

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

In the Matter of)
Dr. Paul R. Freedman)
License No. DN14818)
Expires March 31, 2016)
_____)

Docket No. DEN-2014-0058

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Dentistry (“Board”) and Dr. Paul R. Freedman (“Licensee”), license¹ no. DN14818, (“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 the Consent Agreement for Probation (“Agreement”) in order to resolve the allegations pending against the Licensee pending before the Board at docket no. DEN-2014-0058 (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:
 - (a) On or about May 8, 2014, Office of Public Protection (“OPP”) Investigators conducted an unannounced compliance inspection of Licensee’s dental office located at 3 Hawthorne Place in Boston, Massachusetts (“Dental Office”) and found the following regulatory deficiencies:
 - (i) Licensee violated 234 CMR 9.05(3) by failing to adhere to the CDC’s *Recommended Infection Control in Dental Health-Care Settings (2003)*, specifically, by: (A) failing to maintain sterilization monitoring records, (B) storing Hemostat un-pouched in operator drawer, and (C) storing metal impression trays un-pouched in operator drawer;
 - (ii) Licensee violated 234 CMR 9.05(2), through violating 234 CMR 5.16, by failing to: (A) develop a written emergency protocol for

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

managing medical and dental emergencies, and (B) failing to ensure that all staff is trained to manage medical and dental emergencies when hired and at least annually thereafter;

- (iii) Licensee violated 234 CMR 9.05(2), through violating 234 CMR 6.15, by failing to: (A) maintain pre-loaded adult and pediatric epinephrine and aspirin in emergency drug kit, (B) maintain unexpired antihypoglycemic and ephedrine sulfate in emergency drug kit, (C) maintain documentation for checking and recording the maintenance of equipment and emergency drugs on a regular basis, (D) maintain pediatric A.E.D. pads, and (E) maintain unexpired adult A.E.D. pads;
 - (iv) Licensee violated M.G.L. c. 112, §50 by failing to place identification in removable prosthetic appliances; and
 - (v) Licensee violated 234 CMR 9.05(2), by violating 234 CMR 5.05(3), by failing to obtain a certificate of registration from the Department of Public Health's Radiation Control Program.
- (b) On or about November 18, 2015, OPP Investigators conducted a follow-up compliance inspection of Licensee's Dental Office and found the following regulatory deficiencies:
- (i) Licensee violated 234 CMR 9.05(3) by failing to adhere to the CDC's *Recommended Infection Control in Dental Health-Care Settings (2003)*, by storing metal impression trays un-pouched in operator drawer;
 - (ii) Licensee violated 234 CMR 9.05(2), through violating 234 CMR 5.16, by failing to: (A) develop a written emergency protocol for managing medical and dental emergencies, and (B) failing to ensure that all staff is trained to manage medical and dental emergencies when hired and at least annually thereafter; and
 - (iii) Licensee violated 234 CMR 9.05(2), through violating 234 CMR 6.15, by failing to: (A) maintain ampules of epinephrine and aspirin in emergency drug kit, (B) maintain unexpired nitroglycerine, albuterol, pre-loaded adult and pediatric epinephrine, and glucose in the emergency drug kit, and (C) maintain documentation for checking and recording the maintenance of equipment and emergency drugs on a regular basis.
- (c) Licensee violated M.G.L. c. 112, §51A and 234 CMR 8.03(a) by failing to complete required continuing education in CDC Guidelines in Infection Control prior to renewing his License in 2014.

- (d) Licensee violated M.G.L. c. 94C, § 18(e), by failing to complete mandatory training in (i) effective pain management; (ii) identification of patients at high risk for substance abuse; and (iii) counseling patients about the side effects, addictive nature and proper storage and disposal of prescription medications, prior to renewing his License in 2014.
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 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 six months from the Effective Date, the Licensee shall provide written proof satisfactory to the Board he has taken and successfully completed Board approved continuing education courses in the following areas:
- Effective Pain Management (3 hours)
 - CDC Guidelines in Infection Control (6 hours)
 - Managing medical/dental emergencies (6 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) Within thirty (30) days of the Effective Date, Licensee shall provide a copy of this Consent Agreement to all jurisdictions in which he holds or has held a license to practice dentistry.
- (i) The Licensee shall provide written documentation to the Board demonstrating his compliance with paragraph 5(d).
 - (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.
- (e) Licensee shall submit documentation that he has remediated, to the Board's

satisfaction, the following deficiencies noted on the re-inspection memo updated November 19, 2015:

- (i) Licensee failed to ensure all staff is trained to manage medical and dental emergencies when fired and annually thereafter to implement the emergency protocols;
 - (ii) Licensee failed to provide documentation of the expiration date of the glucose maintained in the emergency drug kit;
 - (iii) Licensee failed to maintain documentation for checking and recording the maintenance of equipment and emergency drugs on a regular basis.
- (f) 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 his 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) and (b).
- (a) The Licensee shall be entitled to a hearing as to whether he 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 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 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 he enters into the Consent Agreement of his own free will. The Licensee further states he is aware he has a right to counsel in this matter and has either conferred with counsel prior to signing the Consent Agreement or waives his 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 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 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).

Dr. Paul R. Freedman
DN14818
DEN-2014-0058

Licensee

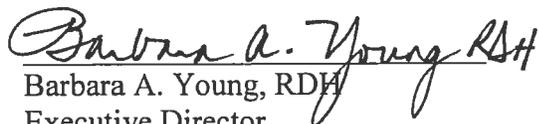


Dr. Paul R. Freedman

3.9.16

Date Signed

Board of Registration in Dentistry



Barbara A. Young, RDA
Executive Director

3/14/16

Date Signed

3/14/16

Effective Date