BEFORE THE ARIZONA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

Michael D. Margolis, D. D. S.

Holder of License No. D 2957
For the Practice of Dentistry
In the State of Arizona.

Case No. 201500220

DISCIPLINARY
CONSENT AGREEMENT
AND ORDER

In order to resolve this case quickly and judiciously, the Arizona State Board of Dental Examiners ("Board") and Michael D. Margolis, D.D.S. enter into this Disciplinary Consent Agreement and Order ("Consent Agreement") in lieu of further administrative and judicial proceedings. It is consistent with the public interest and the requirements and statutory authority of the Board, specifically, A.R.S. §§ 32-1263.01, -1263.02, and 41-1092.07(F) (5). This Consent Agreement shall resolve all issues the Board has reviewed and investigated regarding the allegations in this matter.

Therefore, in lieu of further proceedings, Michael D. Margolis, D.D.S. admits and understands that:

1. Any record prepared in this matter, all investigative materials prepared and received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board's file pertaining to this matter.

2. Dr. Margolis waives any right to a hearing or re-hearing of this matter and any right to judicial review of the attached Findings of Fact, Conclusions of Law, and Order.

3. Dr. Margolis has the right to consult with an attorney prior to entering into this Consent Agreement.

4. The findings contained in the Findings of Fact portion of the Consent Agreement are conclusive evidence of the stated facts. The Board may consider this Consent Agreement when and if future disciplinary proceedings arise.
5. This Consent Agreement is subject to the Board's approval and will be effective only when the Board accepts it and it is signed on behalf of the Board. In the event that the Board, in its discretion, does not approve this Consent Agreement, it will be deemed withdrawn, will be of no evidentiary value and shall not be relied upon or introduced in any disciplinary proceeding by any party. Dr. Margolis agrees that should the Board reject this Consent Agreement and this case continues through the administrative process, he shall assert no claim that the Board was prejudiced by its review and discussion of this document or any related records.

6. Dr. Margolis further understands that this Consent Agreement, if approved and signed by the Board, constitutes a public document that may be disseminated as a formal action by the Board, including being reported to the National Practitioner Data Bank.

7. Dr. Margolis agrees to the Board approving the following Findings of Fact, Conclusions of Law and Order.  

DATED this 20\textsuperscript{th} day of January 2016.

\begin{center}
\textbf{FINDINGS OF FACT}
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1. Dr. Margolis holds license no. D 2957 initially issued by the Board on June 22, 1983.

2. On January 4, 2011, patient JK presented to Dr. Margolis with an initial complaint of pain in her maxillary left quadrant. After examination and radiographs, Dr. Margolis' treatment records for JK contain insufficient documentation of objective findings identifying the etiology of her pain.

3. In June of 2013, tooth no. 13 was extracted by an oral surgeon in New Mexico. On January 30, 2014, JK presented to Dr. Margolis with a chief complaint of pain in the
tooth nos. 13 and 14 areas. An exam on this day with routine objective testing revealed tooth no. 14 was vital without apparent pathology. Dr. Margolis placed a temporary crown on tooth no. 14 and the edentulous area of tooth no. 13 was explored and tissue submitted for polymerase chain reaction detection for microbes.

4. Without a documented rationale, Dr. Margolis placed a temporary crown on tooth no.14 and harvested bone and blood from the tooth no. 13 site which was submitted to Dental DNA. JK’s treatment records do not contain a documented rationale supporting this treatment.

5. JK took oral bisphosphonates for seven years in the 1990’s. On May 12, 2014, Dr. Margolis ordered a serum CTX for JK. JK had at least a fourteen year drug holiday. There was no justified reason for Dr. Margolis to subject JK to this test.

6. JK presented to Dr. Margolis with enigmatic pain. Dr. Margolis failed to rule out a non-odontogenic etiology for JK’s pain by referral to appropriate medical providers.

7. Although JK signed treatment plan for the surgical procedure that was performed on May 9, 2014, Dr. Margolis failed to obtain informed consent for the surgical procedure performed on JK.

CONCLUSION OF LAW

The conduct and circumstances described in the above Findings of Fact constitute unprofessional conduct as defined by A.R.S. § 32-1201.01(14). Such conduct is grounds for discipline under A.R.S. § 32-1263(A)(1).

ORDER

1. IT IS HEREBY ORDERED that, within thirty days from the effective date of this Consent Agreement and Order, Dr. Margolis shall pay an administrative penalty to the Board in the amount of $5,000.00, payable in certified funds.
2. **IT IS FURTHER ORDERED** that, within six (6) months from the effective date of this Consent Agreement and Order, Dr. Margolis shall take and complete the following continuing education: twelve (12) hours in diagnosis and sequencing of treatment and three (3) hours in Current Dental Terminology (CDT). At least ten business days prior to the date of the continuing education course(s), Dr. Margolis shall obtain pre-approval for the continuing education from the Board’s Executive Director. Within five days of completion of each continuing education course, Dr. Margolis shall submit to the Board verification of completion of the course(s). Verification shall be by canceled checks, attendance slips, if any, and/or a certificate of completion. The continuing education ordered in this Consent Agreement is in addition to the continuing education hours required for license renewal.

3. **IT IS FURTHER ORDERED** that, in the event Dr. Margolis fails to comply with any of the terms of this Consent Agreement and Order, the Board may take further disciplinary action, after notice to Dr. Margolis and an opportunity to be heard.

DATED this ______ day of February, 2016.

ARIZONA STATE BOARD OF DENTAL EXAMINERS

Elaine Hugunin
Executive Director
A copy of the following mailed by CERTIFIED MAIL this 1st day of February 2016 to:

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

J.K.

A copy mailed by US MAIL to:

David W. Williams
Davis Miles McGuire Gardner
Attorneys at Law
80 E. Rio Salado Parkway, Suite 401
Tempe, AZ 85281