

SUFFOLK COUNTY

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION
IN DENTISTRY

In the Matter of)
Jana Sokol, D.M.D.)
License No. 18543)
License Expires 3/31/16)
_____)

Docket No. DEN-2013-0204

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Dentistry ("Board") and Jana Sokol, D.M.D. ("Licensee"), License No. 18543, do 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.

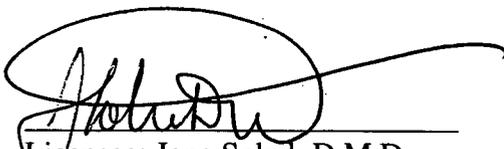
1. The Licensee hereby states that she voluntarily enters into this Consent Agreement for Probation ("Agreement") in order to resolve disputed matters arising out of the Complaint pending against the Licensee before the Board as Docket No. DEN-2013-0204 ("the Complaint").
2. The Licensee and the Board stipulate and agree that this matter has been resolved without any findings, and by agreement, in order to resolve a dispute between the parties without having to proceed to a formal adjudicatory hearing on the allegations as follows:
 - (a) The Licensee violated 234 CMR 5.14 when she failed:
 1. to perform and/or document periodontal charting; and
 2. to document the difficulty in removing upper overdenture.
 - (b) The Licensee violated 234 CMR 9.05(22) as follows:
 1. The Licensee billed for a frenectomy she performed for a patient ("Patient A") on May 8, 2012 when her records show the presence of the patient's frenum after that date; and
 2. The Licensee billed for a full-mouth debridement and fluoride treatment for Patient A on May 11, 2012, after full mouth extractions the Licensee performed for Patient A on May 8, 2012.
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 a Period of three (3) years** from the Effective Date of this Consent Agreement (Probation Period).

4. The Licensee shall successfully pass the *Massachusetts Dental Ethics and Jurisprudence Exam* **within thirty days of the effective date** of this Consent Agreement. A copy of the completed exam answer sheet must be submitted to the Board no later than thirty days from the Effective Date of this Consent Agreement.
5. Within **three (3) years** from the Effective Date of this Consent Agreement, the Licensee shall provide written proof satisfactory to the Board that she has taken and successfully completed Board approved continuing education courses in the following areas:
 - 18 Hours: Prosthetics for the General Practitioner
 - 6 Hours: Surgical Placement of Mini-Implants
 - 3 Hours: Risk Management
 - 3 Hours: Ethics (live course, not online)
 - a. The course descriptions shall be submitted to the Board for **pre-approval prior** to taking the course.
 - b. All courses must be attended and shall not be self-study and/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 her license to practice dentistry pursuant to 234 CMR 8.00.
 - d. Within **thirty days of the Effective Date**, Licensee shall provide a copy of this Consent Agreement to all jurisdictions in which she holds a license to practice dentistry.
 - (i) Licensee shall provide written documentation to the Board demonstrating her compliance with paragraph (5)(d).
 - (ii) If Licensee is not licensed to practice dentistry or another profession in any other jurisdiction, she shall submit an attestation to the Board stating such.
 - e. The burden of proof of compliance with the requirements of the Probation is on the Licensee.
6. If the Licensee fails to successfully complete the requirements of paragraphs 4 and/or 5, the Board may take further disciplinary action without a hearing. Such action may include, but not be limited to, extension of the period of probation, suspension of the Licensee's license to practice, or other disciplinary action as is deemed appropriate by the Board.
7. During the Probationary Period, the Licensee further agrees that she 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, 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;
 - c. Violate any regulations promulgated by the Board set forth in 234 CMR 1.00 et. seq.;
 - d. Fail to fully cooperate and respond to any inquiry or request made by the Board during the Probation Period.
8. The Licensee agrees that her failure to satisfy any of the terms of Probation set forth in paragraph 7 shall result in further disciplinary action by the Board pursuant to subparagraph (8)(a).
 - a. The Licensee shall be entitled to a hearing as to whether she violated the terms and conditions of Probation as set forth in paragraph 7. This hearing shall be conducted in accordance with the State Administrative Procedure Act, 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 she will not be entitled to a hearing to dispute the underlying allegations contained in the Complaint included in Docket No. DEN-2013-0204. The Licensee acknowledges and agrees that by entering into this Consent Agreement, she is relinquishing important procedural rights. Notwithstanding this waiver, Dr. Sokol does not admit these allegations for any other purpose, and this Agreement is not intended to be admissible against Dr. Sokol in any civil proceeding, nor is Patient A or any third party an intended beneficiary of this Agreement.
9. The Licensee understands that her action in entering into this 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 that this Consent Agreement is subject to the Commonwealth of Massachusetts' Public Records Law, M.G. L. c. 4, § 7.

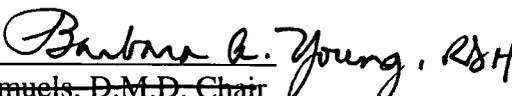
11. The Board agrees that as consideration for the Licensee's entering into this Consent Agreement, the Board will not conduct any further prosecution of allegations contained in the Complaint included in Docket No. DEN-2013-0204. Any further prosecution on the above docket number will relate only to a determination as to any violations of the terms and conditions of this Consent Agreement.
12. The Licensee states that she enters into this Consent Agreement of her own free will. The Licensee further states that she is aware that she has a right to counsel in this matter and has either conferred with counsel prior to signing this Consent Agreement, or waived her right to have counsel.
13. A waiver by the Board of any provision of this Consent Agreement at any time shall not constitute a waiver of any other provision of this 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 certifies that she has read this document entitled "Consent Agreement for Probation." The Licensee understands that she has the right to a formal adjudicatory hearing concerning the Complaint included in Docket No. DEN-2013-0204 and that at said hearing she would have the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her 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 for Probation," she is knowingly and voluntarily waiving her right to such a formal hearing, and to all of the above-listed rights attendant thereto, except as provided in subparagraph (8)(a).



Licensee: Jana Sokol, D.M.D.
Board of Registration in Dentistry

Date Signed: 7/27/15

Date Signed:



David S. Samuels, D.M.D. Chair
Effective Date: **BARBARA A. YOUNG, RDH**
EXECUTIVE DIRECTOR

Effective date: 7/27/15