

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
Jorge Pinero, DDS, : FINAL DECISION AND ORDER
RESPONDENT. : LS0605032DEN

03DEN086; 04DEN065

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

Jorge Pinero, DDS
7308 W. Layton Ave.
Greenfield, WI 53220

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. Jorge Pinero, date of birth 11/10/56, is duly licensed as a dentist in the state of Wisconsin, license #3165. This license was first granted on 7/8/83.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 7308 West Layton Avenue, Greenfield, Wisconsin 53220.
3. At all times relevant to this action, Respondent was working as a dentist at General and Restorative Dentistry of Milwaukee, 7308 West Layton Avenue, Greenfield, Wisconsin 53220.
4. Respondent provided dental care for S.B. from 12/9/96 through 2/28/02. S.B. had a history of bruxism and TMJ problems. On 2/2/99, Respondent placed permanent porcelain-ceramic crowns on teeth #2, #15, #18 and #31.
5. S.B. developed sensitivity in teeth #2 and #31. On 3/11/99, Respondent performed root canal therapy on teeth #2 and #31. On 5/27/99, when S.B. returned to Respondent's office for a routine dental examination, the crown on tooth #31 came off with instrumentation and Respondent recemented the crown. On 1/20/00 Respondent replaced the porcelain-ceramic crowns on teeth #2 and #31. On 8/6/01, the crown on tooth #31 fractured and on 8/27/01 Respondent replaced the crown on tooth #31 with a full cast gold crown. On 9/25/01, Respondent recemented the crown on tooth #2 because it had fallen off.
6. S.B. developed sensitivity in tooth #15. On 3/25/99, Respondent performed root canal therapy on tooth #15. The crown on tooth #15 fractured on 4/17/02.
7. On 1/16/01, Respondent diagnosed an abscess on tooth #18 and also noted that the crown on tooth #18 was fractured. On 1/22/01, Respondent performed root canal therapy on tooth #18 and placed a crown on the tooth on 2/13/01.
8. The crowns that Respondent had placed on teeth #2, #15, #18 and #31 did not fit properly, had open margins and had leakage.
9. Respondent, while providing prosthodontics services to S.B., did not properly adjust the patient's occlusion resulting in an anterior open bite of 2 to 3 millimeters and damage to the crowns he had placed for the patient.
10. Respondent provided dental care for N.M. from 10/7/99 through 6/5/00.
11. On 10/26/99, Respondent prepared teeth #29, #30 and #31 for onlays. He placed the onlays in teeth #30 and #31 on 11/9/99 but had to redo the impression on tooth #29 on that date. He placed the onlay in tooth #29 on 11/23/99.
12. On 2/14/00, Respondent prepared teeth #12, #13 and #14 for inlays. On 3/13/00, he placed the inlays in teeth #12, #13 and #14.
13. N.M. experienced continuing sensitivity and discomfort in her upper left and lower right quadrants. Respondent made repeated efforts to adjust her occlusion.
14. The onlays in teeth #29, #30 and #31 and the inlays in teeth #12, #13 and #14 did not fit properly, had open margins and had leakage. There also were open contacts at #12-#13 and #30-#31.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 447.07(3), and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4 through 9, above, constitutes a violation of Wis. Stat. § 447.07(3)(h).

3. The conduct described in paragraphs 10 through 14, above, constitutes a violation of Wis. Stat. § 447.07(3)(h).

4. 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 Jorge Pinero, DDS to practice dentistry in the state of Wisconsin is hereby limited as follows:

a. Jorge Pinero, DDS shall take and successfully complete 20 credit hours of continuing dental education in the clinical and radiographic diagnosis of dental pathology. Any course attended in whole or in part to satisfy any portion of this 20 credit hour continuing dental education requirement shall be attended in its entirety.

b. Jorge Pinero, DDS shall take and successfully complete an additional 30 credit hours of continuing dental education in the diagnosis, treatment planning and treatment in the practice of fixed prosthodontics. Any course attended in whole or in part to satisfy any portion of this 30 credit hour continuing dental education requirement shall be attended in its entirety.

c. Each course taken in satisfaction of the continuing dental education requirements of this Final Decision and Order shall be pre-approved by the Wisconsin Dentistry Examining Board or its designee. A course attended in whole or in part by Jorge Pinero, DDS on a date prior to the effective date of this Final Decision and Order will not be eligible to satisfy the continuing education requirements of this Final Decision and Order.

d. All continuing dental education courses taken in satisfaction of this Final Decision and Order shall be completed within one (1) year of the effective date of the Final Decision and Order.

e. Jorge Pinero, DDS shall within 60 days of completion of the approved continuing dental education courses provide evidence satisfactory to the Wisconsin Dentistry Examining Board that he has attended each of the approved continuing dental education courses in its entirety. This evidence shall include:

i. Certification of attendance from the sponsoring organization; and

ii. Jorge Pinero's affidavit given under oath that he has attended each of the approved continuing dental education courses in its entirety.

f. Jorge Pinero, DDS shall pay all costs of attending the approved continuing dental education courses and of verifying attendance at these courses.

g. The limited license will terminate and Jorge Pinero's license to practice dentistry in the state of Wisconsin 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. Jorge Pinero, DDS shall pay a forfeiture in the amount of \$1,000.00, payable to the Wisconsin Department of Regulation and Licensing, within 30 days of the effective date of this Final Decision and Order.

IT IS FURTHER ORDERED that:

3. All requests for approval of continuing dental education courses, certifications of attendance, affidavits, payment 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 Ave.
Madison, WI 53708-8935
Telephone no. (608) 267-3817
Fax no. (608) 266-2264

IT IS FURTHER ORDERED that:

4. Respondent shall, within 30 days from the date of this Order, pay costs of this proceeding in the amount of \$2,395.08 dollars. 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 no. (608) 267-3817
Fax no. (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The 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 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 #3165 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Dentistry Examining Board

By: Bruce J. Barrette DDS
A Member of the Board

5/3/06

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JORGE PINERO, DDS,	:	LS# _____
RESPONDENT.	:	

03DEN086; 04DEN065

It is hereby stipulated between Jorge Pinero, DDS and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement, cases 03DEN086 and 04DEN065. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
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 been provided an opportunity to obtain 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 Wisconsin 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 Wisconsin 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.

Jorge Pinero, DDS
7308 W. Layton Ave.
Greenfield, WI 53220

Date

Gilbert C. Lubcke, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date