

BEFORE THE BOARD OF DENTAL EXAMINERS  
OF THE STATE OF ARIZONA

IN THE MATTER OF	)	
	)	
Michael D. Margolis, DDS	)	BOARD ORDER
	)	CASE NUMBER 201500034
Holder of License Number D02957	)	
For the Practice of Dentistry	)	
In the State of Arizona	)	

The Arizona State Board of Dental Examiners (“Board”) considered this matter at its public meeting on October 2, 2015. Michael D. Margolis, D.D.S. (“Respondent”) appeared with legal counsel before the Board for a Formal Interview pursuant to the authority vested in the Board by A.R.S. § 32-1263.02(F). The Board voted to issue Findings of Fact, Conclusions of Law and Order after due consideration of the facts and law applicable to this matter.

FINDINGS OF FACT

1. Patient SE presented to Dr. Margolis with continuing facial pain she reported was a result of earlier cavitation surgery on multiple teeth performed by her previous dentist.
2. On June 3, 2014, Dr. Margolis performed extensive oral surgery, under oral sedation, on SE to remove bone and tissue from the areas of the following teeth: 1, 2, 3, 7, 8, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 29, and 32. Dr. Margolis placed cadaver bone grafts in several of the areas.
3. SE continued to experience facial pain and Dr. Margolis performed oral surgery again, under oral sedation, on several of the previously treated areas.
4. Dr. Margolis noted in SE’s treatment there appeared to be healthy, bleeding bone in the areas of previous grafting.
5. Dr. Margolis obtained a biopsy from only one of the areas where he removed bone and tissue.
6. Dr. Margolis obtained DNA analyses for several of the treated areas which he treated. The DNA reports provided to Dr. Margolis indicated that the information should not be used to diagnose or treat a health problem or disease.

7. The oral surgery Dr. Margolis performed on SE is not supported by a clinically accepted justification or diagnosis.
8. Following the surgery on December 14, 2014, while SE was still in recovery at Dr. Margolis' office, SE's friend gave SE a Tylenol 3 tablet, which contained a narcotic and caused SE to have an adverse reaction. Neither Dr. Margolis nor any of his staff were continuously supervising SE during her recovery from the oral sedation. SE was transported to an emergency department for observation and care.
9. Dr. Margolis failed to report SE's adverse occurrence associated with sedation to the Board.

### CONCLUSIONS OF LAW

The facts as stated represent UNPROFESSIONAL CONDUCT as defined at A.R.S. Section 32-1201.01 (14) which states "Any conduct or practice which does or would constitute a danger to the health, welfare or safety of the patient or the public" and as such, constitute grounds for DISCIPLINARY SANCTIONS under A.R.S. Sec. 32-1263 (A)(1).

That facts as stated represent a violation of A.A.C. R4-11-1303(G) which states "The Section 1303 permit holder shall ensure the continuous supervision of the patient from the administration of oral sedation until oxygenation, ventilation and circulation are stable and the patient is appropriately responsive for discharge from the dental office or dental clinic" AND a violation of A.A.C.R4-11-1305 which states "If a death, or incident requiring emergency medical response, occurs in a dental office or dental clinic during the administration of or recover from t general anesthesia, deep sedation, moderate sedation, or minimal sedation, the permit holder and the treating dentist involved shall submit a complete report of the incident to the Board within 10 days after the occurrence" and as such constitute grounds for DISCIPLINARY SANCTIONS under A.R.S. Sec. 32-1263(A)(4).

### ORDER

RESTITUTION in the amount of \$7,000.00, payable to Complainant by certified check, and furnished to the Board office within 35 (thirty-five) days OF THE EFFECTIVE DATE OF THIS ORDER.

ADMINISTRATIVE PENALTY is imposed in the amount of \$2,000.00 payable by certified check furnished to the Board office within 35 (thirty-five) days OF THE EFFECTIVE DATE OF THIS ORDER.

CONTINUING EDUCATION for credit of (twelve) 12 hours in SURGICAL TREATMENT OF BONY DEFECTS, (four) 4 hours in RISK MANAGEMENT, (six) 6

hours in HANDLING MEDICAL EMERGENCIES FOR A DENTAL OFFICE TO BE COMPLETED IN SIX (6) MONTHS.

HOME STUDY COURSES ARE NOT ACCEPTABLE UNLESS THEY ARE ON THE LIST OF BOARD APPROVED COURSES THAT DO NOT REQUIRE PRIOR APPROVAL.

PRE-APPROVAL:

IN BOARD ORDERS OF CONTINUING EDUCATION, PRIOR APPROVAL OF THE COURSES BY THE BOARD OF DENTAL EXAMINERS OR ITS DESIGNEE IS MANDATORY AND THE REQUEST MUST BE RECEIVED AT LEAST TEN BUSINESS DAYS PRIOR TO THE DATE OF THE COURSE. ENCLOSED IS A LIST OF BOARD APPROVED COURSES THAT DO NOT REQUIRE PRIOR APPROVAL.

VERIFICATION OF ATTENDANCE:

RESPONDENT MUST FILE VERIFICATION OF COMPLETION WHICH SHALL BE SENT TO THE BOARD OFFICE WITHIN FIVE BUSINESS DAYS AFTER THE COURSE IS COMPLETED. Verification shall be a copy of the Completion Certificate.

These hours of Continuing Education are IN ADDITION TO THE HOURS REQUIRED AT TIME OF RENEWAL.

A licensee has the right to PETITION FOR REHEARING or REVIEW of the Order pursuant to A.R.S. Section 32-1263.02(H). According to A.R.S. Section 41-1092.09, as amended, the PETITION must be filed with the Board's Executive Director within thirty (30) days after personal service of this Order or within thirty-five (35) days from the date of the mailing if the Order was served by Certified Mail. Pursuant to A.A.C. R4-11-1701(C), the PETITION must set forth legally sufficient reasons for granting the rehearing or review. The filing of a PETITION FOR REHEARING or REVIEW is required to preserve any rights of appeal to the Superior Court that the licensee may wish to pursue.

THIS ORDER SHALL BE EFFECTIVE and IN FORCE UPON THE EXPIRATION OF THE AFOREMENTIONED TIME PERIOD FOR FILING A MOTION FOR REHEARING OR REVIEW WITH THE BOARD. However, the timely filing of a motion for rehearing or review shall stay the enforcement of the Board's Order unless, pursuant to A.A.C. R4-11-1701(F), the Board has expressly found good cause to believe that the Order shall be effective immediately upon issuance and has so stated in this Order.

DATED this 7<sup>th</sup> day of December 2015.

THE BOARD OF DENTAL EXAMINERS  
OF THE STATE OF ARIZONA

  
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Elaine Hugunin  
Executive Director

A copy of the following mailed by CERTIFIED MAIL this 7<sup>th</sup> day of December 2015 to:

Michael D. Margolis, DDS  
2045 S. Vineyard Rd., Suite 153  
Mesa, AZ 85210

S.E.

A copy mailed by US MAIL to:

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