COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN DENTISTRY

In the Matter of **Kelly M. Moynihan, RDH** **License No. DH11233** **Expires on March 31, 2017**	**Docket No. DEN-2014-0013**

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Dentistry ("Board") and Kelly M. Moynihan, RDH ("Licensee"), license[1] no. DH11233 ("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 she voluntarily enters into this Consent Agreement for Reprimand ("Consent Agreement") to resolve the allegations set forth in the complaint at Docket No. DEN-2014-0013 (hereinafter the "Complaint").

2. The Licensee acknowledges there are sufficient facts in the Complaint from which the Board could reasonably find grounds for discipline under M.G.L. c. 112, § 61 and Board regulations.

3. The Licensee and the Board stipulate and agree to resolve the Complaint without making findings and without having to proceed to a formal adjudicatory hearing on the Complaint as follow:

   (a) On September 19, 1997, Licensee was issued a license to practice dental hygiene in the Commonwealth. Licensee renewed her License biennially from 1997 until on or about March 31, 2013, when License failed to renew her License in violation of M.G. L. c. 112 §51 and 234 CMR 4.10 (2) and (4).

   (b) Licensee practiced dental hygiene in the Commonwealth with an expired License from April 1, 2013, until on or about December 20, 2013, in violation of M.G.L. c. 112, §52.

   (c) Licensee submitted her license renewal application to the Board and her License was renewed on December 30, 2013.

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

(d) Licensee violated 234 CMR 8.03(b) by renewing her License without current certification in BLS for the Healthcare Provider.

4. To resolve the Complaint without further proceedings before the Board, the Licensee agrees and the Board hereby imposes a Reprimand on her License pursuant to 234 CMR 9.03(2)(a) to become effective the date the Board executes the Consent Agreement ("Effective Date").

5. 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.

6. Within thirty (30) days of the Effective Date, Licensee shall provide a copy of the Consent Agreement to all jurisdictions where she holds or has held any professional license.

   (a) Licensee shall provide written documentation to the Board demonstrating her compliance with paragraph 6.

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

7. The Licensee acknowledges and understands the Consent Agreement is a public record within the meaning of M.G.L. c. 4, § 7 and as such may be disclosed to the public.

8. The Board agrees as consideration for the Licensee entering into the Consent Agreement, the Board will forego prosecution of Complaint, unless the Licensee fails to complete the requirements in paragraph 6.

9. The Licensee enters the Consent Agreement of her own free will. The Licensee states she is aware she has a right to counsel in this matter and either has conferred with counsel prior to signing the Consent Agreement or waives her right to counsel.

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

11. The Licensee has read the Consent Agreement. The Licensee understands she has the right to a formal adjudicatory hearing concerning the allegations set forth in the Complaint and at a hearing she would have the right to confront and cross-examine witnesses, call witnesses, present evidence, testify on her 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 her 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*.

Licensee

Kelly Moynihan RDH — 10-26-15

Kelly M. Moynihan, RDH — Date Signed

Board of Registration in Dentistry

Barbara A. Young RDH — 11/2/15

Barbara A. Young, RDH
Executive Director — Date Signed

11/2/15

Effective Date

Re: Paragraph 6, Pg. 2:

I, Kelly Moynihan, RDH., attest to the Board of dentistry that I do not hold a license for dental hygiene or any other health profession, in any other jurisdiction. Thank you for your consideration, in this matter.

Kelly Moynihan RDH.