

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
	:	FOR REMEDIAL EDUCATION
THOMAS E. KISSNER, D.D.S.,	:	
LICENSEE.	:	

ORDER 0007666

Division of Legal Services and Compliance Case No. 20 DEN 068

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

Thomas E. Kissner, D.D.S.
Green Bay, WI 54311

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. Thomas E. Kissner, D.D.S. (Licensee), (Year of Birth 1957) is licensed in the state of Wisconsin as a dentist, having license number 4976-15, first issued on January 23, 1998 and current through September 30, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Green Bay, Wisconsin 54311.

Prior Discipline

2. On January 19, 2004, the Board issued a Final Decision and Order (LS0501193DEN) in Division of Legal Services and Compliance (DLSC) Case No. 01 DEN 116, reprimanding Licensee for prescribing controlled substances to a colleague without a dental purpose.

3. On September 5, 2012, the Board issued a Final Decision and Order (0002020) in DLSC Case No. 09 DEN 058, reprimanding Licensee and assessing a forfeiture against Licensee for failing to identify caries that were apparent on radiographs.

Current Case

4. At all times relevant to these proceedings, Licensee was employed as a dentist at a clinic in Green Bay, Wisconsin (Clinic).

5. On June 3, 2020, Licensee met with Patient A concerning pain and swelling associated with tooth #3. Periapical x-rays were taken which showed decay below the gumline with severe bone loss concerning tooth #3, and decay below the gumline and moderate bone loss concerning tooth #2. Licensee advised Patient A that he recommended extraction of tooth #3 and that during the extraction, if he found additional decay and bone loss surrounding tooth #2 that was not apparent on the x-rays, he would also extract tooth #2. Licensee received verbal consent from Patient A at that time to extract tooth #3 and if necessary, tooth #2. Extraction was scheduled for June 8, 2020.

6. Patient A's June 3, 2020 dental records do not include notations regarding the potential extraction of tooth #2.

7. On June 8, 2020, Patient A and Licensee signed a consent form that detailed the extraction of tooth #3, but was silent on the extraction of tooth #2. Licensee did not read the consent form before signing and assumed that its contents reflected the verbal consent provided by Patient A on June 3, 2020, to extract tooth #2 if necessary.

8. On that same day, Licensee extracted teeth #2 and #3. Patient A's dental records dated June 8, 2020, noted that teeth #2 and #3 were removed "due to decay into the pulp & fracture below the gumline & pain," "Consent signed and post op care given," and "Before leaving Dr. & I explained to Pt that #2 was decayed below the gumline & moderate bone loss."

9. After the extraction of teeth #2 and #3, Dental Assistant K.C. added "#2" to the signed consent form, without Licensee's direction or knowledge.

10. 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 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 his own expense take and successfully complete three (3) hours of education on the topic of record keeping and three (3) hours of education on the topic of informed consent 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 course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s). Courses shall be in-person unless otherwise approved by the Department Monitor.
- b. 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. 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 may not be used in any future attempt to upgrade a credential.
- c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.

3. Requests for course approval 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Licensee may also submit this information online at: <https://dpsmonitoring.wi.gov>

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

WISCONSIN DENTISTRY EXAMINING BOARD

By: Shaheda Gwani
A Member of the Board

3 November 2021
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

THOMAS E. KISSNER, D.D.S.,
LICENSEE.

:
:
:
:

STIPULATION

ORDER 0007666

Division of Legal Services and Compliance Case No. 20 DEN 068

Thomas E. Kissner, D.D.S. (Licensee) 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 Brenden Leib.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Dentistry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education 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.

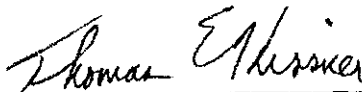
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 or Licensee'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 for Remedial Education.

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

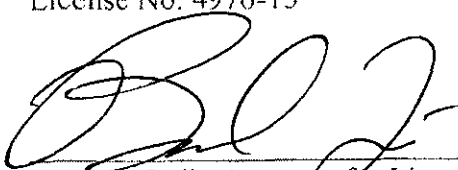
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.



Thomas E. Kissner, D.D.S., Licensee
Green Bay, WI 54311
License No. 4976-15

10/13/21

Date



Brenden Leib, Attorney for Licensee
Leib Knott Gaynor LLC
219 N. Milwaukee St., Suite 710
Milwaukee, WI 53202

10/18/21

Date



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

October 18, 2021

Date