

1                   **BEFORE THE ARIZONA STATE BOARD OF DENTAL EXAMINERS**

2  
3   IN THE MATTER OF:

Case No. 201500220

4   **Michael D. Margolis, D. D. S.**

**DISCIPLINARY  
CONSENT AGREEMENT  
AND ORDER**

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

8           In order to resolve this case quickly and judiciously, the Arizona State Board of  
9   Dental Examiners (“Board”) and Michael D. Margolis, D.D.S. enter into this Disciplinary  
10   Consent Agreement and Order (“Consent Agreement”) in lieu of further administrative  
11   and judicial proceedings. It is consistent with the public interest and the requirements  
12   and statutory authority of the Board, specifically, A.R.S. §§ 32-1263.01, -1263.02, and  
13   41- 1092.07(F) (5). This Consent Agreement shall resolve all issues the Board has  
14   reviewed and investigated regarding the allegations in this matter.

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

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

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

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

25           4.   The findings contained in the Findings of Fact portion of the Consent  
26   Agreement are conclusive evidence of the stated facts. The Board may consider this  
Consent Agreement when and if future disciplinary proceedings arise.

1           5.     This Consent Agreement is subject to the Board's approval and will be  
2 effective only when the Board accepts it and it is signed on behalf of the Board. In the  
3 event that the Board, in its discretion, does not approve this Consent Agreement, it will  
4 be deemed withdrawn, will be of no evidentiary value and shall not be relied upon or  
5 introduced in any disciplinary proceeding by any party. Dr. Margolis agrees that should  
6 the Board reject this Consent Agreement and this case continues through the  
7 administrative process, he shall assert no claim that the Board was prejudiced by its  
8 review and discussion of this document or any related records.

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

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

15           DATED this 29 <sup>February 2016</sup> day of January 2016.

16  
17   
18 Michael D. Margolis, D.D.S.

19 **FINDINGS OF FACT**

20           1. Dr. Margolis holds license no. D 2957 initially issued by the Board on June 22,  
21 1983.

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

26           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

1 tooth nos. 13 and 14 areas. An exam on this day with routine objective testing revealed  
2 tooth no. 14 was vital without apparent pathology. Dr. Margolis placed a temporary  
3 crown on tooth no. 14 and the edentulous area of tooth no. 13 was explored and tissue  
4 submitted for polymerase chain reaction detection for microbes.

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

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

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

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

17  
18 **CONCLUSION OF LAW**

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

22  
23 **ORDER**

24 1. **IT IS HEREBY ORDERED** that, within thirty days from the effective  
25 date of this Consent Agreement and Order, Dr. Margolis shall pay an administrative  
26 penalty to the Board in the amount of \$5,000.00, payable in certified funds.

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

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

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16             DATED this 15 day of March, 2016.

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18                                     ARIZONA STATE BOARD OF  
19                                     DENTAL EXAMINERS

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21                                     \_\_\_\_\_  
22                                     Elaine Hugunin  
23                                     Executive Director

1 A copy of the following mailed by CERTIFIED MAIL this 1<sup>st</sup> day of ~~February~~ <sup>March</sup> 2016 to:

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

4 J.K.

5 A copy mailed by US MAIL to:

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

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