COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN DENTISTRY

In the Matter of **Dr. Yung Tay Lang** **License No. DN19502** **Expires March 31, 2016**	**Docket No. DEN-2013-0183**

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Dentistry ("Board") and Dr. Yung Tay Lang ("Licensee"), License[1] No. DN19502, ("License") do hereby stipulate and agree the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board.

1. The Licensee hereby states he voluntarily enters into the Consent Agreement for Probation ("Consent Agreement") in order to resolve the allegations set forth in the complaint against the Licensee pending before the Board as Docket No. DEN-2013-0183 (the "Complaint").

2. The Licensee and the Board stipulate and agree to resolve the Complaint without making any findings and without proceeding to a formal adjudicatory hearing on the Complaint based on the following allegations:

   (a) Licensee violated 234 CMR 9.05(3), by failing to adhere to and operate in compliance with the CDC's Guidelines in *Recommended Infection Control in Dental Health-Care Settings (2003)*, specifically by failing to: (i) conduct weekly spore testing on the Statim and Midmark sterilizers, (ii) conduct any spore tests on the Tuttnauer sterilizer, (iii) sterilize instruments in pouches, (iv) utilize internal indicators in wrapped cassettes, (v) have a written infection control protocol and (vi) sterilize x-ray holders;

   (b) Licensee violated 234 CMR 9.05(2), by violating 234 CMR 5.16, Emergency Protocol, specifically by failing to: (i) develop a written emergency protocol for managing medical and dental emergencies, (ii) maintain an emergency drug kit, (iii) have a system of communication to ensure rapid access to emergency responders and (iv) ensure all staff are trained when hired, and at least annually thereafter, to implement the emergency protocols;

[1]The term "license" or "License" applies to both a current and expired license as well as the right to renew an expired license.

(c) Licensee violated 234 CMR 9.05(2), by violating 234 CMR 6.15, Administration of Local Anesthesia, specifically by failing to: (i) maintain a current portable oxygen tank, (ii) maintain adult and pediatric disposable oxygen masks, (iii) maintain a bag-valve-system for oxygen tank with adult and pediatric masks, (iv) unexpired adult AED pads, (v) maintain disposable syringes of assorted sizes and (vi) maintain a stethoscope and sphygmomanometer;

(d) Licensee violated 234 CMR 9.05(2), by violating 234 CMR 6.15, Administration of Local Anesthesia, specifically by failing to maintain the following required medicaments: (i) Acetylsalicylic Acid, (ii) Ammonia inhalants, (iii) Antihistamine, (iv) Antihypoglycemic agent, (v) Bronchodilator, (vi) Two epinephrine ampules, (vii) Epinephrine preloaded syringes (pediatric and adult) and (viii) Vasodilator;

(e) Licensee violated M.G.L. c. 112, §45 and 234 CMR 5.04(1), by failing to post dental licenses of all providers;

(f) Licensee violated 234 CMR 5.18(3), by failing to place the name of the dentist owner on the signage; and

(g) License violated 234 CMR 5.06(1), by failing to: (i) maintain correct address on prescription pads and (ii) maintain copies of Massachusetts Controlled Substances Registrations for all licensees prescribing from that location.

3. In order to resolve this matter without further proceedings before the Board, the Licensee and the Board agree that on the date of the execution of the Consent Agreement by the Board ("Effective Date") the Board will order that the Licensee be placed on Probation for one (1) year from the Effective Date ("Probation Period").

4. The Licensee shall successfully pass the *Massachusetts Dental Ethics and Jurisprudence Exam* and submit a completed answer sheet to the Board within thirty (30) days of the Effective Date.

5. Within one (1) year from the Effective Date, the Licensee shall provide written proof satisfactory to the Board he has taken and successfully completed Board approved continuing education courses in the following areas:

Risk Management (3 hours)
CDC Guidelines in Infection Control (3 hours)
Ethics (3 hours)
Managing Medical Emergencies (3 hours)
Record Keeping (3 hours)

Diagnosis and Treatment Planning (3 hours)
Pain Management (3 hours)

(a) The course descriptions shall be submitted to the Board for pre-approval prior to taking the courses.

(b) All courses must be attended and shall not be self-study or taken through a computer-based, on-line program.

(c) The Board approved continuing education courses shall be taken in addition to the continuing education courses required to maintain his License pursuant to 234 CMR 8.00.

(d) Within thirty (30) days of the Effective Date, Licensee shall provide a copy of the Consent Agreement to all jurisdictions in which he holds or has held a license to practice dentistry.

(i) Licensee shall provide written documentation to the Board demonstrating his compliance with paragraph 5(d).

(ii) If Licensee is not licensed to practice dentistry or another health profession in any other jurisdiction, he shall submit a signed attestation to the Board stating such.

(e) Licensee has the burden to prove compliance with the requirements of the Consent Agreement.

6. If the Licensee fails to successfully complete the requirements of paragraphs 4 or 5, the Board may take further disciplinary action without a hearing. Such action may include, but not be limited to, extension of the Probation Period, suspension of the Licensee's License, or other disciplinary action deemed appropriate by the Board.

7. During the Probation Period, the Licensee further agrees not to:

(a) Violate any law or regulation (state or federal) relating to the practice of dentistry;

(b) Commit any act that constitutes deceit, malpractice, gross misconduct in the practice of dentistry, unprofessional conduct, or conduct which undermines public confidence in the integrity of the profession; and

(c) Violate any regulation promulgated by the Board set forth in 234 CMR 2.00 *et seq.*

(d) The Licensee agrees to fully cooperate and respond to any inquiry or request made by the Board during the Probation Period.

8. The Licensee agrees his failure to satisfy any of the terms set forth in paragraph 7 shall result in further disciplinary action by the Board pursuant to subparagraph 8(a) and (b).

(a) The Licensee shall be entitled to a hearing as to whether he violated the terms in paragraph 7. The hearing shall be conducted in accordance with the State Administrative Procedure Act, M.G.L. c. 30A, §§ 10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03.

(b) After a hearing, if the Board determines a violation did occur during the Probation Period, it may impose a further sanction deemed appropriate in its discretion.

(c) The Licensee agrees he is not entitled to a hearing to dispute the underlying allegations in the Complaint or the sanction to be imposed upon a finding of failure to comply with the terms of his Probation. The Licensee acknowledges and agrees by entering into the Consent Agreement, he is relinquishing important procedural rights.

9. The Licensee understands entering into the Consent Agreement is a final act and not subject to reconsideration, collateral attack or judicial review in any form or forum.

10. The Licensee acknowledges and understands the Consent Agreement is subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7.

11. The Board agrees as consideration for the Licensee entering into the Consent Agreement, the Board will not prosecute the allegations in the Complaint. Any further prosecution regarding the Complaint will relate only to whether the terms and conditions of the Consent Agreement were violated.

12. The Licensee states he enters into the Consent Agreement of his own free will. The Licensee further states he is aware he has a right to counsel in this matter and has either conferred with counsel prior to signing the Consent Agreement or waives his right to counsel.

13. A waiver by the Board of any provision of the Consent Agreement at any time shall not constitute a waiver of any other provision of the Consent Agreement, nor shall it constitute a waiver by the Board of its right to enforce such provision at any future time.

14. The Licensee has read the Consent Agreement. The Licensee understands he has the right to a formal adjudicatory hearing concerning the allegations set forth in the Complaint and that at a hearing he would have the right to call, confront and cross-examine witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, seek judicial review and to all other rights set forth in the State Administrative Procedure Act, M.G.L. c. 30A and 801 CMR 1.00 *et seq*. By executing the Consent Agreement, Licensee knowingly and voluntarily waives his right to a formal adjudicatory hearing and to all of the above-enumerated rights set forth in the State Administrative Procedure Act, M.G.L. c. 30A and 801 CMR 1.00 *et seq*., except as provided in subparagraph 8(a) and (b).

Licensee

Dr. Yung Tay Lang

05-28-2015
Date Signed

Board of Registration in Dentistry

Barbara A. Young RDH
Barbara A. Young, RDH
Executive Director

6/2/15
Date Signed

6/2/15
Effective Date