

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

**BOARD OF REGISTRATION IN
DENTISTRY**

In the Matter of)
Dr. Jonathan C. Wood)
_____)

Docket No.: DEN-2012-0087

CONSENT AGREEMENT FOR SUSPENSION

The Massachusetts Board of Registration in Dentistry (the "Board") and Dr. Jonathan C. Wood, ("Licensee"), License No. DN10999 ("License"), 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. Licensee enters into this Consent Agreement in full resolution of the complaints pending before the Board, identified as Docket No. DEN-2012-0087.
2. Licensee admits sufficient facts to support all of the allegations contained in the complaints, providing adequate grounds for the Board to take disciplinary action against the Licensee, including revocation of the License, pursuant to Massachusetts General Laws (M.G.L.) c. 112, § 61. In summary, the facts that would be introduced at the hearing are as follows:
 - a. On or about June 19, 2012, the Board conducted a compliance inspection of Licensee's dental practice located at 188 Winter Street, Hyannis, Massachusetts. During said inspection, numerous violations of the CDC Guidelines for Infection Control in a Dental Healthcare Setting (Board regulations at 234 CMR 5.05 (1) and 9.05(3) were observed. Said violations include, but were not limited to, the failure to conduct weekly spore tests for many years; the failure to maintain sterilization monitoring records, and the failure to use internal indicators for pouches used to sterilize hand pieces.
 - b. Licensee violated 234 CMR 5.16 and 6.14 by failing to have a complete and current Emergency Drug Kit and medicament required for the administration of local anesthesia. Said deficiencies include, but are not limited to, the failure to have current: Epinephrine Ampoules; Acetylsalicylic Acid; Antihistamine; Antihypoglycemic, Bronchodilator and Vasopressor; Portable Oxygen E cylinder; an Emergency Protocol for managing medical emergencies and failure to provide documentation of annual training in managing emergencies.
 - c. Licensee violated 234 CMR 5.04 (1) by failing to post licenses of for Licensee, associates and dental hygienists.

3. Licensee admits that such conduct constitutes gross misconduct within the meaning of M.G.L. c. 112 § 61 and 234 CMR 9.05 (1) acknowledges that restrictions upon the 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 a period of **six (6) months**, during which time Licensee may not engage in any activity for which a license to practice dentistry is required by M.G. L. c 112 §§ 43-53, 61.
 - a. Said period of suspension shall be followed by a **Period of Probation for a period of time** to be determined by the Board at such time as Licensee's license to practice dentistry is reinstated.
5. Upon signing this Consent Agreement, Licensee shall return any dental license issued to him by the Board to the Board's office at 239 Causeway Street, Boston, Massachusetts, 02114, by hand or by certified mail and any prescription registrations issued to him by the Commonwealth of Massachusetts and the United States Drug Enforcement Agency, whether current or expired to the appropriate agency.
6. The Licensee understands and agrees that during the SUSPENSION Period:
 - a. Licensee shall immediately notify the Board, in writing, within seven (7) days of any change in his current address of record.
 - b. Licensee shall fully cooperate and respond in a timely fashion to any inquiry or request made by the Board during his SUSPENSION.
 - c. Licensee shall not violate any law or regulation (state or federal) relating to the practice of dentistry.
 - d. Licensee shall not 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.
 - e. The Licensee agrees that within thirty days of the effective date of this Agreement, he shall notify his patients of the closing of his practice and provide said patients with directions of how to obtain a copy of their dental record(s), including radiographs pursuant to Board Regulations at 234 CMR 5.14 (4) (a).
 - i. Notification to patient's may be public notice in a local newspaper, voice mail message, individual letter(s) to patient(s), posting on the office door, email, or by other means of communication designed to provide patient(s) with the appropriate information.

- ii. Licensee shall attempt to provide patient's name(s) of dentist(s) who have agreed to care for his patient(s).
7. Licensee agrees that her failure to satisfy any of the terms of SUSPENSION set forth in paragraphs (6) shall result in further disciplinary action by the Board pursuant to subparagraph (7) (a).
 - a. The Licensee shall be entitled to a hearing as to whether he violated the terms and conditions of SUSPENSION as set forth in paragraphs (5), (6) and/or (7). This hearing shall be conducted in accordance with the State Administrative Procedure Act, M.G.L. ch 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 SUSPENSION PERIOD, it will impose a further sanction deemed appropriate in its discretion.
 - c. The Licensee agrees that the Licensee will not be entitled to a hearing to dispute the underlying allegations contained in the Complaints included in Docket No. DEN-2012-0087. The Licensee acknowledges and agrees that by entering into this Agreement, he is relinquishing important procedural rights.
8. Licensee shall inform any and all jurisdictions in which he holds or has held a license to practice dentistry or any other professional license of the Suspension of his dental license in Massachusetts within *10 days* of the effective date of the Agreement. The Licensee shall provide the Board with a copy of said notification within *10 days* of the effective date of this Agreement. If licensee is not licensed to practice dentistry or another profession in any other jurisdiction, he shall submit an attestation to the Board stating such.
9. The Licensee may petition the Board for reinstatement of his license to practice dentistry in the Commonwealth no sooner than thirty (30) days prior to the expiration of the Suspension Period. Said petition shall include documentation satisfactory to the Board that Licensee as complied with the following terms and conditions: Said petition shall conform to the requirements of Board Regulations at 234 CMR 4.12.
 - a. Licensee's dental practice shall be subject to inspection, by the Board, prior to re-opening.
 - b. Licensee shall successfully pass the Massachusetts Dental Ethics and Jurisprudence Examination within **thirty days** prior to filing his Petition for Reinstatement. This exam must be obtained directly from the Board.
 - c. Licensee shall provide written proof satisfactory to the Board that he has taken and successfully completed Board pre-approved continuing education courses in the following areas:

Full Day: Risk Management

Full Day: CDC Guidelines for Infection Control in Dental Health-Care settings

Full Day: OSHA Standards for Dentistry

Full Day: Managing Medical Emergencies in the Dental Office

2 Hours: Ethics

- i. The Board pre-approved continuing education courses shall be taken in **addition** to the continuing education courses required to maintain his license to practice dentistry pursuant to 234 CMR 5.00.
 - ii The course description(s) shall be submitted to the Board for **pre-approval prior** to taking the course.
 - iii All courses must be attended and shall not be self-study and/or taken through a computer based on-line program.
- d. The Licensee shall provide written proof satisfactory to the Board that he has taken and successfully completed the following course required for license renewal for 2012 renewal cycle:

Safe and Effective Opioid Prescribing for Chronic Pain

- i. This course required pursuant the Controlled Substance Statute, M.G.L. 94C, Section 18(e) and 234 CMR 8.03 (a), is required to be completed biennially for each license renewal cycle.
 - e. Upon application for reinstatement, the Licensee 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.
10. During the Probationary Period, the Licensee further agrees that he shall comply with all of the following requirements to the Board's satisfaction:
- a. 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.
 - b. During the Probation Period, the Licensee shall not:
 - i. violate any law or regulation (state or federal) relating to the practice of Dentistry;
 - ii. 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; and

- iii. violate any regulations promulgated by the Board set forth in 234 CMR 1.00 et. seq.
 - c. The Licensee agrees to fully cooperate and respond to any inquiry or request made by the Board during the Probation Period.
 - d. For any period during which the Licensee owns a dental practice, he shall forward the results of weekly spore tests evaluated by an outside contractor to the Board on or by April 1st, July 1st, October 1st and January 1st of each year for the duration of the Probationary Period. If possible, such spore test results shall be forwarded to the Board directly from the outside contractor. The occurrence of a positive spore test will not in and of itself constitute a violation of the terms of this Agreement.
 - e. Licensee shall comply with all requirements of 234 CMR 5.05 (1), Infection Control Practices and 234 CMR 5.05 (2), Occupational Health and Safety Practices;
 - f. For any period during which the Licensee owns a dental practice, he shall acknowledge that his dental office(s) will be subject to unannounced inspections during the Probationary Period.
11. The Licensee agrees that his failure to satisfy any of the terms of Probation set forth in paragraph (10) shall result in further disciplinary action by the Board pursuant to subparagraph (11) (a).
- a. The Licensee shall be entitled to a hearing as to whether he violated the terms and conditions of Probation as set forth in paragraph 10. This hearing shall be conducted in accordance with the State Administrative Procedure Act, M.G.L. ch 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 the Licensee will not be entitled to a hearing to dispute the underlying allegations contained in the Complaints included in Docket No DEN-2012-0087. The Licensee acknowledges and agrees that by entering into this Agreement, he is relinquishing important procedural rights.
12. The Licensee understands that his action in entering into this Agreement is a final act and not subject to reconsideration, collateral attack or judicial review in any form or forum.

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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. Licensee acknowledges that he has read this document entitled Consent Agreement and that he has decided knowingly and voluntarily to enter into this Consent Agreement. Licensee states that he consulted legal counsel regarding this Consent Agreement or, if Licensee did not consult legal counsel, Licensee knowingly and voluntarily waived his right to consult legal counsel.
15. Licensee certifies that he has read this document entitled "Consent Agreement." Licensee understands that he has the right to a formal adjudicatory hearing concerning the allegations included in DEN-2012-0087 and that at said hearing he would have the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his 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" he is knowingly and voluntarily waiving his right to such a formal hearing and to the rights attendant thereto.
16. Licensee acknowledges that this Consent Agreement is a public record within the meaning of M.G.L. c. 4, s. 7 and is subject to public disclosure.

LICENSEE:

Jonathan C. Wood
Dr. Jonathan C. Wood

Date

9-28-15

BOARD:

Barbara A. Young RSH
Dr. David Samuels, D.M.D. Chair
Board of Registration in Dentistry

Date

10/8/15

EFFECTIVE DATE:

10/8/15