

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

In the Matter of)
Joseph Sanchez, D.M.D.)
License No. DN18274)
_____)

Docket No. DEN-2014-0100

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Dentistry (“Board”) and Joseph Sanchez, D.M.D. (“Licensee”), license¹ no. DN18274 (“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 this Consent Agreement for Probation (“Consent Agreement”) in order to resolve the complaint against the Licensee pending before the Board at Docket No. DEN-2014-0100 (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 allegations as follows:
 - (a) Licensee violated 234 CMR 7.01, by practicing portable dental operations without a valid permit and contrary to the requirements set forth in 234 CMR 7.00 *et seq.*;
 - (b) Licensee violated M.G.L. c. 94C, § 18(e) by failing to complete required courses in Safe and Effective Opioid Prescribing for Chronic Pain for the 2012-2014 license renewal cycle; and
 - (c) Licensee violated 234 CMR 8.02(1), by failing to complete fourteen (14) CEUs required for 2012-2014 license renewal cycle.
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 this Consent Agreement by the Board (“Effective Date”) the Board will order that the Licensee be placed on Probation for six (6) months from the Effective Date (“Probation Period”).

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

4. The Licensee shall successfully pass the *Massachusetts Dental Ethics and Jurisprudence Exam* within thirty (30) days of the Effective Date. A copy of the completed exam answer sheet must be submitted to the Board no later than thirty (30) days from the Effective Date.
5. Within six (6) months from the Effective Date, the Licensee shall provide written proof satisfactory to the Board that he has taken and successfully completed Board approved continuing education courses in the following areas:
 - Risk Management (3 hours)
 - Mobile or Nursing Home Dentistry (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) The Licensee shall submit verifications he has taken and successfully completed fourteen (14) continuing education credits required for the 2012-2014 license renewal cycle. These 14 credits shall only be counted toward the 2012-2014 CEU deficiency.
 - (e) The Licensee shall provide written proof satisfactory to the Board that he has taken and successfully completed three (3) hours in Safe and Effective Opioid Prescribing for Chronic Pain, required pursuant to M.G.L. c. 94C, § 18(e) and counted towards the 2012-2014 license renewal cycle.
 - (f) Within thirty (30) days of the Effective Date, Licensee shall provide a copy of this Consent Agreement to all jurisdictions in which he holds a license to practice dentistry.
 - (i) Licensee shall provide written documentation to the Board demonstrating his compliance with paragraph 5(f).
 - (ii) If Licensee is not licensed to practice dentistry or another health profession in any other jurisdiction, he shall submit an attestation to the Board stating such.
 - (g) 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. Such action may include, but not be limited to, extension of the Probation Period, suspension of the Licensee's License, suspension of Licensee's right to renew his License or other disciplinary action as is deemed appropriate by the Board.
7. During the Probation Period, the Licensee further agrees he shall not:
 - (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 regulations 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 of the Consent Agreement 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 only as to whether he violated the conditions in paragraph 7 of the Consent Agreement. 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 a violation did occur during the Probation Period, it will 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 this Consent Agreement is subject to the Commonwealth of Massachusetts's Public Records Law, M.G.L. c. 4, § 7(26).
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 this Consent Agreement of his own free will. The Licensee further states that he is aware that he has a right to counsel in this matter and has either conferred with counsel prior to signing this Consent Agreement or waives his right to have 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 confront and cross-examine witnesses, call 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 this 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).

Sanchez, Joseph
DN18274
DEN-2014-0100

Licensee

Joseph Sanchez II D.M.D.
Joseph Sanchez, D.M.D.

4/21/15
Date Signed

Board of Registration in Dentistry

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

4/23/15
Date Signed

4/23/15
Effective Date