

## 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

EDWARD W. HOFFMANN, D.D.S.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0008833**

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Division of Legal Services and Compliance Case No. 22 DEN 171

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

Edward W. Hoffmann, D.D.S.  
Waupaca, WI 54981

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. Respondent Edward W. Hoffmann, D.D.S., (Year of Birth 1941) is licensed in the state of Wisconsin to practice dentistry, having license number 2272-15, first issued on June 18, 1979, 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 Waupaca, Wisconsin 54981.

2. At all times relevant to this matter, Respondent practiced dentistry at a community health center in Appleton, Wisconsin (Center).

3. On November 2, 2022, the Department received a report from the National Practitioner Data Bank indicating Respondent's clinical privileges at the Center were terminated due to substandard and inadequate care. This case was opened to investigate those allegations.

Patient LC (male born in 2005)

4. On September 8, 2022, Patient LC presented to Respondent for a comprehensive examination and chief complaint of "wisdom teeth."

5. The x-rays taken for Patient LC were of poor quality and the x-rays on the left side displayed an overlap. Respondent did not chart any limitations regarding the x-rays or retake them.

6. Respondent charted his radiographic findings as "decay," indicating the caries and watches were as charted on the odontogram. However, Respondent failed to identify caries on multiple teeth on the odontogram, including but not limited to teeth 3 through 6 and 28 through 31.

7. Respondent charted there was decay detected that required treatment but failed to chart any watch areas or diagnosis that supported treatment. Respondent also charted that Patient LC's wisdom teeth were fully erupted when they were not.

Patient SH (male born in 2008)

8. On August 26, 2022, Patient SH presented to Respondent for a comprehensive examination and chief complaint of pain in the upper left area of his premolars.

9. The x-rays taken for Patient SH were of poor quality and the bitewing images were not far enough anterior. Respondent did not chart any limitations regarding the x-rays or retake them.

10. Respondent charted his radiographic findings as "no caries found at this time," and recommended better hygiene and sealants. However, Respondent failed to identify caries on several baby teeth, including but not limited to teeth A, B and T. Respondent also failed to document a treatment plan to address the caries.

11. Respondent failed to sufficiently address Patient SH's chief complaint of pain in the upper left area of his premolars. Respondent did not chart a treatment plan to extract tooth J even though it had an ectopic eruption.

Patient MM (male born in 1984)

12. On August 22, 2022, Patient MM presented to Respondent for a periodic examination.

13. The x-rays taken for Patient MM were of poor quality in general and inadequate regarding tooth 14. Respondent did not chart any limitations regarding the x-rays or retake them.

14. Respondent charted “multiple teeth with active caries. Caries and incipient/watchers as charted.” He also noted “anterior tooth #8 has resorption of the root” and indicated it was “very mobile.” However, no caries and no resorption were charted on the odontogram.

15. Respondent failed to chart any treatment plan for the caries or loose tooth 8.

Patient RN (male born in 1965)

16. On August 16, 2022, Patient RN presented to Respondent for a limited examination with chief complaint of a chipped, painful upper right tooth. Respondent tentatively diagnosed periapical radiolucency and NRC and noted a present infection.

17. On August 26, 2022, Patient RN returned to Respondent for extraction of tooth 32. Respondent noted that anesthesia was administered and charted “4% with EPI,” but failed to specify which anesthetic was provided at 4%.

18. On September 26, 2022, Patient RN returned to Respondent for a comprehensive examination.

19. The x-rays taken for Patient RN were of poor quality. Respondent did not chart any limitations regarding the x-rays or retake them.

20. Respondent charted his radiographic findings as “#9-MI caries.” However, Respondent failed to identify deep caries on tooth 13 and mesial caries on tooth 14 either by radiography or intraoral examination, failed to chart Patient RN’s wisdom teeth or impacted tooth 29 on the odontogram, and failed to chart the root resorption on tooth 28.

21. On August 22, 2023, Respondent underwent a comprehensive eye examination. The optometrist reported that his best corrected visual acuity was 20/20 in each eye.

22. 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 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 2272-15) is LIMITED as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete six (6) hours of education on the topic of utilizing radiographs to ensure accurate clinical diagnosis and treatment planning.
  - b. 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).
  - c. All education completed pursuant to this Order shall be taken in person. The Board or its designee may approve course(s) to be taken via webinar, online, or otherwise remotely, in response to a request from Respondent.
  - d. Respondent 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 also may not be used in future attempts to upgrade a credential in Wisconsin.
  - e. The Board or its designee may change the number of credit hours and/or education topics in response to a request from Respondent. The Board or its designee may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
  - f. 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 this matter in the amount of \$957.00. If costs are not paid within ninety (90) days from the date of this Order, interest shall accrue at the statutory rate of 12% per annum, pursuant to Wis. Stat. § 440.22(2).
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://dpsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (number 2272-15), 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

11/1/2023

Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

EDWARD W. HOFFMANN, D.D.S.,  
RESPONDENT.

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STIPULATION

**ORDER 0008833**

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Division of Legal Services and Compliance Case No. 22 DEN 171

Respondent Edward W. Hoffmann, 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 Basil Loeb.

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

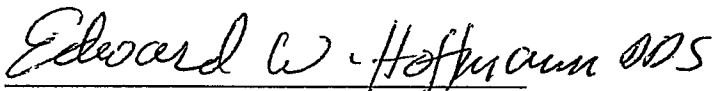
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.



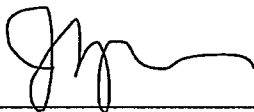
Edward W. Hoffmann, D.D.S., Respondent  
Waupaca, WI 54981  
License No. 2272-15

9-22-2023  
Date



Basil Loeb, Attorney for Respondent  
Schmidtkofer, Toth, Loeb & Drosen, LLC  
949 Glenview Ave.  
Wauwatosa, WI 53213

9/27/2023  
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

9/28/2023  
Date