

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
ANDREW J. BAUMAN, D.D.S., :
RESPONDENT. :

0005289

Division of Legal Services and Compliance Case No. 15 DEN 075

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

Andrew J. Bauman, D.D.S.
N7308 County Road F
River Falls, WI 54022

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 Wisconsin 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 Andrew J. Bauman, D.D.S., (dob January 26, 1967) is licensed to practice dentistry in the state of Wisconsin, having license number 4749-15, first granted on October 25, 1995, and current through September 30, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N7308 County Road F, River Falls, Wisconsin 54022.

2. On January 9, 2015, the Minnesota Board of Dentistry signed an Order accepting Respondent's voluntary surrender of his dentistry license.

3. The Minnesota Board of Dentistry Order incorporates the following allegations:

- a. Licensee engaged in unprofessional conduct and improper billing of third-party payers. Licensee's dental clinic improperly billed third-party payers for the following services which were not actually rendered on approximately 25 patients: extractions; complete or partial dentures and denture relines; certain oral surgery procedures; amalgam restorations when Fuji IX restorative material was actually placed into patient's teeth; comprehensive oral evaluations; limited oral evaluations; and periodic oral evaluations. Licensee's dental clinic billed for these services when the services were not actually provided.
- b. Licensee failed to maintain patient charts that met minimum recordkeeping standards. Specially, Licensee's charts contain illegible handwriting and do not include services that the dental clinic billed to third-party payers. Licensee failed to sign and review treatment entries made by his dental auxiliary on his behalf.
- c. Licensee was convicted of three impaired driving offenses in 1995, 2008, and 2011.
- d. Licensee failed to maintain a consecutive and current CPR Healthcare Provider certificate for a period of roughly eight months during his license renewal cycle of February 2011 to January 2013.

4. Respondent self-reported the Minnesota Order to the Department, and has voluntarily withheld from practicing in Wisconsin since January 8, 2015 while awaiting resolution of this matter.

5. On August 3, 2012, Respondent was convicted in Pierce County, Wisconsin, of Resisting/Failing to Stop/Fleeing in violation of Wis. Stat. 346.04(2t) and OWI (3rd) in violation of Wis. Stat. 346.63(1)(a).

6. On January 3, 2014, Respondent was convicted in Pierce County, Wisconsin, of Possession of Drug Paraphernalia in violation of Wis. Stat. 961.573(1).

7. Respondent did not report the above-referenced convictions to the Department.

8. Respondent has provided a representative of the Department with an alcohol and other drug addiction (AODA) assessment and other materials indicating that Respondent does not have a current drug or alcohol related impairment.

9. 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. By the conduct described in the Findings of Fact, Andrew J. Bauman, D.D.S., engaged in unprofessional conduct as defined in Wis. Admin. Code § DE 5.02(14), by having a license, certificate, permit, or registration granted by another state to practice as a dentist or dental hygienist limited, suspended or revoked, or subject to any other disciplinary action.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.03(13)(am), by failing to report a felony or misdemeanor within 48-hours after the entry of the judgment of conviction.

4. As a result of the above conduct, Andrew J. Bauman, 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. The license to practice dentistry in the state of Wisconsin issued to Andrew J. Bauman, D.D.S., (license number 4749-15) is **SUSPENDED** for eighteen (18) months retroactive to January 8, 2015.

3. The license to practice dentistry in the state of Wisconsin issued to Andrew J. Bauman, D.D.S., (license number 4749-15) is **LIMITED** as follows:

Professional Mentor

a. Within ninety (90) days from the date of this Order, Respondent shall engage the services of a professional mentor who is licensed to practice dentistry in the state of Wisconsin, and who has not been disciplined by the Board.

b. Within thirty (30) days of the date of this Order, Respondent shall submit to the Department Monitor at the address below a written request for approval of a proposed mentor. The request for approval shall be accompanied by the mentor's current curriculum vitae and a letter from the mentor confirming that he or she has read the Final Decision and Order and agrees to undertake the duties of a professional mentor as set out in this paragraph.

c. The professional mentor shall have a current and unlimited license to practice dentistry, shall have no past discipline from any licensing jurisdiction, shall not be subject to an open investigation, and shall not have any personal or professional relationship, past or present, with Respondent that could reasonably be expected to compromise the proposed mentor's ability to render fair and unbiased reports to the Department.

d. The Board's designee has the full and final authority to approve or reject a proposed mentor. This decision is based on an exercise of discretion and is not reviewable. The Board's designee may, for good cause, approve or direct a change in the

professional mentor at any time. Brian Bergan, license number 5009-15, is approved to serve as Respondent's professional mentor.

e. Every month, for a period of 12 months, the mentor shall visit and inspect Respondent's dentistry practice, for the purposes of determining whether or not Respondent is maintaining the practice site consistent with standards of the dentistry, including storage of controlled substances, if any.

f. During the monthly visit, the mentor shall randomly select and review the charts and billing of at least five (5) patients that have presented to Respondent in the preceding month. The review shall thoroughly assess whether Respondent's records and billing are compliant with the rules and regulations of the profession and completed in a timely manner. If possible, the review shall include at least one private pay patient, one private insurance patient, and one patient utilizing public payment such as Medicaid, Medicare, veteran's benefits, or BadgerCare. Records shall be assessed at the standard of minimum competence.

g. The professional mentor shall offer feedback and direction to Respondent for the purposes of assisting Respondent in improving the condition of the practice site, quality of care provided to patients, record-keeping and billing. Respondent shall follow the appropriate guidance of the mentoring dentist. Whether or not guidance of the mentoring dentist is appropriate and whether or not Respondent has complied with the guidance shall be in the sole discretion of the Board's designee. These discretionary determinations are not reviewable.

h. The mentor shall submit written and thorough quarterly reports indicating the number of hours Respondent has practiced dentistry during each week of the quarter; identifying the number of charts reviewed in the previous quarter; summarizing the record-keeping and billing, and identifying any concern with Respondent's practice. It is Respondent's responsibility to ensure the quarterly reports are submitted when due.

i. The mentor shall immediately report any unprofessional conduct or suspected violation of this Order to the Department Monitor.

j. After the timely submission of four (4) consecutive quarterly mentor reports, and with a written recommendation from the mentor expressly supporting the request, Respondent may petition the Board or its designee for modification or termination of any part of this limitation. Whether to modify the terms of this Limitation is in the sole discretion of the Board or its designee and is not reviewable.

k. Respondent is responsible for any and all costs associated with the services of the professional mentor.

Education

l. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete 8 (eight) hours of education on the topic of billing offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses. The course CrossCoding: Medical Billing in Dentistry offered by Nierman Practice Management is approved to fulfill this requirement.

m. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$982.00.

5. Quarterly mentor reports, requests for approval for education, certificates of completion, 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 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 for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered, or fails to have a mentor, AODA assessment or complete the education requirement as set forth above, Respondent's license (no. 4749-15) 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 limitations.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANDREW J. BAUMAN, D.D.S.,
RESPONDENT.

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:
:
:
:
:

STIPULATION

0005289

Division of Legal Services and Compliance Case No. 15 DEN 075

Respondent Andrew J. Bauman, 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 Attorney Michael P. Crooks.


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.



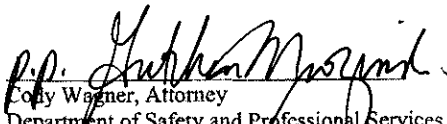
Andrew J. Bauman, D.D.S., Respondent
N7308 County Road F
River Falls, WI 54022
License no. 4749-15

4/14/17
Date



Michael P. Crooks, Attorney for Respondent
Peterson, Johnson and Murray
3 South Pinckney Street, Suite 900
Madison, WI 53703

4/17/17
Date



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

4-20-17
Date