

## 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

NIKHILESH CHOUDHARY, D.M.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0008600**

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Division of Legal Services and Compliance Case Nos. 22 DEN 045 and 22 DEN 129

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

Nikhilesh Choudhary, D.M.D.  
Madison, WI 53719

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 agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, subject to the approval of the Dentistry Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Nikhilesh Choudhary, D.M.D., (Year of Birth 1982) is licensed in the state of Wisconsin to practice dentistry, having license number 1002247-15, first issued on February 28, 2020, and current through September 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53719.

2. At all times relevant to these matters, Respondent practiced dentistry at a dental clinic in Madison, Wisconsin (Clinic).

Case No. 22 DEN 045

3. On March 16, 2022, Patient A, a female born in 1995, presented to Respondent for an initial examination and x-rays. She was agitated and reported having pain and sensitivity at a tooth opposing a crown she received from another provider. Respondent assured Patient A he would do a full examination.

4. Respondent presented a treatment plan to Patient A to fix the crown and fill seven other teeth with “clinically visible carious lesions.” Respondent did not chart a diagnosis for each tooth that supported his treatment plan; instead charting a general diagnosis of “chronic gen mod gingivitis, caries.”

5. Respondent proceeded with the entire treatment plan at the initial visit, with Patient A’s consent, without conducting a comprehensive examination, including obtaining a full set of x-rays. Bitewings were taken but periapical x-rays were only taken for two teeth, one of which was inadequate (tooth #2). A perio chart was also not completed.

6. Respondent also failed to take a comprehensive medical history from Patient A, including reviewing her dental records from the provider who placed the crown that was the cause of her complaints.

7. Respondent charted that he completed both a filling and a crown prep at tooth #2 but failed to chart a justification for performing both procedures for the same tooth. Respondent charted that “since she is having sensitivity the option is to protect the tooth #2 with crown.” However, crowns are not indicated to treat pain and sensitivity, and Respondent failed to try alternative remedies.

8. On March 17, 2022, Patient A returned to Respondent reporting additional pain and trouble eating food and was granted a refund by the Clinic.

Case No. 22 DEN 129

9. In September 2022, the Department received a complaint from Patient B, a female born in 1951, alleging that Respondent failed to properly clean her teeth on August 25, 2022. Patient B’s complete dental records from her treatment with Respondent were obtained and reviewed.

10. In May 2021, Respondent diagnosed Patient B with chronic generalized moderate periodontitis. In June 2021, Patient B underwent scaling using hand instruments and an ultrasonic device. In August 2021, Respondent noted that Patient B had chronic generalized moderate periodontitis, and symptomatic apical periodontitis with chronic irreversible pulpitis at tooth #15. Treatment options were discussed and Patient B was advised to follow up for periodontal care. Patient B did not seek treatment for periodontal care until August 2022.

11. On August 25, 2022, Patient B presented to Respondent for comprehensive x-rays, an exam, and a cleaning. Per Patient B’s records, the dental exam conducted on that date showed 2-6 millimeters of generalized moderate horizontal and angular bone loss, localized recession, and generalized BOP (bleeding on probing). Respondent represented to the Department that Patient B

presented for a routine cleaning, exam and x-rays, that the procedure was “very straight forward” and that the work was completed without issue.

12. In February 2023, Respondent acknowledged to the Department that a full mouth debridement and complete periodontal maintenance was planned for August 25, 2022, and Patient B signed an acknowledgment of such plan. Respondent further advised the Department that the planned work was not completed that day because Patient B exhibited discomfort and sensitivity on several occasions when the work began. As such, only a prophylaxis was completed on Patient B. Respondent said he offered to schedule another appointment with Patient B to complete the work.

13. Patient B’s dental records for August 25, 2022 note that a full mouth debridement was completed with Cavitron and hand instruments followed by polishing. The records do not contain any notation that a complete periodontal maintenance was unable to be completed that day because Patient B became uncomfortable and that the treatment was then changed to a prophylaxis, nor do they contain any notation that alternatives such as numbing were discussed or considered, or that Patient B was referred to a periodontist. The records also do not contain any notation that Patient B was offered or advised of the need to schedule another appointment.

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

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 447.07 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a dentist or dental hygienist which harms or could have harmed a patient, pursuant to Wis. Admin. Code § DE 5.02(5).

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a) and (f), and Wis. Admin. Code § DE 5.02.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Respondent’s license to practice dentistry in the state of Wisconsin (license number 1002247-15), is LIMITED as follows:

- a. Within ninety (90) days from the date of this Order, Respondent shall at his own expense, successfully complete the following education, including taking and passing any exam(s) offered for the courses:

- a) Dental Town's four-course program entitled The Ultimate Guide to Dentistry's Standard of Care for a total of ten (10) credit hours;
  - b) Six (6) hours on the topic of diagnosing and treating periodontal disease;
  - c) Two (2) hours on the topic of proper coding of dental procedures and diagnoses; and,
  - d) Two (2) hours on the topic of communicating with patients.
- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution(s) providing the education to the Department Monitor at the address stated below.
  - c. 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.
  - d. The Board 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.
  - e. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of these matters in the amount of \$981.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

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://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 1002247-15), or Respondent's right to renew his license, 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:   
A Member of the Board

7/12/23  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

NIKHILESH CHOUDHARY, D.M.D.,  
RESPONDENT.

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STIPULATION

**ORDER 0008608**

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Division of Legal Services and Compliance Case Nos. 22 DEN 045 and 22 DEN 129

Respondent Nikhilesh Choudhary, D.M.D., 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 two pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations 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 Ellison Hitt.

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.

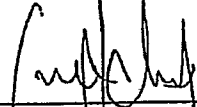
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matters shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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 these investigations 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. 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.

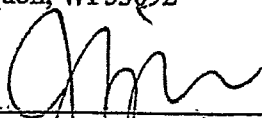
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Nikhilesh Choudhary, D.M.D., Respondent  
Madison, WI 53719  
License No. 1002247-15

06/13/2023  
Date

  
Ellison Hitt, Attorney for Respondent  
Siesennop & Sullivan, LLP  
1017 W. Glen Oaks Lane, Suite 201  
Mequon, WI 53092

6/16/23  
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

6/16/23  
Date



Madison, WI 53707-7190