

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

RAYMOND J. MAZUCHOWSKI, D.D.S.,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0006786

Division of Legal Services and Compliance Case No. 18 DEN 042

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

Raymond J. Mazuchowski, D.D.S.
Suamico, WI 54313

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 Raymond J. Mazuchowski, D.D.S., is licensed in the state of Wisconsin to practice dentistry, having license number 1001463-15, first issued on December 14, 2016, and current through September 30, 2021.

2. At all times relevant to this proceeding, Respondent was employed as a dentist at a dental clinic (Clinic), located in Green Bay, Wisconsin.

3. On January 28, 2017, Respondent diagnosed Patient with three caries on teeth #2, #18 and #31.
4. On March 2, 2017, Respondent placed composite fillings on Patient teeth #2, #18 and #31.
5. On April 10, 2017 the following occurred:
 - a. Patient returned to Clinic with complaints of sharp pain and sensitivity concerning teeth #18 and #31.
 - b. Respondent recommended a redo of occlusal composite filling of #18 to see if that would relieve the sharp pain; Patient agreed, and Respondent redid the filling in #18.
 - c. Respondent referred Patient to see an endodontist, for a root canal, should symptoms concerning #18 and #31 persist.
6. Patient's pain continued and Patient sought a second opinion from her family dentist (Dentist A) on April 24, 2017. On that date, the following occurred:
 - a. Dentist A's exam of Patient revealed the occlusal composite of #18 to be shallow; the occlusal pit was filled but grooves extending to the buccal, lingual, mesial and distal were not well sealed; restoration margins were not well sealed; and, the tooth was very responsive to touch and cold.
 - b. Dentist A recommended sealing that same day, and if no improvement, replacement of occlusal composite to extend across entire occlusal surface and seal restoration margins; Dentist A also recommended restoring #19 as #19 had the start of occlusal caries.
 - c. Dentist A applied dentinal desensitizers and restoration adhesives in an attempt to better seal the existing filling on #18.
7. Patient returned to Dentist A on May 16, 2017, as she had not experienced any improvement. On that day, the following occurred:
 - a. Dentist A replaced the occlusal composite filling on #18.
 - b. Dentist A placed occlusal composite filling on #19.
8. Following Patient's visit with Dentist A on May 16, 2017, Patient has not experienced problems with teeth #18 and #19.
9. Respondent failed to properly seal the composite filling on #18.
10. Respondent erroneously referred Patient to an endodontist for root canal treatment and/or evaluation.

11. The standard of care ordinarily exercised by a dentist in Wisconsin is to properly seal composite fillings so as to prevent pain and discomfort associated with improperly sealed composite fillings.

12. The standard of care ordinarily exercised by a dentist in Wisconsin is to accurately diagnose the pain and discomfort caused by improperly sealed composite fillings before referring a patient for root canal evaluation and/or treatment.

13. By failing to properly seal the composite filling on tooth #18, by failing to recognize the faulty seal of the composite filling on tooth #18, and by erroneously referring Patient for root canal evaluation and/or treatment, Respondent fell below the standard of care ordinarily exercised by a dentist in Wisconsin.

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

CONCLUSIONS OF LAW

1. The 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, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § DE 5.02(5), by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a dentist which harms or could have harmed a patient.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The license to practice dentistry issued to Respondent (license number 1001463-15) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of **clinical endodontics**, and two (2) hours of education on the topic of **resin and/or composite restorations**, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- b. All education completed pursuant to this Order shall be taken in-person. Education, such as webinar, online, or self-study shall not be approved.

- c. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- d. 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.
- e. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- f. Upon successfully completing all ordered education, Respondent may petition the Board to remove this limitation.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$632.00.

5. Request for approval of courses, proof of successful course 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://dpsmonitoring.wi.gov>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 1001463-15) to practice dentistry in the state of Wisconsin may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: Matthew Bistanjic, D.D.S.
A Member of the Board

5/6/2020
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RAYMOND J. MAZUCHOWSKI, D.D.S.,
RESPONDENT.

STIPULATION

ORDER 0006786

Division of Legal Services and Compliance Case No. 18 DEN 042

Respondent Raymond J. Mazuchowski, 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.
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, 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.

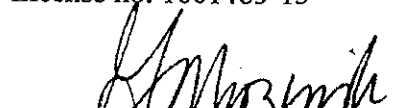
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

 D.D.S.

Raymond J. Mazuchowski, D.D.S., Respondent
Suamico, WI 54313
License no. 1001463-15

3/6/2020
Date


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

3-9-20
Date