

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

In the Matter of)
Brian K. Mangano)
DN License No. 16185)
License expired 3/31/16)
_____)

Docket No. DEN-2012-0027

**CONSENT AGREEMENT FOR
SUSPENSION FOLLOWED BY PROBATION**

The Massachusetts Board of Registration in Dentistry (the "Board") and Dr. Brian Mangano ("Licensee"), License No. DN16185 ("License"), hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. Licensee enters into this Consent Agreement for suspension followed by probation ("Agreement") in full resolution of the complaint pending before the Board, identified as Docket No. DEN-2012-0027.
2. Licensee admits sufficient facts to support all of the allegations contained in the complaint, providing adequate grounds for the Board to take disciplinary action against the Licensee, including suspension of the License, pursuant to Massachusetts General Laws (M.G.L.) c. 112, § 61. In summary, the facts that would be introduced at the hearing are as follows:
 - a. Licensee violated M.G.L. c. 112, s. 61 and 234 CMR 2.04 (17)(a) by failing to expose radiographs for Patient A for the period from April of 1986 through May of 2010 including failing to expose radiographs before and after fabrication and placement of a bridge for Patient A.
 - b. Licensee violated M.G.L. c. 112, s. 61 and or 234 CMR 2.04 (17)(a) by failing to perform periodontal charting, oral cancer screening, and adequate treatment planning and failing to secure informed consent and to inform Patient A of HIPAA privacy provisions or failing to document these actions and conversations in the patient record.

3. Licensee admits that such conduct constitutes gross misconduct within the meaning of M.G.L. c. 112 § 61 and 234 CMR 2.04 (17)(a) acknowledges that restrictions upon the License are warranted to protect the public health, safety and welfare, pursuant to M.G.L. c. 112 § 61.
4. Licensee admits that such conduct constitutes gross misconduct within the meaning of M.G.L. c. 112 § 61 and violations of record-keeping requirements within the meaning of 234 CMR 2.04 (17)(a) and acknowledges that restrictions upon the License are warranted to protect the public health, safety and welfare, pursuant to M.G.L. c. 112 § 61.
5. As of the date of execution of the Agreement by the Board (the "Effective Date"), the Licensee's right to practice as a dentist shall be **SUSPENDED** for a period of **four (4) months** ("Suspension Period"), during which time Licensee may not engage in any activity for which a license to practice dentistry is required by M.G. L. c 112 §§ 43-53, 61. Said period of suspension shall be followed by a **two (2) year period of Probation** ("Probationary Period").
6. Upon signing this Agreement, Licensee shall return any dental license issued to him by the Board, whether current or expired, to the Board's office at 239 Causeway Street, Boston, Massachusetts, 02114, by hand or by certified mail. Licensee shall return any prescription registrations issued to him by the Commonwealth of Massachusetts and the United States Drug Enforcement Agency directly to the entities themselves.
7. The Licensee understands and agrees that during the Suspension Period:
 - a. Licensee shall immediately notify the Board, in writing, within seven (7) days of any change in his current address of record.
 - b. Licensee shall fully cooperate and respond in a timely fashion to any inquiry or request made by the Board during his **SUSPENSION**.
 - c. Licensee shall not violate any law or regulation (state or federal) relating to the practice of dentistry.
 - d. Licensee shall not commit any act that constitutes deceit, malpractice, gross misconduct in the practice of dentistry, offenses against laws or regulations relating to the practice of dentistry, unprofessional conduct, or conduct which undermines public confidence in the integrity of the profession.
8. The Licensee further acknowledges and agrees that during the Suspension Period he shall complete the Massachusetts Dental Ethics and Jurisprudence Examination and

shall successfully complete the following:

- a. Licensee shall complete three (3) Contact Hours of continuing education in the area of Ethics;
 - b. Licensee shall complete three (3) Contact Hours of continuing education in the area of Risk Management;
 - c. Licensee shall complete six (6) Contact Hours of continuing education in the area of Record-Keeping;
 - d. Licensee shall complete six (6) Contact Hours of continuing education in the area of Dental Radiography; and
 - e. Licensee shall complete six (6) Contact Hours of continuing education in the area of Diagnosis and Treatment Planning
9. Licensee agrees that his failure to satisfy any of the terms of SUSPENSION set forth in paragraphs five (5) through eight (8) of this agreement shall result in further disciplinary action by the Board pursuant to subparagraph (9) (a).
- a. The Licensee shall be entitled to a hearing as to whether he violated the terms and conditions of SUSPENSION as set forth in paragraphs five (5) through eight (8). This 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 that a violation did occur during the SUSPENSION PERIOD, it will impose a further sanction deemed appropriate in its discretion.
 - c. The Licensee agrees that the Licensee will not be entitled to a hearing to dispute the underlying allegations contained in the Complaint issued in Docket No. DEN-2012-0027. The Licensee acknowledges and agrees that by entering into this Agreement, he is relinquishing important procedural rights.
10. Licensee shall inform any and all jurisdictions in which he holds or has held a license to practice dentistry or any other professional license of the Suspension of his dental license in Massachusetts within *10 days* of the effective date of the Agreement. The Licensee shall provide the Board with a copy of said notification within *10 days* of the effective date of this Agreement. If licensee is not licensed to practice dentistry or another profession in any other jurisdiction, he shall submit an attestation to the Board stating such.
11. Prior to the completion of the four (4) month suspension period, but no sooner than 30

days after the effective date of this agreement, the Licensee may submit documentation supporting his petition for reinstatement. Said petition shall include documentation to establish to the Board's satisfaction that Licensee has complied with the following terms and conditions: Said petition shall conform to the requirements of Board Regulations at 234 CMR 4.12.

- a. Licensee shall provide the Board with the names and curricula vitae of three (3) dentists (registered in Massachusetts and in good standing in Massachusetts and in any other states in which they are registered) who are unaffiliated with the Licensee and who the Licensee has identified as being willing to act as a practice monitor for the Licensee for a fee agreeable to the Licensee. (All costs associated with the monitoring of the Licensee's practice shall be born entirely by the Licensee.) The Licensee shall assert that each of these dentists has seen a copy of this Agreement and each dentist has been advised that, if selected by the Board to monitor the Licensee's practice, he or she would be expected to review the Licensee's practice with respect to diagnosis and treatment planning, periodontal assessment and treatment, infection control, record-keeping, and oral health counseling practices and such other issues as the Board may identify. Additionally, the Licensee shall confirm that the dentists have indicated their agreement to conducting unannounced visits to the Licensee's practice a minimum of once monthly, reviewing a minimum 10 patient charts per month during the first year of probation, and producing quarterly written reports of his/her observations to be delivered directly to the Board.
- b. Licensee shall provide written proof satisfactory to the Board that he has taken and successfully completed Board pre-approved continuing education courses as outlined in Paragraph #8 of this agreement. (note: The Board pre-approved continuing education courses shall be taken in addition to the continuing education courses required to maintain his license to practice dentistry pursuant to 234 CMR 4.00 and 8.00.
- c. Upon application for reinstatement, the Licensee may be required to appear before the Board and may be required to comply with any requirements of the Board, which are reasonably necessary in the best interests of the public health, safety and welfare.

12. If the Board, in its discretion, determines that the Licensee has complied with the terms of Paragraph #11 (including submitting the name of a qualified and willing practice monitor acceptable to the Board) and his license has been suspended for a minimum of four (4) months, the Board will end the period of suspension and place the license on probation. During the Probationary Period, the Licensee agrees that he shall comply with all of the following requirements to the Board's satisfaction:

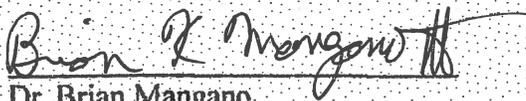
- a. The Licensee shall notify the Board in writing of any change in his current address of record within seven (7) calendar days of such changes.
- b. During the Probation Period, the Licensee shall not:

- i. violate any law or regulation (state or federal) relating to the practice of Dentistry;
 - ii. commit any act that constitutes deceit, malpractice, gross misconduct in the practice of dentistry, offenses against laws or regulations relating to the practice of dentistry, unprofessional conduct, or conduct which undermines public confidence in the integrity of the profession; and
 - iii. violate any regulations promulgated by the Board set forth in 234 CMR 1.00 *et. seq.*
 - c. The Licensee agrees to fully cooperate with the Board, its agents, and with any Practice Monitor designated by the Board. Additionally, the Licensee agrees to respond to any inquiry or request made by the Board or its agent or the designated Practice Monitory during the Probation Period.
13. The Licensee agrees that his failure to satisfy any of the terms of Probation set forth in paragraph (12) shall result in further disciplinary action by the Board pursuant to subparagraph (13) (a).
- a. The Licensee shall be entitled to a hearing as to whether he violated the terms and conditions of Probation as set forth in paragraph 12. This 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 that a violation did occur during the Probation Period, it will impose a further sanction deemed appropriate in its discretion.
 - c. The Licensee agrees that the Licensee will not be entitled to a hearing to dispute the underlying allegations contained in the Complaints issued in Docket No DEN-2012-0027. The Licensee acknowledges and agrees that by entering into this Agreement, he is relinquishing important procedural rights.
14. The Licensee understands that his action in entering into this Agreement is a final act and not subject to reconsideration, collateral attack or judicial review in any form or forum.
15. A waiver by the Board of any provision of this Agreement at any time shall not constitute a waiver of any other provision of this Agreement, nor shall it constitute a waiver by the Board of its right to enforce such provision at any future time.

Mangano, Brian
DEN-2012-0027
DNI6185

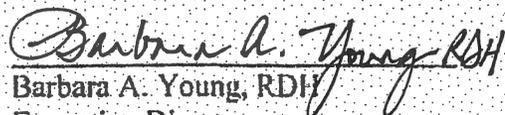
16. Licensee acknowledges that he has read this document entitled Agreement and that he has decided knowingly and voluntarily to enter into this Agreement. Licensee states that he consulted legal counsel regarding this Consent Agreement or, if Licensee did not consult legal counsel, Licensee knowingly and voluntarily waived his right to consult legal counsel.
17. Licensee certifies that he has read this document entitled "*Consent Agreement for Suspension followed by Probation.*" Licensee understands that he has the right to a formal adjudicatory hearing concerning the allegations included in DEN-2012-0027 and that at said hearing he would have the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, 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.* The Licensee further understands and agrees that by executing this "Consent Agreement" he is knowingly and voluntarily waiving his right to such a formal hearing and to the rights attendant thereto.
18. Licensee acknowledges that this Consent Agreement is a public record within the meaning of M.G.L. c. 4, s. 7 and is subject to public disclosure.

Licensee:


Dr. Brian Mangano

Date Signed: 3/24/16

Board of Registration in Dentistry:


Barbara A. Young, RDH
Executive Director

Date Signed: 3/25/16

Effective Date: 4/1/16