

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**  
:   
DANIEL E. BINZAK, DDS : Order 0000280  
RESPONDENT. :

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Division of Enforcement Cases # 05 DEN 58/60 , 06 DEN '97

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

Daniel E. Binzak DDS  
1720 Congress Ave.  
Oshkosh, WI 54901-7701

Wisconsin Dentistry Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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

PROCEDURAL HISTORY

The prosecutor and Respondent in this matter agreed 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 now reviewed this Stipulation, and approves it.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Daniel E. Binzak (dob 5/22/58) is and was at all times relevant to the facts set forth herein a dentist licensed in the State of Wisconsin pursuant to license #3396, first granted on 9/19/84. Respondent is a general dentist.
2. Respondent did, on 10/19/04, perform root canal therapy upon tooth #19 of patient J.B., a woman born in 1977. During the procedure, a file broke while in the mesial-buccal canal, and a 4-5mm piece was left in the canal. Respondent did not detect, and did not inform the patient of, this occurrence, or chart it. Respondent was also unable to fill the mesial-lingual canal to the apex, because of a pulp stone; he did inform the patient of this although he incorrectly stated that

this problem was with the mesial-buccal canal. Respondent did not take, or did not preserve, a radiograph for the file length during the root canal procedure. The patient discovered that the file had been left when she consulted another dentist for continuing pain in the tooth; that dentist was able to fill the incompletely filled canal, and discovered the file upon x-ray. The tooth was ultimately extracted.

3. On 1/3/05, Respondent performed root canal therapy on tooth #3 for patient J.W, a man born in 1973. Respondent's did not take, or did not preserve, radiographs during and after the root canal procedure, on 1/3/05. During the procedure, Respondent inadvertently perforated the root, resulting in extrusion of the fill material which is clearly visible on the radiograph taken by Respondent following the procedure on 1/10/05, when the patient complained of continuing pain. Respondent did not chart this event, or inform the patient of it.

4. On 7/25/06, Respondent prepared tooth #11 for a crown for patient S.B., the patient referred to in par. 4, above. The tooth had previously been treated with root canal therapy, and had subsequently broken at or below the gum line. The structure was inadequate to support the post which Respondent placed, and the post was, in fact, held in place by gutta percha from the root canal therapy. Notwithstanding these facts, Respondent placed a crown on this tooth; the crown subsequently failed and another dentist had to extract the tooth.

#### CONCLUSIONS OF LAW

A. 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 pursuant to Wis. Stat. § 227.44(5).

B. The conduct described in paragraphs 2-4, above, violated Wis. Stat. § 447.07(3)(h), and Wis. Adm. Code § DE 5.02(1) and (5). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

#### ORDER

IT IS ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

1. Daniel E. Binzak, D.D.S., is REPRIMANDED for his unprofessional conduct in this matter.
2. The license of Daniel E. Binzak, D.D.S., to practice as a dentist in the State of Wisconsin is LIMITED as set forth in Wis. Stat. § 448.02(3)(e), and as follows: Respondent shall not practice endodontics or perform any root canal therapy until he has successfully completed a program(s) of not less than 16 hours in endodontics, including recognizing and treating complications, which program(s) have been pre-approved by the Board or its designee, and which includes at least one program which is taken in-person in a hands-on manner.

3. The license of Daniel E. Binzak, D.D.S., to practice as a dentist in the State of Wisconsin is LIMITED as set forth in Wis. Stat. § 448.02(3)(e), and as follows: Respondent shall not practice prosthodontics in any manner until he has successfully completed a program of no fewer than 8 hours of continuing dental education in fixed prosthodontics, which must include coverage of treatment planning, and fitting of crowns and bridges, which program has been pre-approved by the board or its designee.
4. Upon demonstration of successful completion of the required education, these limitations shall be terminated and Respondent restored to an unlimited license, by staff and without further action by the Board.
5. None of the above required continuing education may be used to satisfy the requirements of Wis. Stat. § 447.056.

IT IS FURTHER ORDERED, that in addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 447.07.

Dated this July 7, 2010.

WISCONSIN DENTISTRY EXAMINING BOARD

by: Joi R. Barbeau D.S.  
a member of the Board

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