

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN DENTISTRY

In the Matter of)
Dr. Theodore A. Souliotis)
License No. DN10275)
Expires March 31, 2016)

Docket Nos. DEN-2013-0210 & DEN-2014-0002

CONSENT AGREEMENT FOR SUSPENSION FOLLOWED BY PROBATION

The Massachusetts Board of Registration in Dentistry (the "Board") and Dr. Theodore A. Souliotis ("Licensee"), license¹ no. DN10275 ("License"), 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. Licensee enters into this Consent Agreement for Suspension Followed by Probation ("Agreement") in full resolution of the complaints pending before the Board, docketed as DEN-2013-0210 & DEN-2014-0002 (the "Complaints").
2. Licensee admits sufficient facts to support the allegations in each of the Complaints, providing adequate grounds for the Board to take disciplinary action against the Licensee, including revocation of his License, pursuant to M.G.L. c. 112, § 61. In summary, the allegations and facts that would be introduced at a hearing are:
(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: (a) conduct weekly spore testing on the two Statim sterilizers, (b) sterilize instruments in pouches, (c) sterile burs, diamonds, endodontic files, and (d) sterilize hand pieces between each patient use.
(b) Licensee violated 234 CMR 9.05(3), by having been cited by the Department of Labor's Occupational Safety and Health Administration ("OSHA") during a January 14, 2014 inspection for serious violations of OSHA regulations at 29 CFR 1910.1030(c), (d), (f) & (g) and 29 CFR 1910.1200(e) & (h).
(c) Licensee violated 234 CMR 5.06(1), by failing to secure controlled substances in conformance with 105 CMR 700.005(A), by storing Diazepam in an unsecure cabinet in the sterilization room.
(d) Licensee violated M.G.L. c. 112, §52E, by submitting the billing code for general anesthesia (D9220) to third party payers when he only delivered

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

moderate conscious sedation to Patients A, B, and C.

- (e) Licensee violated 234 CMR 6.03(1), by failing to obtain the required facility permit for administration of moderate conscious sedation.
 - (f) Licensee violated 234 CMR 6.05, by failing to maintain required equipment and medicaments for the safe administration moderate conscious sedation, by: (i) failing to have a means of monitoring vital signs and failing to maintain suitable equipment for proper positioning of patients for CPR, and (ii) maintaining expired Atropine, expired Midazolam and failing to maintain required reversal agents.
 - (g) Licensee violated 234 CMR 6.12, for the safe administration of moderate conscious sedation, by failing to: (i) have required ACLS certification, (ii) have required auxiliary personnel trained in BLS present during administration of moderate sedation, (iii) take adequate medical history to evaluate patients and provide pre-operative instructions, (iv) monitor and document patient vital signs pre-operative, intra-operative, and post-operative, (v) utilize anesthesia chart, and (vi) obtain informed consent from patients prior to administering moderate sedation.
 - (h) Licensee violated 234 CMR 6.15, by: (i) maintaining an expired portable oxygen tank, (ii) failing to maintain a bag-valve-system for oxygen tank with adult and pediatric masks, (iii) maintaining expired adult AED pads, and (iv) failing to maintain a stethoscope and operable sphygmomanometer.
 - (i) Licensee violated 234 CMR 5.14, by failing to document in the dental records reviewed for Patients A, B and C the following: (i) review of medical and dental histories, (ii) clinical findings from intra-oral and extra-oral examinations, (iii) radiographic findings, (iv) periodontal conditions, (v) written diagnosis of patient's current condition, (vi) written treatment plan with estimated fees; and (vii) general or specific informed consent.
 - (j) Licensee violated 234 CMR 5.15, by failing to: (i) have a written protocol for managing dental and medical emergencies; (ii) maintain a current emergency drug kit; (iii) maintain evidence of annual review of staff training for implementing emergency protocol.
3. Licensee admits such conduct as alleged in paragraph 2 constitutes gross misconduct within the meaning of M.G.L. c. 112, § 61 and acknowledges that restrictions upon his License are warranted to protect the public health, safety and welfare, pursuant to M.G.L. c. 112, § 61.
4. As of the date of execution of the Agreement by the Board (the "Effective Date"), the Licensee shall be **SUSPENDED** for **six (6) months** ("Suspension Period"), during which time Licensee may not engage in any activity which constitutes the practice of dentistry as described in M.G. L. c. 112 §§ 43-53, 61.

Souliotis, Theodore
DN10275
DEN-2013-0210
DEN-2014-0002

5. The Licensee agrees to the following conditions during the Suspension Period:
- a. Licensee shall return any dental license and permit issued him by the Board to the Board's office at 239 Causeway Street, Boston, Massachusetts, 02114, by hand or by certified mail;
 - b. Within thirty (30) days of the Effective Date, Licensee shall provide a copy of the 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(b).
 - 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.
 - c. Licensee shall notify the Board, in writing, within seven (7) days of any change in his address of record;
 - d. Licensee shall fully cooperate and respond in a timely fashion to any inquiry or request made by the Board during his Suspension Period.
6. The Licensee may petition the Board for reinstatement of his License no sooner than two months preceding the expiration of the Suspension Period ("Petition"). The Petition shall conform to the requirements at 234 CMR 4.16 and include documentation satisfactory to the Board that Licensee has complied with the following terms and conditions:
- a. The Licensee shall successfully pass the *Massachusetts Dental Ethics and Jurisprudence Examination* and a copy of the completed exam must be submitted to the Board with his Petition.
 - b. The Licensee shall take and successfully complete Board pre-approved continuing education courses in the following areas:
 - Risk Management (3 hours)
 - Record Keeping (3 hours)
 - CDC Guidelines for Infection Control (3 hours)
 - (i) The Board pre-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.
 - (ii) The course descriptions shall be submitted to the Board for pre-

approval prior to taking the courses.

- (iii) All courses must be attended and shall not be self-study or taken through a computer based on-line program.
 - c. Licensee shall obtain a physical assessment by a qualified medical provider to determine his fitness to practice dentistry. Licensee consents to release the full physical assessment to the Board prior to submitting his Petition.
 - d. Licensee shall obtain a psychological assessment by a Board-approved psychiatrist or psychologist to determine his fitness to practice dentistry. Licensee consents to release the full psychological assessment to the Board prior to submitting his Petition.
 - e. Prior to reinstatement, and upon Licensee's written request, Licensee's dental practice shall be inspected to determine whether the deficiencies observed in the compliance inspection memorandum dated December 20, 2013 have been sufficiently remediated.
 - f. Licensee shall submit the names and curricula vitae of two proposed practice monitors who shall be Board-licensed dentists not related to Licensee and who have read this Agreement and agree to monitor Licensee's dental practice for six months and submit bi-monthly reports in a form to be determined by the Board.
 - g. When Licensee's Petition is reviewed, he may be required to appear before the Board and comply with any requirements of the Board, which are reasonably necessary in the best interests of the public health, safety and welfare.
7. Immediately following any reinstatement of his License, Licensee shall be on Probation for six (6) months ("Probation Period"). During the Probation Period, the Licensee further agrees he shall comply with the following requirements to the Board's satisfaction:
- a. The Licensee's dental practice shall be monitored by a Board-approved practice monitor in a manner to be determined by the Board upon reinstatement of his License.
 - b. 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;
 - c. During the Probation Period, the Licensee shall not:
 - i. violate any law or regulation (state or federal) relating to the practice of dentistry;

Souliotis, Theodore
DN10275
DEN-2013-0210
DEN-2014-0002

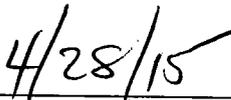
counsel.

13. A waiver by the Board of any provision of the Agreement at any time shall not constitute a waiver of any other provision of the 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 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 the 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 subparagraphs 8(a) and (b).

Licensee

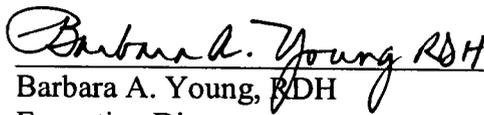


Dr. Theodore A. Souliotis

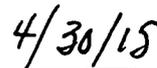


Date Signed

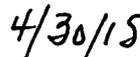
Board of Registration in Dentistry



Barbara A. Young, RDH
Executive Director



Date Signed



Effective Date