COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

In the Matter of **Dr. Rachana D. Vora** **License No. DN1855458** **Expires March 31, 2016**	))))))	**Docket No. DEN-2014-0091**

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Dentistry ("Board") and Dr. Rachana D. Vora ("Licensee"), license[1] no. DN1855458, ("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 the Consent Agreement for Probation ("Consent Agreement") in order to resolve the allegations set forth in the complaint against the Licensee pending before the Board as Docket No. DEN-2014-0091 (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 following allegations:

   (a) Licensee violated 234 CMR 5.05(1), by failing to conduct weekly spore tests consistent with the CDC's Recommended Infection Control in the Dental Health-Care Settings (2003);

   (b) Licensee violated 234 CMR 8.03(a), by failing to complete required continuing education related to Infection Control in the Dental Health-Care Settings for the 2012-2014 license renewal cycle; and

   (c) Licensee violated M.G.L. c. 94C, §18(e), by failing to complete required continuing education in Safe and Effective Pain Management for the 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 the Consent Agreement by the Board ("Effective Date") the Board will order that the Licensee

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

be placed on Probation for six (6) months from the Effective Date ("Probation Period").

4. The Licensee shall successfully pass the *Massachusetts Dental Ethics and Jurisprudence Exam* and submit a completed answer sheet to the Board within thirty (30) days of the Effective Date.

5. Within the Probation Period, the Licensee shall provide written proof satisfactory to the Board she has taken and successfully completed a Board approved continuing education course in the following area:

   Risk Management (3 hours)

   (a) The course description shall be submitted to the Board for pre-approval prior to registering or taking the course.

   (b) The course must be attended and shall not be self-study or taken through a computer based on-line program.

   (c) The course shall be taken in addition to the continuing education courses required to maintain her License pursuant to 234 CMR 8.00.

   (d) Within thirty (30) days of the Effective Date, Licensee shall provide a copy of the Consent Agreement to all jurisdictions in which she holds or has held 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 health profession in any other jurisdiction, she shall submit a signed attestation to the Board stating such.

   (e) 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 without a hearing. Such action may include, but not be limited to, extension of the Probation Period, suspension of the Licensee's License, or other disciplinary action deemed appropriate by the Board.

7. During the Probation Period, the Licensee further agrees not to:

   (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 regulation 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 her failure to satisfy any of the terms of Probation set forth in paragraph7 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 as to whether she violated the terms and conditions set forth in paragraph 7. The 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 may impose a further sanction deemed appropriate in its discretion.

(c) The Licensee agrees she 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 her Probation. The Licensee acknowledges and agrees by entering into the Consent Agreement, she 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 the Consent Agreement is subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7.

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

waives her right to 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 she has the right to a formal adjudicatory hearing concerning the allegations set forth in the Complaint and that at a hearing she would have the right to call, confront and cross-examine 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*., except as provided in subparagraph 8(a) and (b).

Licensee

Dr. Rachana D. Vora

06/15/2015
Date Signed

Board of Registration in Dentistry

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

6/22/15
Date Signed

6/22/15
Effective Date