

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DANIEL E. BINZAK, D.D.S.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0002415

Division of Enforcement Case Nos. 10 DEN 008 and 11 DEN 066

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

Daniel E. Binzak, D.D.S.
1720 Congress Avenue
Oshkosh, WI 54901

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

Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Dentistry Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Daniel E. Binzak, D.D.S. (dob May 22, 1958) is licensed in the State of Wisconsin to practice dentistry, having license number 3396-15, first issued on September 19, 1984 and current through September 30, 2013. Dr. Binzak's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1720 Congress Avenue, Oshkosh, Wisconsin 54901.

2. On July 7, 2010, the Board reprimanded Dr. Binzak and limited his license by prohibiting him from practicing endodontic and prosthodontic therapy until he successfully completed 16 hours of education in endodontic therapy and 8 hours of education in prosthodontic therapy.

3. At all times relevant to this proceeding, Dr. Binzak worked as a dentist at Advanced Care Smile Center, located in Appleton, Wisconsin.

Case No. 10 DEN 008

4. On July 5, 2004, Patient A presented to Dr. Binzak's dental office as a new patient with complaints of pain. Dr. K examined Patient A and determined that Patient A needed endodontic therapy on tooth #29. On July 12, 2004, Patient A presented to Dr. Binzak, who examined her, took radiographs and discussed treatment plans and options.

5. On July 19, 2004, Patient A was seen for an emergency visit for complaints of pain in tooth #29. Dr. Binzak performed endodontic therapy on tooth #29 and placed a temporary resin restoration on the tooth.

6. On September 9, 2004, Patient A presented for endodontic therapy on tooth #18. Dr. Binzak performed the endodontic therapy and placed a temporary restoration on the tooth. Patient A reported that she had no pain, but had a weird feeling with tooth #29.

7. On October 6, 2004, Patient A presented, complaining of sensitivity in teeth #'s 18 and 29. Dr. Binzak fitted and cemented a crown on tooth #19. Dr. Binzak explained to Patient A that she had had a severe infection when her root canals treatment was performed, that she had lost a lot of bone as a result of the infection, and that it would take a long time for her to heal. Dr. Binzak recommended that Patient A see an endodontist.

8. On October 13, 2004, Patient A saw an endodontist, who examined tooth #29 and determined that the root canal treatment was fine. The endodontist stated that Patient A's symptoms may be related to residual apical inflammation putting pressure on the mental nerve bundle, as the apical lesion of tooth #29 is in close proximity to the mental foramen. The endodontist recommended that a crown be placed on tooth #29.

9. On October 19, 2004 and October 27, 2004, Patient A presented to complete the crown on tooth #29. Patient A also complained about difficulty with chewing, sensitivity and swelling around teeth #'s 18 and 19. Dr. Binzak adjusted the occlusion in an attempt to relieve the discomfort.

10. On November 30, 2004, Patient A returned to Dr. Binzak with complaints of pain and infection in tooth #19. Dr. Binzak retreated tooth #19, placed a formocresol pellet and a temporary restoration, and prescribed the antibiotic cephalexin to treat the infection. The endodontic therapy on tooth #19 was completed on December 15, 2004.

11. From February 2005 to July 2005, Patient A called Dr. Binzak approximately three times, complaining of pain and swelling in her lower left quadrant. On July 20, 2005, Patient A presented for treatment of the pain and swelling in her lower left quadrant. Dr. Binzak attempted to alleviate the discomfort by adjusting teeth #'s 15, 18 and 19. Dr. Binzak did not take any radiographs of the teeth.

12. On December 13, 2005, Patient A presented to a new dentist, Dr. M, who examined Patient A and took radiographs. Dr. M noted that the endodontic therapies of teeth #'s

18 and 19 were failing, the crown margins of teeth #'s 19, 29 and 30 were ill-fitted and required replacement, and tooth #31 had deep decay.

13. On April 11, 2006, Patient A presented to an endodontist, Dr. N, who also noted that the endodontic therapy of teeth #'s 18 and 19 were failing, and that tooth #19 had parulis. Dr. N noted extensive decay in teeth #'s 18 and 19.

Case No. 11 DEN 066

14. On September 4, 2008, Patient B presented to Dr. Binzak with complaints of pain in her lower left quadrant. Dr. Binzak examined Patient B and diagnosed her with decay and infection in several teeth. Dr. Binzak extracted tooth # 21 and recommended endodontic therapy on tooth #19.

15. On September 10, 2008, Patient B presented to Dr. Binzak for endodontic therapy on tooth #19. Dr. Binzak attempted to perform the endodontic therapy on tooth #19, but – unable to locate the canals –decided instead to extract tooth #19. Dr. Binzak informed Patient B that she needed a five-tooth bridge spanning teeth #'s 18 - 22, using two teeth as the anchor for the fixed bridge.

16. On September 15, 2008, Dr. Binzak fitted Patient B for the fixed bridge, which was placed and cemented on September 29, 2008.

17. Between February 2011 and July 2011, Patient B presented to three dentists, including an oral surgeon, with complaints that her gums were sore and bleeding at the area around her fixed bridge. All three subsequent treating dentists examined Patient B and recommended that the fixed bridge be replaced.

18. Dr. Binzak called patient B's oral surgeon to determine the status of Patient B's tooth #17 after his staff received numerous telephone calls from patient B stating that the tooth required extraction but the extraction could not be performed due to Dr. Binzak's placement of a bridge at teeth #'s 18-22.

19. Dr. Binzak discussed patient B's dental condition with the oral surgeon without previously obtaining an authorization despite patient B's likely termination of her dentist/patient relationship with Dr. Binzak. Patient B's oral surgeon suggested that as a courtesy he would personally contact patient B to clarify any concerns that she had.

20. Dr. Binzak's staff initially provided copies of patient B's x-rays to her subsequent treating dentists that were unreadable or of such poor diagnostic quality that the subsequent treating dentists were unable to use them until subsequent copies were provided.

21. In July 2010, Dr. Binzak successfully completed 16 hours of Board-approved education in endodontic therapy and 8 hours of Board-approved education in prosthodontic therapy.

22. Respondent neither admits nor denies the allegations but agrees that the facts alleged are sufficient to support the conclusions of law set out below. Respondent has elected to resolve these matters through Stipulation.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Daniel E. Binzak, D.D.S., committed professional misconduct as defined by Wis. Stat. § DE 5.02(5) by falling below minimum standards in performance of endodontics and prosthodontic therapy treatments.

3. By the conduct described in the Findings of Fact, Daniel E. Binzak, D.D.S., committed professional misconduct as defined by Wis. Stat. § DE 5.02(5) by contacting the patient's subsequent treating dentists when his dentist/patient relationship with the patient had terminated.

4. As a result of the above violations, Daniel E. Binzak, D.D.S. is subject to discipline pursuant to Wis. Stat. § 447.07(3)(h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Daniel E. Binzak, D.D.S. is REPRIMANDED.

3. The license to practice dentistry issued to Respondent Daniel E. Binzak, D.D.S., (license number 3396-15) is LIMITED as follows:

4. Within one hundred and twenty (120) days of the date of this Order, Respondent shall successfully complete the following:

- a. Four (4) hours of continuing education in the area of endodontic therapy and four (4) hours of education in prosthodontics, with each course to include a clinical component that is delivered "in-person" and with "hands-on" instruction;
- b. Three (3) hours of continuing education in the area of the proper use and taking of radiographs and x-rays;
- c. Three (3) hours of continuing education in ethics;
- d. Three (3) hours of continuing education in comprehensive treatment;

- e. The continuing education set forth above shall include taking and passing any exam offered for the courses;
- f. The continuing education courses shall be offered by a provider pre-approved by the Board's monitoring liaison;
- g. Respondent shall submit proof of successful completion of the courses in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the courses completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department for renewal of licensure, and may not be used in future attempts to upgrade a credential in Wisconsin.

5. Within ninety (90) days from the date of the Order, Respondent shall pay COSTS of this matter in the amount of THIRTY FIVE HUNDRED DOLLARS (\$3,500.00)

6. Proof of successful completion of the required continuing education and payment of costs made payable to the Wisconsin Department of Safety and Professional Services shall be sent by Respondent to the Department Monitor at the address below:

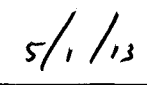
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 submit proof of successful completion of the continuing education or fails to timely submit payment of the costs as ordered, Respondent's license (no. 3396-15) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: 
A Member of the Board


Date