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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JAMES A. MICHAELS, DDS, : LS # 0505043DEN
RESPONDENT. :

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

James A. Michaels
819 East Summit Ave.
Oconomowoc, WI 53066

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

Wisconsin 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 Wisconsin 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. James A. Michaels, DDS, Respondent herein, date of birth 11/08/56, is duly licensed as a dentist in the State of Wisconsin, license #3660. This license was first granted on 07/16/86.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 819 East Summit Avenue, Oconomowoc, Wisconsin, 53066.
3. At all times relevant to this action, Respondent was working as a dentist at 819 East Summit Avenue, Oconomowoc, Wisconsin.
4. On 12/18/98, while Respondent was performing root canal therapy on patient F.B., the endodontic file Respondent was using broke off in tooth #9. Respondent was unable to remove the endodontic file and, therefore, was unable to fully debride the canal and complete the root canal therapy.
5. On 12/18/98, Respondent did not refer the patient to an endodontist to attempt to remove the retained portion of the endodontic file and to complete debridement of the canal.
6. The patient subsequently developed sensitivity in the area of tooth #9. The patient initially consulted with a medical doctor on several occasions regarding his symptoms. On 12/05/00, the patient presented to Respondent's office for routine prophylaxis and examination and reported the discomfort associated with tooth #9. On 12/11/00, Respondent attempted unsuccessfully to remove the retained portion of the endodontic file in tooth #9 and referred the patient to an endodontist for removal of the endodontic file and completion of the root canal therapy.
7. A substantial portion of Respondent's practice involves the treatment of patients with root canal therapies. Respondent currently performs approximately 750 root canal therapies annually with only minimal incidents of complications.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 447.07, [\[smg1\]](#) and is authorized to enter into the attached Stipulation and Final Decision and Order, pursuant to Wis. Stat. § 227.44(5).
2. The conduct described in paragraphs 4 and 5 of the Findings of Fact constitutes the negligent application of the principles of dentistry in violation of Wis. Stat. § 447.07(3)(h) in that Respondent failed on 12/18/98, when he was unable to remove the retained portion of the endodontic file from tooth #9, to refer the patient to an endodontist to attempt removal of the retained portion of the endodontic file and to complete debridement of the canal.
3. The Wisconsin Dentistry Examining Board has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against the Respondent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of James A. Michaels, DDS, to practice dentistry in the State of Wisconsin is hereby limited as follows:
 - a. Respondent shall attend and satisfactorily complete a minimum of 10 hours of courses in the performance of root canal therapy, including appropriate responses to and treatment of complications associated with root canal therapy. Any course attended in whole or in part to satisfy any portion of this 10 hour requirement shall be attended in its entirety.

- b. Each course attended in satisfaction of this 10 hour requirement shall be pre-approved by the Wisconsin Dentistry Examining Board or its designee.
- c. Respondent shall complete this 10 hour requirement within 9 months of the date of this Final Decision and Order.
- d. Respondent shall provide evidence satisfactory to the Wisconsin Dentistry Examining Board that he has attended each of the approved courses in its entirety. This evidence shall include:
 - i. Certification of attendance from the sponsoring organization; and
 - ii. Respondent's affidavit given under oath that he has attended each of the approved courses in its entirety.
- e. Respondent shall pay all costs of attending the approved courses and of verifying attendance at the courses.
- f. The limited license will terminate and the Respondent's license will be restored to full and unrestricted active status when all terms of this Final Decision and Order have been complied with.

IT IS FURTHER ORDERED that:

2. Respondent shall pay a forfeiture in the amount of \$400.00, payable to the Wisconsin Department of Regulation and Licensing, within 30 days of the date of this Final Decision and Order.

IT IS FURTHER ORDERED that:

3. All requests for approval of courses, certifications of attendance, affidavits, payments of forfeiture and other documents required to be filed with the Wisconsin Dentistry Examining Board or the Department of Regulation and Licensing shall be mailed, faxed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
1400 East Washington Avenue
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

IT IS FURTHER ORDERED that:

4. Respondent shall, within 30 days from the date of this Final Decision and Order, pay costs of this proceeding in the amount of \$1,825.73. 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

5. Violation of any of the terms of this Final Decision and Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Wisconsin Dentistry Examining Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Final Decision and Order. In the event Respondent fails to timely submit any payment of the forfeiture as set forth above or fails to pay costs as ordered or fails to comply with the ordered continuing education, the Respondent's license #3660 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Final Decision and Order.

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

Wisconsin Dentistry Examining Board

By: Bruce Barrette
A Member of the Board

May 4, 2005
Date