

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:
	: FINAL DECISION AND ORDER
ALAN A. KIMMEL, D.D.S.,	: FOR REMEDIAL EDUCATION
LICENSEE.	: ORDER 0006968

Division of Legal Services and Compliance Case No. 18 DEN 128

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

Alan A. Kimmel, D.D.S.
Mequon, WI 53092

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. Licensee Alan A. Kimmel, D.D.S., (DOB: xx/xx/1974) is licensed in the state of Wisconsin to practice dentistry, having license number 5969-15, first issued on April 6, 2006, and current through September 30, 2021. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Mequon, Wisconsin 53092.
2. At all times relevant to this proceeding, Licensee was employed as an oral surgeon at an oral surgery clinic (Clinic), located in Oak Creek, Wisconsin.
3. The Wisconsin Prescription Drug Monitoring Program (PDMP) identified Licensee as in the top 1% of dentistry prescribers, based on volume of opioid prescriptions, between December 1, 2017, and May 31, 2018.

4. Ten sets of patient records were reviewed during the investigation of this matter and demonstrated the following:

- a. The patients treated with Licensee sometime between December 1, 2017, and May 31, 2018,
- b. The patients were prescribed controlled substances (opiates) by Licensee, and
- c. Various patient records did not include the prescribed controlled substance strength and/or directions for use.

5. The standard of care ordinarily exercised by a Wisconsin dentist when prescribing medication is to include in the patient records the medication type, dose, amount, directions for use and number of refills.

6. In resolution of this matter, Licensee 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).

ORDER


1. The attached Stipulation is accepted.

2. Within three (3) months of the date of this Order, Licensee shall access and read the following:

- a. American Dental Association, Dental Records (2010), https://www.ada.org/~media/ADA/Public%20Programs/Files/MPRG_Dental_Records.pdf?la=en.
- b. American Dental Association, Management of Controlled Substances in Dental Practice, <https://www.ada.org/~media/ADA/About%20the%20ADA/Files/Management%20of%20Controlled%20Substances%20in%20Dental%20Practice.-d-Post.pdf?la=en>.
- c. Journal of Forensic Dental Sciences, What's the deal with dental records for practicing dentists? Importance in general and forensic dentistry (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3970394/>.
- d. Wisconsin Admin. Code ch. CSB 4, Prescription Drug Monitoring Program, http://docs.legis.wisconsin.gov/code/admin_code/csb/4.pdf.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: 
A Member of the Board

2 September 2020
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
: STIPULATION
ALAN A. KIMMEL, D.D.S., :
LICENSEE. :

ORDER UUU6968

Division of Legal Services and Compliance Case No. 18 DEN 128

Licensee Alan A. Kimmel, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Sean Gaynor.

4. Licensee 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. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

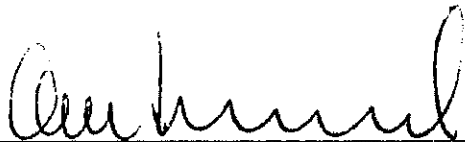
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be

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 Licensee, 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. Licensee 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.

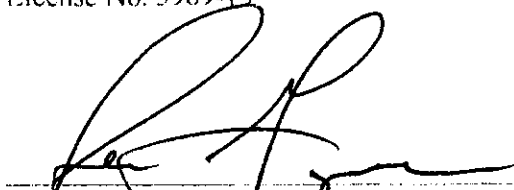
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Alan A. Kimmel, D.D.S., Licensee
Mequon, WI 53092
License No. 5969-15

6-1-2020

Date



Sean Gaynor, Attorney for Applicant
Leop Knott Gaynor LLC
210 N Milwaukee Street, Suite 710
Milwaukee, WI 53202

6-1-2020

Date



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

7/10/2020

Date