

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 :
JINYOUNG KIM, D.D.S., : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION
:

ORDER 0007070

Division of Legal Services and Compliance Case No. 18 DEN 097

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

Jinyoung Kim, D.D.S.
Madison, WI 53705

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 Jinyoung Kim, D.D.S., (DOB: XX/XX/1989) is licensed in the state of Wisconsin to practice dentistry, having license number 1001641-51, first issued on June 29, 2017 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 Madison, Wisconsin 53705.

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

3. The Department received a complaint alleging that Licensee allegedly continued to perform work on Patient A, a five-year old child, even after Patient A was screaming in pain. Complainant alleges that Licensee did not adequately numb the targeted treatment areas.

4. On July 16, 2018, Patient A presented to the Clinic for an initial visit. The chief complaint at the time was “pain in bottom left molar.” Patient A also presented with multiple carious teeth, many of which were already into the pulp. Licensee diagnosed Patient A with symptomatic irreversible pulpitis, caries, and mixed dentition. There are caries to the pulp for teeth H, I, L, M, and S and caries in teeth A, B, C, J, and R. It appeared that tooth L was the most symptomatic tooth with a diagnosis of symptomatic irreversible pulpitis.

5. Licensee explained all treatment options to Patient A’s mother, reasonable alternatives, the anticipated cost/fees for each treatment option, and the advantages and disadvantages (including the expectation of success) for each treatment plan. Licensee suggested composite restorations, pulpotomies, and stainless steel crowns as treatment. Patient A’s mother agreed to the treatment.

6. Patient A was cooperative during the initial examination.

7. Licensee suggested performing a pulpotomy and applying a stainless steel crown for tooth L at the next appointment. An appointment was scheduled for July 18, 2018.

8. The Clinic was not equipped with sedation methods such as nitrous gas. Licensee considered Patient A’s access to specialized dental care when formulating the treatment plan. Patient A’s mother signed consent forms for administration of local anesthesia and the recommended treatment.

9. On July 18, 2018, Patient A presented to Licensee for the pulpotomy and crown on tooth L. Per the provided treatment records, the following treatment was performed on Patient A without sedation:

- a. All decay was removed.
- b. Pulpal tissue was removed with slow speed and spoon excavator.
- c. Cotton pellet(s) with ferric sulfate were placed into pulp chamber for four minutes.
- d. Ferric sulfate was isolated from oral cavity with cotton rolls.
- e. Cotton pellet was removed, and fixation of pulp tissue was verified.
- f. The pulpotomy and stainless steel crown was completed.
- g. Licensee cleaned, checked, and adjusted Patient A’s occlusion.

10. During the procedure, Patient A became upset and began to cry. This escalated to screaming, kicking, and becoming extremely distraught.

11. After the procedure, Patient A’s mother requested a referral to a pediatric dentist due to the child’s response while being treated. Upon signing release forms, Licensee provided a referral.

12. Licensee sent in a response to the allegations and stated the following:

- a. Patient A tolerated the administration of local anesthesia well, and the staff along with Licensee coached Patient A as to what to expect during treatment.
- b. Verbal coaching was done as behavioral management and Licensee had made sure to constantly check for any signs of pain.
- c. Patient A became upset and cried at times during the procedure.
- d. A break was taken in order to Patient A to calm down. Licensee believes a referral to a pediatric dentist would have been warranted but believed it would be in Patient A's best interest to finish the work on the tooth so that he does not feel pain when the anesthesia wore off because the pulpal debridement was not all the way done, no restoration was done at that point, and because pediatric dentists may not be able to see Patient A for many months.
- e. Patient A's mother agreed to have Licensee finish the procedure. When the break was over, verbal coaching was used again and Licensee explained to Patient A what to expect next. Licensee finished the pulpotomy and crown in a short amount of time as Patient A cooperated better at that point.
- f. Due to apparent distress that the appointment caused Patient A, Licensee referred Patient A to a pediatric dentist for the remaining treatment needing to be done where appropriate behavioral management and sedation methods could be utilized.
- g. Licensee understands that Patient A may have benefitted from sedation methods, but the lack of nitrous gas in Licensee's office and the seemingly cooperative behavior during the initial visit, along with Patient A's mostly cooperative behavior after administering local anesthesia, led Licensee to decide that she should prioritize treating the tooth that was causing Patient A pain.

13. 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 six (6) months of the date of this Order, Licensee shall at Licensee's own expense take and successfully complete eight (8) hours of education on the topic of pediatric dentistry as follows:
 - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from

the Board or its designee. Licensee must take and pass any exam offered for the course(s).

- 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. Licensee 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.
- 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.

3. Request for approval of courses and proof of successful course completion shall be sent by Licensee 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
DPSMonitoring@wisconsin.gov

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

<https://dpsmonitoring.wi.gov>

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

WISCONSIN DENTISTRY EXAMINING BOARD

by: 
A Member of the Board

4 November 2020

Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JINYOUNG KIM, D.D.S.,
LICENSEE.

:
:
:
:
:

STIPULATION

ORDER 0007070

Division of Legal Services and Compliance Case No. 18 DEN 097

Licensee Jinyoung Kim, 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.

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.

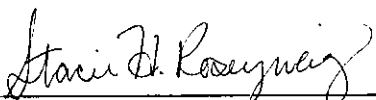
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jinyoung Kim, D.D.S., Licensee
Madison, WI 53705
License no. 100164-15

9/11/2020


Date



Stacie Rosenzweig, Attorney for Licensee
Hailing & Cayo, S.C.
320 E. Buffalo Street
Suite 700
Milwaukee, WI 53202

9/11/2020

Date



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

09/15/2020

Date