctor and Dr. Kosmen, the treatment plan is review and finalized between Dr. Kosmen and the referring doctor.
7. In resolution of this matter, Dr. Kosmen consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to chapter 447.07 of the Wisconsin statutes.
2. The Wisconsin Dentistry Examining Board is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Stats.
3. The conduct described above constitutes a basis for discipline under secs. 447.07(3)(a) and Wisconsin Administrative Code § DE 5.02(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that John M. Kosmen, DDS (lic. # 4694) is **REPRIMANDED**.

This Order shall become effective upon the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

BY: M. J. Curran_D.D.S. January 6, 1999
On behalf member of the Board Date

