

IN THE MATTER OF

MOHAMADREZA YAZDI, D.D.S.

Applicant

*

BEFORE THE MARYLAND

*

STATE BOARD OF

*

DENTAL EXAMINERS

*

Case Number: 2018-217

* * * * *

CONSENT ORDER

On the 14th day of April 2022, the Maryland State Board of Dental Examiners (the “Board”) notified **MOHAMADREZA YAZDI, D.D.S.** (the “Applicant”) of the Board’s intent to deny his *Application for Dental Licensure* (the “Application”), filed on February 5, 2018, pursuant to the Maryland Dentistry Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 4-101 *et seq.* (2014 Repl. Vol.) and COMAR 10.44.23 *et al.*

The Board based its action on the Applicant’s violation of the following provisions of the Act:

Health Occ. § 4-302. License qualifications.

Moral character.

(b) The applicant shall be of good moral character.

Health Occ. § 4-315. License denial, suspension, or revocation.

Grounds for denial, suspension, or revocation of dentistry licenses.

(a) Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

- (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (20) Violates any rule or regulation adopted by the Board; [and]
- (21) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[.]

The underlying grounds for disciplinary action under Health Occ. § 4-315(a)(21) include Health Occ. § 4-315(a):

- (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (20) Violates any rule or regulation adopted by the Board; [and]
- (34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board[.]

The Board further alleges that the Applicant violated the following rule or regulation adopted by the Board:

COMAR 10.44.23.03 Unprofessional or Dishonorable Conduct

- A. A dentist . . . may not engage in unprofessional or dishonorable conduct;
- B. The following shall constitute unprofessional or dishonorable conduct in the practice of dentistry, dental hygiene, or dental radiation technology:
 - (2) Engaging in conduct which is unbecoming a member of the dental profession; [and]

- (6) Performing a dental procedure without first obtaining informed consent from the patient or the patient's legal representative[.]

Following a Case Resolution Conference ("CRC") before the Board, the Applicant agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. BACKGROUND

1. The Applicant is not and has never been licensed to practice dentistry in the State of Maryland.
2. The Applicant was previously licensed to practice dentistry in the state of California. The California State Board of Dental Examiners (the "California Board") issued the Applicant a dental license on October 27, 1987, under License Number 26038.
3. On December 6, 2017, the California Board revoked the Applicant's dental license. The California Board ordered that the revocation be stayed and that the Applicant's license be placed on probation for five years subject to terms and conditions.
4. On January 19, 2021, the California Board issued an *Accusation and Petition to Revoke Probation* to the Applicant. On April 11, 2022, the Applicant entered into a *Stipulated Surrender of License and Order* before the California Board in which he surrendered his California dental license.
5. The Applicant is licensed to practice dentistry in the state of Massachusetts. The Massachusetts Board of Registration in Dentistry issued the Applicant a dental license

on February 1, 2018, under License Number DN1857838. The Applicant's Massachusetts dental license is current through March 31, 2024.

II. THE APPLICATION

6. The Applicant submitted his Application, dated January 25, 2018, which the Maryland State Board of Dental Examiners (the "Board") received on February 5, 2018.

7. In the Application under the section entitled "SECTION IV—CHARACTER AND FITNESS," the Applicant marked "YES" to QUESTION (a), which asked:

Has any licensing or disciplinary board of any jurisdiction, including Maryland, or any federal entity denied your application for licensure, reinstatement, or renewal, or taken any action against your license, including but not limited to reprimand, suspension, revocation, a fine, or non-judicial punishment? If you are under Board Order or were ever under Board Order in a state other than Maryland, you must enclose a certified legible copy of the entire Order with this application.

8. In a written explanation received by the Board on February 27, 2018, the Applicant addressed the California Board's actions against his California license.

9. Based on the Applicant's prior licensing disciplinary history, the Board initiated an investigation of the matter.

III. BOARD INVESTIGATION

10. The Board obtained the California Board's investigative files relating to those disciplinary actions. The California Board's findings, conclusions and sanctions are set forth below.

A. Case Number DBC 2010-29, Dental Board of California

11. In an order issued on June 11, 2012, the California Board found that the Applicant engaged in unprofessional conduct, in violation of Business and Professions Code section 1684.1 and California Code of Regulations, title 16, section 1023.6, when he failed to provide the Board with the complete requested copies of dental records for 12 patients. The Applicant also failed to comply with 12 subpoenas that were issued by the California Board ordering the Applicant to appear and produce the records at its offices.

12. The California Board further found that the Applicant failed to comply with Business and Professions Code section 125.9, subdivision (b)(5) when he failed to pay fines for 12 citations that the California Board issued to the Applicant for his failure to produce 12 patient records. The Applicant did not appeal the 12 citations, nor did he request an extension of time.

13. In Case Number DBC 2010-29, the California Board revoked the Applicant's dental license, stayed the revocation, and placed the Applicant's license on probation for three years subject to terms and conditions, which included that the Applicant must:

- a) obey all laws;
- b) submit quarterly reports stating whether there has been compliance with all conditions of probation;
- c) comply with the California Board's probation program;
- d) inform the California Board of any changes of residence or employment address;
- e) appear for California Board meetings and be available for interviews;
- f) notify the California Board of dates of departure and anticipated return if the Applicant leaves California to reside or practice outside of the state, and he must provide information regarding other states where he has been licensed, as well as the status of each license;
- g) provide documentation to the California Board upon request;
- h) be responsible for costs incurred for the California Board's investigation, prosecution, and probation monitoring;

- i) engage in the practice of dentistry in California for a minimum of 16 hours per week or 64 hours per calendar month during the period of probation; and,
- j) provide a copy of the California Board's Decision and Accusation to his employer and at any other facility where the Applicant engages in the practice of dentistry before engaging in the practice of dentistry.

B. Case Number DBC 2011-126, Dental Board of California

14. In an order issued on November 6, 2017, the California Board found that the Applicant engaged in unprofessional conduct, in violation of Business and Professions Code 1670, 1685, and 1680, subdivision (n), when the Applicant engaged in repeated acts that were a departure from the standard of care by failing to take study models for four patients, all of whom were minor children ("Patient A," "Patient B," "Patient C," and "Patient D")¹.

15. The California Board found that the Applicant engaged in unprofessional conduct, in violation of Business and Professions Code sections 1670 and 1680, subdivision (a), when the Applicant obtained fees by misrepresentation or fraud by enforcing contractual terms that the Applicant withheld from Patients A, B, C and D, and when he failed to return a portion of fees collected in advance from Patient A for services expected to last 12 to 18 months, but which were terminated after six months.

16. The California Board found that the Applicant engaged in unprofessional conduct, in violation of Business and Professions Code sections 1670 and 1680, subdivision (n), and Health and Safety Code section 123110, subdivision (b), when the

¹ For confidentiality reasons, the names of all massage facilities, clients, or other individuals referenced in this document will not be identified by name. The Applicant may obtain the identity of any facility, client, or individual referenced herein by contacting the assigned administrative prosecutor. Further, all references to the minors by these defined terms include actions taken by the minors' parent or parents.

Applicant failed to provide Patients A, B and C with their dental records upon request, unless the patients paid excessive fees. The California Board found that the Applicant refused to release the dental records of Patients B and C unless they paid \$150.00 each, and that the Applicant charged Patient A \$250.00 for three pages of dental records.

17. The California Board found that the Applicant engaged in unprofessional conduct, in violation of Business and Professions Code sections 1670, 1680, subdivision (n), and 1685, when he permitted the delivery of unnecessary treatment to Patient D by refusing to remove Patient D's braces at the end of her treatment, until Patient D paid outstanding fees. The California Board found that the Applicant conceded in a July 15, 2010 letter that Patient D's braces were not removed at the end of her treatment, which violates the standard of care that requires braces be removed when treatment is complete "without any financial contingency." Patient D's braces were scheduled to be removed on November 19, 2009. The Applicant's office rescheduled that appointment for December 1, 2009. On December 1, 2009, the Applicant refused to remove Patient D's braces "because he said, 'you still owe me money.'" Further, the California Board found that the Applicant charged Patient D the total sum of \$9,300.00 for Phase I and II treatments, which included over 30 office visits, and to repair a broken bracket, and that this amount was excessive since Patient D "had only a very minor problem that could have been solved in one or two visits[.]"

18. The California Board found that the Applicant engaged in unprofessional conduct, in violation of Business and Professions Code sections 1670 and 1685, when he

engaged in conduct that was a departure from the standard of practice in the community when he refused to remove Patient D's braces until Patient D paid an outstanding balance.

19. In a decision for Case Number DBC 2011-126 that became effective on December 6, 2017, the California Board revoked the Applicant's dental license (license number 36038), stayed the revocation, and placed the Applicant's dental license on probation for five years subject to terms and conditions, which include that the Applicant must:

- a) obey all laws;
- b) submit quarterly reports stating whether there has been compliance with all the conditions of probation;
- c) comply with the California Board's probation program;
- d) inform the California Board of any changes of residence or employment address;
- e) appear for California Board meetings and be available for interviews;
- f) notify the California Board of dates of departure and anticipated return if the Applicant leaves California to reside or practice outside of the state, and he must provide information regarding other states where he has been licensed, as well as the status of each license;
- g) provide documentation to the California Board upon request;
- h) be responsible for costs incurred for the California Board's investigation, prosecution, and probation monitoring;
- i) engage in the practice of dentistry in California for a minimum of 16 hours per week or 64 hours per calendar month during the period of probation;
- j) provide a copy of the California Board's Decision and Accusation to his employer and at any other facility where the Applicant engages in the practice of dentistry before engaging in the practice of dentistry;
- k) submit for the California Board's approval an appropriate program of remedial education related to ethics, practice management, and financial responsibilities of a dentist in an educational facility or program, and the Applicant must complete the remedial education program and may be required to pass an examination administered by the California Board;
- l) make arrangements to provide Patient A with restitution plus 10 percent per annum since September 24, 2009 on the principal amount of the money judgment remaining unsatisfied;

- m) submit for the California Board's approval a course in ethics that will be completed within the first year of probation; and,
- n) submit to the California Board for its approval the name and qualifications of one or more persons to act as a billing monitor. Once approved, the Applicant will submit a plan by which the billing monitor will provide monitoring of the Applicant's billing practices. The billing monitor shall submit written reports to the California Board on a quarterly basis verifying that monitoring has taken place.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant's conduct, as described above, constitutes violations of the Act as cited above, specifically:

The California Board's findings that the Applicant engaged in unprofessional conduct for: failing to comply with the California Board's requests for patient records; engaging in repeated acts that were a departure from the standard of care by failing to take study models for four patients; obtaining fees by misrepresentation or fraud by enforcing contractual terms that the Applicant withheld from patients; failing to provide four patients with their dental records unless they paid excessive fees; permitting the delivery of unnecessary treatment to a patient; and engaging in conduct that was a departure from the standard of practice in the community by refusing to remove a patient's braces until the patient paid an outstanding balance, constitute grounds for denial of his Application under: Health Occ. § 4-302(b) – the applicant shall be of good moral character; Health Occ. § 4-315(a)(3) – obtaining a fee by fraud or attempting to obtain a fee by fraud; Health Occ. § 4-315(a)(16) – behaving dishonorably or unprofessionally, or violating a professional code of ethics pertaining to the dentistry profession; Health Occ. § 4-315(a)(20) – violating any

rule or regulation adopted by the Board, *to wit* COMAR 10.44.23.03A and 10.44.23.03B(2) and/or (6); and Health Occ. § 4-315(a)(21) – being disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes, *to wit* Health Occ. §§ 4-315(a)(3), (16) and/or (20).

The Board further concludes that the California Board’s findings that the Applicant failed to comply with a board subpoena in a timely manner constitute grounds for denial of his Application under: Health Occ. § 4-315(a)(21) – being disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes, *to wit* Health Occ. §§ 4-315(a)(34); and willfully and without legal justification, failing to cooperate with a lawful investigation conducted by the Board.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board, hereby:

ORDERED that the Applicant’s Application for licensure is hereby **GRANTED**; and it is further

ORDERED that the Applicant is **REPRIMANDED**; and it is further

ORDERED that the Applicant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** under the following terms and conditions:

- a. Within six (6) months of the date of the execution of the Consent Order, the Applicant shall successfully complete a Board-approved in-person eight (8) credit hour **course(s) in professional ethics** and a four (4) credit hour

course(s) in dental record keeping, which shall not be counted toward continuing education requirements for license renewal;

- b. The Applicant shall:
 - 1. Submit quarterly self-reports to the Board; and
 - 2. Submit a complete copy of this Consent Order to the prospective employer prior to accepting any offer of dentistry-related employment in Maryland; and
 - 2. Provide the Board with the name, mailing address, phone number, and email address of any employer to whom this Consent Order has been submitted as required by the above-paragraph (b)(2) of this Order within ten (10) business days of employment; and
- c. The Applicant shall at all times practice in accordance with the Maryland Dentistry Act and the Board's regulations.

AND IT IS FURTHER ORDERED that the Applicant shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned inspector, in the monitoring, supervision and investigation of the Applicant's compliance with the terms and conditions of this Consent Order, and it is further

ORDERED that the Applicant shall be responsible for all costs incurred under this Consent Order; and it is further

ORDERED that after a minimum of five (5) years from the effective date of this Consent Order, the Applicant may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board shall grant termination if the Applicant has fully and satisfactorily complied with all of the probationary terms and

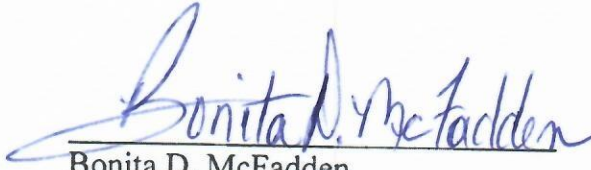
conditions and there are no pending investigations or outstanding complaints related to the findings of fact in this Consent Order; and it is further

ORDERED that if the Applicant allegedly fails to comply with any term or condition of probation or this Consent Order, the Applicant shall be given notice and an opportunity for a hearing. If witness testimony is necessary to determine whether the Applicant failed to comply with any term or condition of probation or this Consent Order, the hearing shall be an evidentiary hearing before the Board. If there is no need for witness testimony and the issue can be resolved through oral argument and documentary evidence presented to the Board by the Parties, the Applicant shall be given a show cause hearing before the Board. At the conclusion of a show cause hearing held under this paragraph, the Board may, in its discretion, schedule a subsequent evidentiary hearing if it determines that it would assist the Board in its determination or if it determines that due process requires it; and it is further

ORDERED that after the appropriate hearing, if the Board determines that the Applicant has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Applicant, place the Applicant on probation with appropriate terms and conditions, or suspend or revoke the Applicant's license to practice dentistry in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Applicant; and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2021).

08/03/2022
Date


Bonita D. McFadden
Executive Director (Interim)
Maryland State Board of Dental Examiners


CONSENT

By this Consent, I, Mohamadreza Yazdi, D.D.S., agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had the opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order and understand its effect.

20 July 2022
Date


Mohamadreza Yazdi, D.D.S.
Applicant

NOTARY

STATE OF CA

CITY/COUNTY OF: LA

I HEREBY CERTIFY that on this 20th day of JUN 2022,
before me, a Notary Public of the State and County aforesaid, personally appeared
Mohamadreza Yazdi, D.D.S., and gave oath in due form of law that the foregoing Consent
Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Notary Public Please See Att

My commission expires: 09/03/2024

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On 07/20/2022 before me, Eric Martinez Navarro, Notary Public
(insert name and title of the officer)

personally appeared Mohamadreza Yazdi
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

