

**BEFORE THE BOARD OF DENTAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF:)

MAHNAZ BADIHIAN, D.D.S.)

#4 Baldwin Court)

San Rafael, CA 94901)

NOTICE OF HEARING

License #7569)

Respondent)

You are hereby notified that on November 23, 2004, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2003), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

IT IS HEREBY ORDERED that a disciplinary contested case hearing be held upon the Statement of Charges on Thursday, January 13, 2005, before the full Board or a panel of the Board. The hearing shall begin at 2:00 p.m. and shall be located in the 1st Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8th Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an

Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code

51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 23rd day of November, 2004.


DEENA R. KUEMPEL, D.D.S.
Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319

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San Rafael, CA 94901)	STATEMENT OF CHARGES
License #7569)	
Respondent)	

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On July 1, 1992, Mahnaz Badihian, D.D.S., the Respondent, was issued license number 7569 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
- 3) License number 7569 is current and on active status until June 30, 2006.

COUNT I

The Respondent is charged under Iowa Code Section 153.34(8) (2003) with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, in violation of 650 Iowa Administrative Code Section 30.4(16).

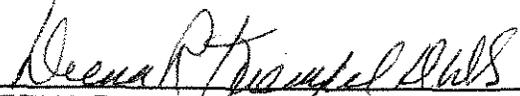
THE CIRCUMSTANCES

1. The Board has received several complaints from patients questioning the treatment that Respondent was providing.
2. The Board reviewed these complaints and obtained additional patient records for further review.

3. Following Board review, Respondent was asked to respond regarding multiple concerns identified by the Board, which involved the quality of the care Respondent was providing to patients.
4. A Board consultant reviewed the patient records and submitted a report to the Board which stated:
 - a. Respondent did not perform endodontic procedures to an acceptable level of care, especially in multi-rooted teeth. Every multi-rooted tooth on which a root canal was performed by Respondent in the reviewed cases was a failure.
 - b. On patient L.C., Respondent practiced below the standard of care in that a file was fractured in the tooth and Respondent failed to recognize this fact.
 - c. On patient M.N., Respondent practiced below the standard of care when performing endodontics. Respondent performed a root canal which was instrumented and filled short of the apex, and eventually failed.
 - d. On patient F.T., Respondent practiced below the standard of care when performing endodontics. Respondent performed a root canal which was instrumented and filled short of the apex.
 - e. On patient S.R., Respondent practiced below the standard of care when performing endodontics. Respondent performed an endodontic procedure but failed to take preoperative or working length x-rays, and the final x-ray shows the mesial canals were obturated short of the apex.

- f. On patient S.L., Respondent practiced below the standard of care when performing endodontics. Respondent performed root canals on tooth #18 and #19, but there were no x-rays in the patient's record for this treatment.
- g. On patient T.S., Respondent practiced below the standard of care when performing endodontics. Respondent performed a root canal but there were no x-rays in the patient's record for this treatment. The tooth was later extracted due to vertical fracture.
- h. On patient C.S., Respondent practiced below the standard of care when performing endodontics. Respondent failed to completely instrument and obturate the mesial buccal roots.
- i. On patient G.F., Respondent practiced below the standard of care when performing endodontics. Respondent stated in the patient record that a portion of the mesial root remained after treatment, when in fact a subsequent treating oral surgeon stated a portion of the distal root remained. Respondent also referred this patient to an endodontist when the referral should have been made to an oral surgeon; wrote a prescription for Amoxicillin for this patient when the patient record indicates the patient is allergic to Penicillin; and fractured a restoration on a tooth and failed to notify the patient of the fracture.

On this 23rd day of November, 2004, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


DEENA R. KUEMPEL, D.D.S.
Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

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