

**BEFORE THE
DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for Termination
of Probation of:

DANIA TERESA ARMAS

Petitioner.

Case No. AGN 2003-13

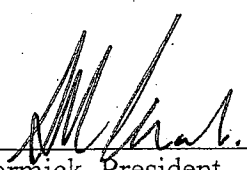
OAH No. 2009020640

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Dental Board of California, Department of Consumer Affairs, State of California as its Decision in the above-entitled matter.

This Decision shall become effective June 14, 2009.

It is so ORDERED May 14, 2009.



Suzanne McCormick, President
Dental Board of California
Department Of Consumer Affairs
State of California

BEFORE THE
DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Termination
of Probation of:

DANIA TERESA ARMAS

Dental License No. 49454

Petitioner.

Case No. AGN2003-13

OAH No. 2009020640

PROPOSED DECISION

Administrative Law Judge Nancy L. Rasmussen, Office of Administrative Hearings, State of California, heard this matter on March 13, 2009, in Oakland, California.

Deputy Attorney General Joshua A. Room represented the Office of the Attorney General.

Steven L. Simas, Simas & Associates, Ltd., represented petitioner Dania Teresa Armas, who was present.

The matter was submitted for decision on March 13, 2009.

FACTUAL FINDINGS

1. On May 22, 2002, the Dental Board of California issued dental license no. 49454 to petitioner Dania Teresa Armas.
2. Effective September 23, 2004, pursuant to a stipulated settlement, the board revoked petitioner's license but stayed the revocation and placed petitioner on probation for five years. Disciplinary action was taken after the board received information that in September 1999 petitioner was arrested in Dade County, Florida, for practicing dentistry without a license. (Petitioner agreed to a pretrial diversion program, and in March 2000 the criminal charges were dropped.)

Conditions of petitioner's probation include, among other things, no solo practice, completion of a course in ethics and a course in California law, community service of 40 hours per year, and reimbursement of board costs in the amount of \$3,000.

3. Petitioner's five-year term of probation is scheduled to end September 23, 2009. On or about September 29, 2008, petitioner filed with the board a petition for termination of probation.

4. Petitioner is a 42-year-old woman who was born and raised in Cuba. After graduating in dentistry from the University of Havana in 1990, she practiced for three years in Cuba. As petitioner explained, she became a dentist to help people, not to make money, because in Cuba dentists work in government-run clinics.

In 1993, petitioner left Cuba and went to Costa Rica, where she worked as an assistant to a professor of endodontics at a university. In July 1994, she came to the United States and settled in Miami, Florida. Petitioner worked as a dental assistant there for three years. Among her Miami friends who had been dentists in Cuba the consensus was that it was impossible to get a dental license in Florida; most were studying to become licensed as dental hygienists. It was common for Cuban dentists in Miami to practice dentistry without a license. One day, a patient where petitioner worked told her his uncle was retiring from dentistry and had a dental chair she could have. Petitioner installed this chair in her garage and began practicing dentistry. She did dental cleanings and fillings, mostly on patients who knew her from Cuba. Petitioner knew it was illegal to practice without a license, but she did not realize how serious an offense it was. She was very careful to follow proper safety and hygiene procedures, and she did not feel she was putting her patients at risk. Petitioner did a lot of dental work for free; in some way, she felt she was providing a charitable service to her community.

In September 1999, petitioner was arrested after DEA agents entered her house looking for some other person. They found the dental chair in her garage and contacted the Florida dental board. Ironically, petitioner was planning to cease practicing dentistry in one month, because she had passed the dental hygienist licensing examination and was going to start working under that license. Being arrested was very embarrassing for petitioner ("the worst thing in my life"). She agreed to a pretrial diversion program, and in March 2000 the criminal charges against her were dropped.

5. Petitioner worked as a dental hygienist for two years in Florida before deciding to pursue licensure as a dentist. There was a long waiting list for the University of Florida's program for foreign-educated dentists, and someone told her it would be faster to obtain a dental license in California. Petitioner came to California with several other foreign dentists, and they all studied together for the dental licensure examination. Before completing her license application, petitioner consulted an attorney about answering the criminal history question. She was advised that she did not need to disclose the Florida

matter because there was no criminal conviction. Petitioner passed the licensure examination, and on May 22, 2002, she received her license to practice dentistry in California.

6. On August 19, 2003, the accusation which led to petitioner's license discipline was filed with the board. According to the accusation, the board learned of petitioner's Florida arrest from a representative of the State of Florida on or about September 30, 2002.

7. Petitioner worked in several dental offices before opening a dental practice in Redwood City with dentist William Meza in November 2007. Dr. Meza came to the hearing to testify on petitioner's behalf. He was a dentist in Peru before coming to the United States in 2001. He was working as a dental assistant at Bright Smile when petitioner came to work there in 2002. Dr. Meza worked for her for almost one year, and petitioner encouraged him to obtain his dental license in California. Most of the patients in their practice are Spanish-speaking. Dr. Meza praised petitioner for her honesty, hard work and compassion. He asserted that she is meticulous about following rules and laws in their practice (e.g., OSHA requirements), and she has helped him avoid taking short-cuts in patient care.

8. In support of her petition for termination of probation, petitioner submitted letters from three dentists for whom she worked in the past, Kathleen Ban, D.D.S., Stephen Mashhoon, D.D.S., and Vahid Ebrahimian, D.D.S. They commend petitioner for her excellent skills, ethics and professionalism, as well as her trustworthiness and dedication.

9. Petitioner is in compliance with all the conditions of her license probation. She completed the required courses and paid her cost recovery. She has performed her community service at Mills-Peninsula Health Services, in the cardio rehabilitation department, doing office work and cleaning equipment. During each of the first four years of her probation, petitioner performed 49.5, 44.5, 41.5 and 41 hours, respectively, of volunteer work. During November 2008 (her fifth year of probation), petitioner volunteered an additional 7.5 hours.

10. Petitioner is active in pursuing continuing education, and she submitted certificates of completion for numerous courses taken over the last four years. She wants to do orthodontics, so she has taken 50 hours of education in this field. She plans to have completed 100 hours in orthodontics by the end of this year.

11. Being on probation has strengthened petitioner's commitment to complying with all laws governing the dental profession and providing the best possible care to patients. She would never do anything to jeopardize her license in the future. Although she has less than six months left on probation, petitioner is seeking early termination in order to restore her good name. Being off probation would also reduce the cost of malpractice insurance and enable her to become a provider for some dental insurance companies.

LEGAL CONCLUSIONS

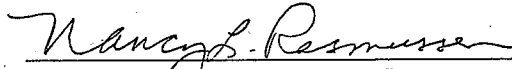
1. Petitioner has fulfilled all the requirements of probation and performed well in her employment as a dentist. She understands the seriousness of her unlicensed practice some 10 years ago, and she values her license and professional standing too much to put them in jeopardy in the future. At this point, the board's probation has served its purpose and petitioner poses no risk to the public. She deserves to have her petition granted, even though early termination of probation this close to the end of the five-year term may be largely symbolic.

2. Cause for termination of petitioner's probation has been established.

ORDER

The petition of Dania Teresa Armas for termination of probation is granted. Dental license no. 49454 issued to her is fully restored.

DATED: April 8, 2009



NANCY L. RASMUSSEN
Administrative Law Judge
Office of Administrative Hearings