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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	LS0112211DEN
SYED A. HUSSAIN, D.D.S.	:	
RESPONDENT.	:	

The parties to this action for the purposes of sec. 227.53, Wis. Stats., are:

Syed A. Hussain, D.D.S.
21675 Longview Drive, Suite 100
Waukesha, Wisconsin 53186

Dentistry Examining Board
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708 8935

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

The parties in this matter, Syed A. Hussain, D.D.S., personally and through his attorney, W. Patrick Sullivan, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Dentistry Examining 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

1. Syed A. Hussain, Respondent herein, of 21675 Longview Drive, Suite 100, Waukesha, Wisconsin 53186, and whose date of birth is March 18, 1950, is currently licensed to practice dentistry in the State of

Wisconsin under license number 2818 which was granted on July 29, 1981.

2. Respondent specializes in general dentistry.

3. On December 14, 1998, an eighty two year old female Patient DL presented at Respondent's office with complaints of a severe toothache.

4. Respondent conducted an oral examination, took a periapical radiograph of the area of tooth #15 and extracted tooth #15.

5. On December 21, 1998, Respondent conducted a complete mouth oral examination, prophylaxis, and took a Panorex and single bitewing radiographs and a photograph of the patient's teeth.

6. Patient DL returned for additional dental treatment on December 28, 1998, and January 4, 1999.

7. Respondent performed no periodontal probing at any of the dental visits from December 14, 1998 through January 4, 1999.

8. Respondent and Patient DL discussed placing a bridge from teeth #11 through #14 with a pontic at #12 and #13.

9. On January 12, 1999, Respondent attempted to take an impression for the #11 through #14 bridge. At that time he determined that teeth # 11 and #14 were likely to "come off" with the impression and therefore extracted both teeth.

10. At the January 12, 1999, visit, Respondent changed the intended bridge from an #11 to #14 bridge to a #3 to #14 bridge with # 3 through #10 serving as abutments and # 11, #12, #13 and #14 cantilevered.

11. Prior to Respondent receiving the completed bridge, a representative of the laboratory which was preparing the bridge contacted Respondent and advised that a bridge with a four unit cantilever was inappropriate.

12. On January 21, 1999, Respondent cemented the bridge with a temporary bond to allow an opportunity for the area to heal. Respondent asked Patient DL to return for a permanent cementing of the bridge in three weeks.

13. February 4, 1999, Patient DL presented at Respondent's Westtown Dental Clinic with complaints that the bridge had detached.

14. Patient DL was examined by Roumiana Stoycheva, D.D.S., an employee of Respondent's, who noted that several of the abutment teeth were Class III mobile and that the bridge fit poorly.

15. The bridge was temporarily recemented and patient DL was instructed to return for examination by Respondent on February 8.

16. On February 8, 1999, Respondent examined the fit of the bridge and determined that it would need to be redone.

17. On February 17, 1999, Respondent took an impression for a new bridge.

18. On March 8, 1999, Respondent placed the new bridge covering #3 through #13.

19. Following placement of the second bridge, Patient DL had continuing complaints regarding the fit of the bridge.

20. On March 26, 1999, Patient DL returned with complaints of swelling on the right side of her mouth. Respondent took two periapical radiographs and noted in his records "no periapical pathology – it is because of a perio-condition, might need endo."

21. On April 1, 1999, Respondent took two periapical radiographs and performed root canal therapy on tooth #3.

22. In providing dental care and treatment for Patient DL, Respondent engaged in conduct that indicates a lack of knowledge of, an inability to apply or the negligent application of the principles and skills of dentistry in the following regard:

A. Respondent failed to note the questionable bone density of tooth #14 as evidenced by the periapical radiographs taken on December 14 and the Panorex taken on December 21.

B. Respondent failed to perform periodontal probing to determine the periodontal support of tooth #14.

C. Respondent failed to determine the periodontal support of the teeth he intended to use as abutments for the original #11 to #14 bridge.

D. Respondent failed to determine the periodontal support of the teeth he intended to use as abutments for the #3 to #14 bridge.

E. Respondent used teeth with Class III mobility for abutments when he knew or should have known that the teeth were unable to support the cantilevered bridge.

F. Respondent failed to make adequate inquiry into and perform appropriate tests to determine the cause of the patient's swelling on March 26, 1999.

G. Respondent failed to utilize a rubber dam to prevent debris from entering the patient's airway and throat during the root canal therapy on tooth #3 on April 1, 1999.

H. Respondent recommended and placed a four pontic cantilevered bridge when he knew or should have known the abutment teeth were not capable of supporting the cantilevered portion and that the abutment teeth were likely to be further compromised by the force exerted on them by the pressure on the cantilever.

I. Respondent failed to recognize and correct the improper fit of the second #3 to #14 bridge.

CONCLUSIONS OF LAW

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

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

3. Dr. Hussain's conduct as described in paragraphs 3 through 22 of the Findings of Fact constituted unprofessional conduct as defined in sec. 447.07(3) (h) Stats. in that he engaged in conduct which indicated a lack of knowledge of, an inability to apply, or the negligent application of, principles and skills of dentistry.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties, as attached hereto, is accepted.

IT IS FURTHER ORDERED, that the license of Syed A. Hussain, D.D.S., to practice dentistry in the State of Wisconsin is hereby LIMITED on the following terms and conditions:

1. Dr. Hussain shall cease the practice of dentistry in the State of Wisconsin as of April 1, 2003, with the exception that Dr. Hussain may complete ongoing dental procedures on established patients where the interruption of the procedure would significantly affect the patient's dental care. Dr. Hussain may not initiate new procedures on established patients nor accept new patients after April 1. All continuing treatment of established patients must be completed on or before June 1, 2003, at which time Dr. Hussain will cease all practice of dentistry.

2. In the event Dr. Hussain wishes to resume the active practice of dentistry in the State of Wisconsin he may do so on the following terms:

A. Dr. Hussain will not perform any orthodontic procedures. This condition is permanent.

B. Dr. Hussain shall take and pass Parts I and II of the National Board of Dental Examinations and the Central Regional Testing Service Examination (CRDTS).

C. If Dr. Hussain passes the three tests set forth in paragraph B, he shall participate in an educational program administered by the Marquette University School of Dentistry under the supervision of Dean William K. Lobb, D.D.S. The program will be structured as follows:

1. The Marquette University School of Dentistry shall conduct an assessment of Dr. Hussain's skills and knowledge in the areas of evaluation of dental conditions, diagnoses, and treatment planning, including the interrelationship of periodontics, endodontics, and prosthodontics in proposing and implementing dental care. The assessment shall also include specific inquiry into the principles and performance of endodontic, prosthodontic and periodontic treatment modalities and appropriate dental records. The purpose of the assessment is to assist the school in developing an educational program for Dr. Hussain which addresses each of these aspects of dental practice. The School may require Dr. Hussain to furnish a selection of patient records, with adequate precautions taken to protect patient confidentiality, to assist in this assessment. The School may also request interviews with Dr. Hussain to further assist in the evaluation process. The School may also review any documentation maintained in the Department of Regulation and Licensing as part of this proceeding to assist in the assessment.

2. Upon completion of the assessment, the Marquette University School of Dentistry will develop an educational program which will include components in the evaluation of dental conditions, diagnoses, and treatment planning, including the interrelationship of periodontics, endodontics, and prosthodontics in proposing and implementing dental care and the principles and performance of endodontic, prosthodontic and periodontic treatment modalities. The program shall also include a component addressing the creation and maintaining of appropriate dental records. In addition, the program shall specifically address any deficiencies identified in the assessment process. The proposed program shall be submitted to the Dentistry Examining Board or its delegee for approval prior to commencement of the program. The program may consist of classroom, home study, and/or clinical instruction. Dr. Hussain shall take and pass any oral or written evaluations set forth by the school as part of the educational program.

3. Dr. Hussain shall complete the educational program within the time frame set forth by the Marquette University School of Dentistry.

4. Upon satisfactory completion of all components of the educational program, the Marquette University School of Dentistry will certify satisfactory completion to the Dentistry Examining Board.

5. All costs of the assessment and educational program will be the responsibility of Dr. Hussain and he shall make payment to the Marquette University School of Dentistry in accordance with the payment schedule established by the School.

D. In the event Dr. Hussain fails any of the tests set forth in paragraph B above, Dr. Hussain will not be required to complete the terms of paragraph C above but shall, instead, be required to successfully complete a four year dental educational program at Marquette School of Dentistry or another accredited dental school preapproved by the Board. Prior to participating in the educational program, Dr. Hussain shall submit the school curriculum and terms of admission to the courses for preapproval by the Board or its delegee. If Dr. Hussain passed Part I of the National Boards the Board will waive the requirement of the course work for the first year of the dental school program and all additional basic science courses, as identified by the dental school,

conducted in the second and third year. If Dr. Hussain concludes the first term of the 4th year of dental school with a satisfactory or better evaluation on his clinical competency courses, the Board will waive participation in and completion of the second term of the fourth year. As part of this educational program, Dr. Hussain shall be expected to take and successfully complete all course work, testing and evaluations which would be required of any admitted dental school student.

E. Dr. Hussain shall provide whatever documentation is required by the Board as evidence of successful completion of the requirements of paragraphs B through D above before resumption of the practice of general dentistry. Upon receipt of the documentation, the Board shall consider this documentation at its next regularly scheduled meeting. If acceptable, the Board shall immediately notify the Respondent in writing of acceptance of the documentation and their authorization to resume practice.

F. The costs of all testing, reeducation and submission of documentation shall be the sole responsibility of Dr. Hussain.

3. Upon notification from the Board pursuant to paragraph 2(E) above, Dr. Hussain may resume the practice of dentistry in the State of Wisconsin on the following terms:

A. Dr. Hussain shall notify the Dentistry Examining Board in writing of the date he will resume practice.

B. Dr. Hussain's practice will be monitored for a period of one year from the date of practice resumption. The Dentistry Examining Board will select the individual who will perform the monitoring function. Dr. Hussain shall pay the full costs of the performance of the monitoring function within thirty days of submission of any statement from the monitor.

C. The monitoring shall include a personal visit by the monitor to Dr. Hussain's practice once a month on a random basis on a day selected

by the Monitor. Dr. Hussain shall permit access by the monitor to any requested patient records, including but not limited to treatment records, laboratory reports, radiographs, billings statements and prescription records. The monitor shall inspect the dental records for accuracy and completeness. In addition, the monitor shall select at random ten records to discuss with Dr. Hussain. This discussion shall include inquiry into the clinical observations, diagnoses and treatment alternatives set forth by Dr. Hussain for the individual patient's care. On the day the monitor visits the clinic, the monitor shall personally observe all evaluations and treatment provided by Dr. Hussain on that date.

D. The monitor shall submit a written report to the Board on a quarterly basis setting forth his/her observations and findings. If the monitor notes a significant departure from the accepted standard of dental care at any time during the monitoring period, the monitor shall notify the Board immediately.

E. Upon completion of the first year of monitoring, the Board may, in its discretion and unilaterally, impose additional monitoring on the same terms, not to exceed one year.

F. Upon completion of the monitoring period and upon acceptance by the Board of all findings by the monitor indicating practice by Dr. Hussain which meets the accepted standard of dental practice, the Board shall notify Dr. Hussain in writing that he has completed all of the requirements of monitoring period.

4. All certification, reports, notifications of other documents required to be filed with the Dentistry Examining Board under the terms of this Order shall be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
1400 East Washington Ave
Madison, Wisconsin 53708-8935

All such documents shall be deemed filed with the Board upon receipt by the Department Monitor.

IT IS FURTHER ORDERED THAT Dr. Hussain shall pay costs in this matter in the amount of \$2500 to the Department of Regulation and Licensing, 1400 East Washington Avenue, P.O Box 8935, Madison, Wisconsin 53708-8935 within ninety (90) days of the effective date of this Order.

IT IS FURTHER ORDERED THAT The Board may require Dr. Hussain to appear before the Board, at its discretion, to demonstrate compliance with the terms of the Order. Upon evidence that Dr. Hussain has fully complied with all terms of the Order, the Board shall notify Dr. Hussain in writing that he has completed the requirements of the Order.

IT IS FURTHER ORDERED THAT COUNTS I, III, IV, V, and VI of the Amended Complaint are hereby dismissed.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Dentistry Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 3rd day of February, 2003.

WISCONSIN DENTISTRY EXAMINING BOARD

Bruce Barrette

