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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
ALEXANDER B. PIJPAERT, D.D.S., RESPONDENT.	:	DHA case DRL 10 - 0063
	:	ORDER 0000945

[Division of Enforcement Case #08 DEN 026 and 09 DEN 086]

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

Alexander B. Pijpaert, D.D.S.
236 Keala Place
Kihei, HI 96753

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

Dentistry Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A formal disciplinary complaint was filed in this matter on September 17, 2010, and assigned to Administrative Law Judge Amanda Tollefsen. 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 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. Alexander B. Pijpaert (Respondent) was born on August 20, 1954, and was licensed to practice dentistry in the state of Wisconsin pursuant to license number 4898-15, which was granted on June 6, 1997. That license expired on September 30, 2009.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board until October 6, 2010, was Community Clinic of Maui, 1881 Nani Street, Wailuku, Hawaii 96793. On October 6, 2010, the Division of Enforcement received a letter from Respondent stating an address of 236 Keala Place, Kihei, Hawaii 96753.
3. Patient JCS is a woman born October 27, 1961.
4. Patient JCS was regularly seen and treated by Respondent during the period October 19, 2000, to February 25, 2008.
5. On January 8, 2008, Patient JCS saw Respondent to have teeth numbers 28, 29, and 30 prepared for new crowns.
6. At that visit, Patient JCS told Respondent that #29 was loose in her jaw. Respondent told Patient JCS that the tooth was not loose, and prepared #29 for a new crown.
7. On January 10, 2008, Patient JCS returned to have porcelain over gold crowns placed on teeth numbers 28, 29, and 30. Patient JCS complained of throbbing pain in tooth #29, but Respondent cemented the new crown on tooth #29 without further examination or evaluation of the Patient's complaint of pain. Instead, Respondent prescribed thirty tablets of hydrocodone/acetaminophen 10/325 mg., one tablet every six hours, for pain relief.
8. On February 25, 2008, Patient JCS returned to Respondent, again complaining that tooth #29 was loose and painful.
9. Respondent ordered a periapical radiograph, and examined the tooth, finding that it was mobile.
10. On February 27, 2008, Patient JCS presented to a periodontist, Dr. S., complaining of pain from tooth #29. On examination, Dr. S. diagnosed inflamed gingiva at tooth #29, and noted that the margin of the crown on tooth #29 was very deep
11. On February 28, 2008, Dr. S. performed surgery with a full thickness flap, and found a vertical root fracture on tooth #29, which he extracted in several pieces.

12. It is sometimes acceptable dental treatment to place a crown on a tooth that is known to be fractured, in an attempt to salvage the tooth. In such cases, it is the dentist's obligation to inform the patient of the risks and potential benefits of the attempt and to permit the patient to make a knowing and informed choice of treatment options.
13. Respondent does not admit that he failed to provide Patient JCS with the information necessary to permit her to make an informed decision about her dental care, but Respondent does agree that there is sufficient evidence from which the Dentistry Examining Board could reasonably conclude that he failed to obtain informed consent from Patient JCS for his treatment of tooth #29.
14. On August 21, 2009, the Division received a report from Respondent's professional insurance carrier, stating that it had made a payment of $75,000.00 to resolve a malpractice claim against Respondent. The insurance carrier's report stated the allegation of the malpractice claim was that Respondent had broken a patient's jaw while extracting a tooth on August 6, 2007.
15. On August 25, 2009, the Division wrote to Respondent at what was then his most recent address on file with the Dentistry Examining Board, requesting the name of the patient referred to in the report received by the Division on August 21, 2009, and a copy of the records for that patient, and a narrative detailing Respondent's treatment of the patient.
16. On September 16, 2009, the August 25, 2009, letter was returned to the Division by the U.S. Postal Service, with a note "Return to Sender Attempted-not known Unable to Forward."
17. Respondent did not notify the Department of Regulation and Licensing or the Dentistry Examining Board of his change of address, as required by Wis. Stat. s. 440.11.
18. An investigator for the Division of Enforcement performed a search of databases available to the Division, and located Respondent practicing at Community Clinic of Maui, 48 Lono Avenue, Kahului, Hawaii 96732.
19. On September 17, 2009, the Division used the newly discovered address to re-send the August 25, 2009, letter to Respondent.

20. On September 24, 2009, the September 17, 2009, letter was returned to the Division by the U.S. Postal Service, with a note indicating unable to deliver, and including a newer address, Community Clinic of Maui, 1881 Nani Street, Wailuku, Hawaii 96732.
21. Respondent did not notify the Department of Regulation and Licensing or the Dentistry Examining Board of this change of address as required by Wis. Stat. s. 440.11.
22. On September 24, 2009, the Division re-sent the same letter to Respondent, at the newly discovered address.
23. The September 24, 2009, letter to Respondent was not returned by the U.S. Postal Service.
24. Respondent did not reply to the September 24, 2009, letter.
25. On November 11, 2009, the Division sent a copy of the September 24, 2009, letter to Respondent, with the notation in bold type of the second request.
26. Respondent did not reply to the November 11, 2009, letter.
27. Between November 11, 2009, and February 4, 2010, staff in the Division of Enforcement made multiple telephone calls to the Community Clinic of Maui, leaving messages asking Respondent to return the call, in order to obtain the name of the patient whose malpractice claim was settled with a $75,000.00 payment.
28. Respondent did not respond to the letters or the telephone calls from the Division.
29. On September 17, 2010, the Division of Enforcement filed a formal disciplinary complaint against Respondent.
30. On October 4, 2010, the Division received an Answer to the formal disciplinary Complaint, in which Answer Respondent stated that although the 1881 Nani Street, Wailuku, Hawaii, address is his employer's business address, he does not practice at that location.
31. Respondent does not deny that he received the telephone messages left for him at the Community Clinic of Maui.
32. Respondent states that he mistakenly believed that he had no obligation to respond to the inquiries after the expiration of his license in September 2009.

33. Respondent has provided the Division of Enforcement with the information it had requested.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction in this matter pursuant to Wis. Stat. section 447.07.
2. Respondent's failure to obtain informed consent from Patient JCS for his treatment of tooth #29 was unprofessional conduct within the meaning of Wis. Stat. s. 447.07(3)(a).
3. Respondent's failure to timely cooperate with the inquiry as to his practice, described in paragraphs 13 through 31, above, is unprofessional conduct within the meaning of Wis. Stat. s. 447.07(3)(a).

ORDER

NOW, THEREFORE, IT IS ORDERED

1. Alexander B. Pijpaert, D.D.S., is hereby REPRIMANDED.
2. Respondent shall pay the costs of this proceeding in the amount of $1,000.00, within ninety days of this Order. Payment of the costs of this proceeding shall be made payable to the 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

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

Wisconsin Dentistry Examining Board

By: _____ 7/6/2015

A Member of the Board Date