

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

)
In the Matter of)
Dr. Ofelia V. Villanueva)
License No. DN17807)
Expires March 31, 2016)
_____)

Docket No. DEN-2014-0118

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Dentistry ("Board") and Dr. Ofelia V. Villanueva ("Licensee"), license¹ no. DN17807 ("License") 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 states she voluntarily enters into this Consent Agreement for Probation ("Agreement") in order to resolve the complaint against the Licensee pending before the Board at docket no. DEN-2014-0118 (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 allegations as follows:
 - a. Licensee violated 234 CMR 9.05(3), by failing to adhere to the CDC's Guidelines for Infection Control in Dental Health-Care Settings (2003), specifically by failing to: (i) ensure weekly spore testing is conducted, (ii) sterilize straight handpiece attachments and hygiene handpieces after patient use, (iii) maintain sterility of high and low speed handpieces, (iv) maintain sterility of hygiene instruments, (v) maintain sterility of burs, (vi) consistently use internal indicators with sterilization packaging, (vii) use unexpired Birex disinfectant spray, and (viii) maintain sterility of radiographic film positioning devices.
 - b. Licensee violated 234 CMR 9.05(2), through violating 234 CMR 5.16, by failing to ensure all staff are trained when hired and at least annually thereafter to implement emergency protocols;
 - c. Licensee violated 234 CMR 9.05(2), through violating 234 CMR 6.15, specifically by failing to: (i) ensure unexpired portable cylinder E oxygen

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

- tank is available, (ii) ensure antihypoglycemic and vasodilator are available, (iii) ensure that unexpired epinephrine ampules, diphenhydramine, Benadryl, Epi Pen and Pulmicort Flexhaler are available, and (iv) ensure a stethoscope and pediatric A.E.D. pads are available and unexpired;
- d. Licensee violated 234 CMR 9.05(2) through violating 234 CMR 5.02(3), by failing to post dental hygiene license and Permit L; and
 - e. Licensee violated M.G.L. c. 112, §50, by failing to place patient identification in removable prostheses.
3. In order to resolve this matter without further proceedings before the Board, the Licensee and Board agree that on the date of the execution of this 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* within thirty (30) days of the Effective Date. A copy of the completed exam answer sheet must be submitted to the Board no later than thirty (30) days from the Effective Date.
 5. Within six (6) months from the Effective Date, 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 area:

CDC Guidelines in Infection Control (6 hours)
 - (a) The course description shall be submitted to the Board for pre-approval prior to 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 Board approved continuing education courses shall be taken in addition to the continuing education courses required to maintain her License pursuant to 234 CMR 8.00.
 - (d) The Licensee shall provide written proof satisfactory to the Board that she has taken and successfully completed the following course required for license renewal for 2012-2014 renewal cycle:

3 hours of Safe and Effective Opioid Prescribing for Chronic Pain

This course is required pursuant to M.G.L. 94C, § 18(e) to be completed biennially for each license renewal cycle.

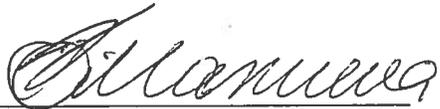
- (e) Within thirty (30) days of the Effective Date, Licensee shall provide a copy of this Agreement to all jurisdictions in which she holds a license to practice dentistry.
 - (i) Licensee shall provide written documentation to the Board demonstrating her compliance with paragraph 5(e).
 - (ii) If Licensee is not licensed to practice dentistry or another health profession in any other jurisdiction, she shall submit an attestation to the Board stating such.
 - (f) Licensee has the burden to prove compliance with the requirements of the Agreement.
6. If the Licensee fails to successfully complete the requirements of paragraphs 4 or 5, the Board may take further disciplinary action. Such action may include, but not be limited to, extension of the Probation Period, suspension of the Licensee's License, suspension of Licensee's right to renew her License or other disciplinary action as is deemed appropriate by the Board.
7. During the Probation Period, the Licensee further agrees she shall not:
- (a) Violate any federal or state law or regulation 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 regulations 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 the Agreement 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 only as to whether she violated the conditions in paragraph 7 of the Agreement. This 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.

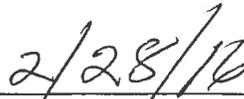
- (b) After a hearing, if the Board determines a violation did occur during the Probation Period, it will impose a further sanction deemed appropriate in its discretion.
 - (c) The Licensee agrees she is not entitled to a hearing to dispute the underlying allegations in the Complaint or the sanction to be imposed upon a finding of failure to comply with the terms of her Probation. The Licensee agrees by entering into the Agreement, she is relinquishing important procedural rights.
9. The Licensee understands entering into the Agreement is a final act and not subject to reconsideration, collateral attack or judicial review in any form or forum.
 10. The Licensee acknowledges this Agreement is subject to the Commonwealth of Massachusetts's Public Records Law, M.G.L. c. 4, § 7(26).
 11. The Board agrees as consideration for the Licensee entering into the 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 Agreement were violated.
 12. The Licensee enters into this Agreement of her own free will. The Licensee is aware that she has a right to counsel in this matter and has either conferred with counsel prior to signing this Agreement or waives this right.
 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 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 confront and cross-examine witnesses, call 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 this 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).

Dr. Ofelia V. Villanueva
DN17807
DEN-2014-0118

Licensee



Dr. Ofelia V. Villanueva

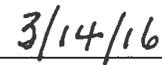


Date Signed

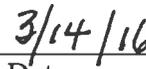
Board of Registration in Dentistry



Barbara A Young, RDH
Executive Director



Date Signed



Effective Date