

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

AARON R. CWIK, D.D.S.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007961**

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Division of Legal Services and Compliance Case No. 21 DEN 101

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

Aaron R. Cwik, D.D.S.  
Lake Forest, IL 60045

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 Aaron R. Cwik, D.D.S., (Year of Birth 1976) is licensed in the state of Wisconsin to practice dentistry, having license number 5627-15, first issued on June 30, 2003, and current through September 30, 2023. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is in Lake Forest, Illinois 60045.

2. Respondent also holds the following Illinois credentials: Dentist (number 019027290), Specialist in Dentistry (number 021002225), Dentist Controlled Substance (number 31\*\*\*\*\*37), and Dental Sedation Permit (number 137000709).

3. At all times relevant to this proceeding, Respondent practiced dentistry at a clinic in Lake County, Illinois.

4. On June 9, 2021, Patient A, a 51-year-old male with a history of high blood pressure, bronchitis, sleep apnea, diabetes, high cholesterol, and kidney trouble, presented to Respondent for extraction of teeth nos. 2, 4, 10, 15 and 28.

5. Respondent started an IV on Patient A and administered 20cc of Propofol. During the procedure, two additional separate boluses of 3cc of Propofol were administered.

6. After extracting teeth nos. 2, 4, and 28, Respondent noticed the pulse oximeter was decreasing so he performed a chin lift and a tongue thrust maneuver to open Patient A's airway. When the pulse oximeter continued to decrease below 50%, Respondent ordered an oral airway and nasal airway with nasal cannula inserted, but the pulse did not increase. Respondent then attempted rescue breathing for approximately one minute. When Respondent detected no pulse, he started CPR and called for an ambulance. Resuscitation efforts continued until paramedics arrived.

7. Patient A was transferred to a hospital in Libertyville, Illinois, where he died the following day.

8. Respondent maintains that vital signs were monitored throughout the procedure, including blood pressure, pulse, and oxygen levels. However, Patient A's ongoing vital signs during the procedure were not charted.

9. Respondent failed to report this incident to the Board within 30 days, as required by Wis. Admin. Code § DE 11.10.

10. On July 27, 2021, the Lake County Coroner found that Patient A died from "probable complications of propofol administration during dental procedure with hypertensive cardiovascular disease, diabetes mellitus, obstructive sleep apnea, and obesity acting as contributing conditions." The Coroner indicated that "the initial bolus (of Propofol) appeared to be significantly too high in consideration of (Patient A's) health, and the following two boluses of 3 cc (30 mg) were given relatively rapidly without adequate spacing for evaluation." The Coroner also indicated Patient A was not adequately oxygenated during the procedure.

11. The Illinois Department of Financial and Professional Regulation (IDFPR) issued a Consent Order on August 19, 2021, which suspended Respondent's Illinois dentist and dentist controlled substance licenses indefinitely with leave to petition to restore at any time, and suspended Respondent's specialist in dentistry license and dental sedation permit for a minimum of three years, based upon Respondent's care of Patient A.

12. Since the incident, Respondent has completed over 95 credit hours of continuing education, including the following relevant courses:

- a) 2021 American Association of Oral and Maxillofacial Surgeons Annual Meeting, Nashville, Tennessee, *Manage That Anesthetic Emergency That Could Happen at Any Time*, 1 hour.

- b) 2021 American Association of Oral and Maxillofacial Surgeons Annual Meeting, Nashville, Tennessee, *Maxillomandibular Advancement for Obstructive Sleep Apnea: The Latest Data*, 1 hour.
- c) 2021 American Association of Oral and Maxillofacial Surgeons Annual Meeting, Nashville, Tennessee, *Surgical Airway Management for the Oral and Maxillofacial Surgeon*, 1 hour.
- d) December 1, 2021: OSA University, *Sleep Case Acceptance*, 1 hour.
- e) December 6, 2021: American Dental Society of Anesthesiology, *Minimal + Moderate Sedation Review Courses*, 16 hours.
- f) December 7, 2021: Sleep Group Solutions, *SleepTV: Kickstart your Sleep Practice*, 1 hour.
- g) December 10-11, 2021: *2021 Dental Sleep Medicine Mini-Residency Session 3* (PACE Program), 16 hours.
- h) December 18, 2021: Vivos Therapeutics, Inc., *Craniofacial Sleep Medicine*, 1 hour.
- i) December 18, 2021: Vivos Therapeutics, Inc., *Origins of Sleep Apnea-How Did We Get Here?*, 2 hours.
- j) December 18, 2021: Vivos Therapeutics, Inc., *Sleep Disordered Breathing & Cardiovascular Disease*, 1 hour.
- k) December 18, 2021: Vivos Therapeutics, Inc., *Sleep Dentistry: No One's Ever Explained It Like That Before*, 1 hour.

13. Respondent neither admits or denies these Findings of Fact and submits the following mitigating factors: the lack of prior disciplinary action by the Board, Respondent's cooperation with the investigation, and Respondent's attempts to resuscitate Patient A.

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(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Based on the Findings of Fact, Respondent committed unprofessional conduct by engaging in any practice which constitutes a substantial danger to the health, welfare or safety of a patient or the public, pursuant to Wis. Admin. Code § DE 5.02(1).

3. Based on the Findings of Fact, Respondent committed unprofessional conduct 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, pursuant to Wis. Admin. Code § DE 5.02(5).

4. Based on the Findings of Fact, Respondent committed unprofessional conduct by having a license, certificate, permit, or registration granted by another state to practice as a dentist limited, suspended or revoked, or subject to any other disciplinary action, pursuant to Wis. Admin. Code § DE 5.02(14).

5. Based on the Findings of Facts, Respondent committed unprofessional conduct by violating a valid rule of the Board that requires the recording to a time-oriented anesthesia record, including appropriate vital signs, blood pressure, pulse, and oxygen saturation q 5 minutes, for conscious sedation-enteral, conscious sedation-parenteral, deep sedation, and general anesthesia, pursuant to Wis. Admin. Code §§ DE 5.02(16) and DE 11.09(2).

6. Based on the Findings of Facts, Respondent committed unprofessional conduct by violating a valid rule of the Board that requires dentists to submit a report within 30 days to the Board of any mortality or other incident which results in temporary or permanent physical or mental injury requiring hospitalization of a patient during, or as a result of, anesthesia administration, pursuant to Wis. Admin. Code §§ DE 5.02(16) and DE 11.10.

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent's license to practice dentistry in the state of Wisconsin (license number 5627-15), and his right to renew such license, is SUSPENDED for a minimum of three (3) years from the date of this Order.

3. After three (3) years from the date of this Order, Respondent may petition the Board for a STAY of the suspension and provide proof, which is determined by the Board or its designee to be sufficient, that Respondent has complied with all IDFPR orders and Respondent's Illinois licenses and permits are fully restored and in good standing. Whether to grant a stay of the suspension and whether to impose any limitation or restrictions on Respondent's license if the stay is granted, shall be in the sole discretion of the Board and such decision is not reviewable.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$898.00.

5. Any petitions, reports, or other documents required by this Order, and payment of costs (made payable to Department of Safety and Professional Services), shall be submitted 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) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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

6. In the event Respondent violates any term of this Order, the Board may, in its discretion, impose additional conditions and limitations or other additional discipline as it deems appropriate. 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 Final Decision and Order is effective on the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By:   
A Member of the Board

5/4/22  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

AARON R. CWIK, D.D.S.,  
RESPONDENT.

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STIPULATION

**ORDER 0007961**

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Division of Legal Services and Compliance Case No. 21 DEN 101

Respondent Aaron R. Cwik, 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 Susan A. Wagener.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.


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

  
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Aaron R. Cwik, D.D.S., Respondent  
Lake Forest, IL 60045  
License No. 5627-15

4/13/2022  
Date

  
\_\_\_\_\_  
Susan A. Wagener, Attorney for Respondent  
Hepler Broom, LLC  
30 N. LaSalle, Suite 2900  
Chicago, IL 60602

4/18/2022  
Date

  
\_\_\_\_\_  
Julie Zimmer, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

4/18/2022  
Date