

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CHUL-HA BAIK, D.D.S.,	:	
RESPONDENT.	:	0003772

Division of Legal Services and Compliance Case 14 DEN 097

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

Chul-Ha Baik, D.D.S.
7410 N Teutonia Ave
Milwaukee, WI 53209

Wisconsin Dentistry Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Chul-Ha Baik, D.D.S., (dob February 18, 1968) is licensed in the state of Wisconsin to practice dentistry, having license number 5791-15, first issued on January 10, 2005 and current through September 30, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 7410 North Teutonia Avenue, Milwaukee, Wisconsin 53209.

2. At all times relevant to this proceeding, Respondent was employed as a dentist in Milwaukee, Wisconsin.

3. Respondent allowed his unlicensed staff, dental assistants, to administer nitrous oxide to patients and to monitor those patients.

4. Respondent contends that his assistants “have been adequately trained in how to administer nitrous oxide and [he] has continued that training in the office.”

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. Pursuant to Wis. Stat. § 447.065(1), a dentist who is licensed to practice dentistry under this chapter may delegate to an individual who is not licensed under this chapter *only* the performance of remediable procedures...

3. Pursuant to Wis. Stat. § 447.01(12), “remedial procedures” means patient procedures that create changes within the oral cavity or surrounding structures that are reversible and do not involve any increased health risks to the patient.

4. The administration of nitrous oxide is not a remedial procedure and therefore may not be delegated to unlicensed staff, regardless of training.

5. By the conduct described in the Findings of Fact, Chul-Ha Baik, D.D.S. engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(16), by violating any provision of ch. 447, Stats., to-wit, § 447.056(1)..

6. By the conduct described in the Findings of Fact, Chul-Ha Baik, D.D.S., engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(21), by aiding or abetting or permitting unlicensed persons in the practice of dentistry, as defined in Wis. Stat. § 447.01(8).

7. As a result of the above violations, Chul-Ha Baik, D.D.S., is subject to discipline pursuant to Wis. Stat. §§ 447.07(3)(a) and (f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Chul-Ha Baik, D.D.S., is REPRIMANDED.

3. The license to practice dentistry of Chul-Ha Baik, D.D.S., (license no. 5791-15) is LIMITED as follows:

- a. Respondent is responsible for insuring that no person other than Respondent administers nitrous oxide to Respondent's patients for any dental procedure or service performed or partially performed by Respondent.
- b. Respondent shall prohibit anyone who is not a licensed dentist from administering nitrous oxide in any practice setting in which Respondent has administrative, management or ownership interests.
- c. Respondent knows, understands and agrees that a Board representative may, at any time, and without prior notice, inspect any premises in which Respondent practices dentistry and may inspect and copy dental health care records of any patient Respondent treats or has treated, regardless of whether or not Respondent is present on the premises at the time. The purpose of the inspection(s) is to determine whether or not Respondent is, to the satisfaction of the Board or its designee, in compliance with this Order or any law, rule or regulation related to the practice of dentistry.
- d. This limitation is permanent.

4. Within ninety (90) days from the date of this Order, Chul-Ha Baik, D.D.S., shall pay COSTS of this matter in the amount of \$182.34.

5. 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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 permits any person to administer nitrous oxide in violation of the terms of this order, denies access to his practice or records as required above, or fails to timely submit payment of costs as ordered as set forth above, Respondent's license (no. 5791-15) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has demonstrated to the satisfaction of the Board or its designee that he has complied with the terms of the Order.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: 
A Member of the Board

3/4/15
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHUL-HA BAIK, D.D.S.,
RESPONDENT.

STIPULATION

0003772

Division of Legal Services and Compliance Case No. 14 DEN 097

Respondent Chul-Ha Baik, D.D.S., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

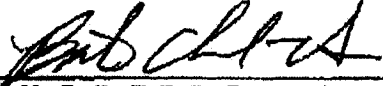
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, 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 Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's own behalf;
 - 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Patrick Sullivan.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 the consideration of this attempted resolution.

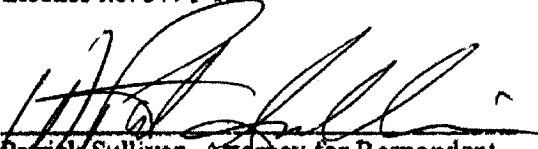
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Chai-Ha Baik, D.D.S., Respondent
7410 N Teutonia Ave
Milwaukee, WI 53209
License no. 5791-15

01/19/2015
Date


Patrick Sullivan, Attorney for Respondent
Siesnrop & Sullivan
200 N. Jefferson St.
Milwaukee, WI 53202

1/22/15
Date


Sandra L. Nowack, Attorney
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
Fax (608) 266-2264
sandra.nowack@wisconsin.gov

1/27/15
Date