

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

IN THE MATTER OF:)	
MASIH SAFABAKHSH, D.D.S.)	REINSTATEMENT ORDER
)	
RESPONDENT)	

COMES NOW the Iowa Dental Board (the Board), and Masih Safabakhsh, D.D.S., on August 1, 2014, and enter into the following Reinstatement Order.

1. Reinstatement of Respondent's license to practice dentistry in the state of Iowa shall be resolved without proceeding to hearing, as the parties have agreed to the following Reinstatement Order.
2. Respondent was issued a license to practice dentistry in the state of Iowa on the 18th day of June, 1993, as evidenced by license number 07660.
3. On December 20th, 2011, the Board issued an Emergency Adjudicative Order immediately suspending Respondent from initiating orthodontic treatment for any new patients, and suspended him from the practice of using a dental bur or other cutting tool to attain separation of teeth for the placement of orthodontic bands.
4. On December 20th, 2011, Respondent was charged with failure to maintain a satisfactory standard of competency, and gross malpractice in the practice of dentistry.
5. To resolve those charges, Respondent entered into a Stipulation and Consent Order with the Board on January 31st, 2012, which continued to prohibit

Respondent from initiating orthodontic treatment for patients, and using a dental burr or other cutting tool or instrument to attain separation of teeth for the placement of orthodontic bands. This Order also placed Respondent's dental license on probation for a period of five (5) years.

6. On July 13th, 2012, the Board issued an additional Emergency Adjudicative Order immediately suspending Respondent's license to practice dentistry to avoid immediate danger to the public health, safety, and welfare.
7. On July 13th, 2012, Respondent was charged with failure to maintain a satisfactory standard of competency in the practice of dentistry, obtaining a fee by fraud, failing to maintain records in a manner consistent with the protection of the welfare of the patient, and engaging in unethical conduct or practice harmful or detrimental to the public.
8. To resolve those charges, Respondent entered into a Settlement Agreement and Final Order with the Board on October 25th, 2012, which continued to suspend Respondent's dental license until further order of the Board pursuant to 650 Iowa Administrative Code 51.34. Respondent agreed to not apply for reinstatement of his dental license until he had met all the requirements of that October 25th, 2012, Order.
9. Respondent has requested reinstatement of his dental license pursuant to 650 Iowa Administrative Code 51.34.
10. The Board acknowledges that Respondent has successfully completed the terms for reinstatement.

THEREFORE, IT IS HEREBY ORDERED that Respondent's Iowa dental license shall be reinstated and placed on **indefinite probation** effective the date of this Order, subject to the following terms and conditions:

SECTION I.

1. Respondent is indefinitely prohibited from providing any orthodontic treatment to patients until further Order of the Board. Prior to petitioning the Board for approval to provide orthodontic treatment, Respondent must comply with the May 3, 2013 D-PREP recommendations relating to remedial education in orthodontics. Upon Respondent's request for approval to provide orthodontic treatment, the Board shall issue an Order granting or denying Respondent's request and, if granted, may impose specific terms and conditions relating to Respondent's orthodontic practice.
2. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order and Board rules.
3. Respondent shall submit to the Board a practice monitoring plan for Board approval. That plan shall include a provision for a practice monitor, who is an Iowa-licensed dentist approved by the Board.
4. Respondent shall on a monthly basis have his practice monitor randomly select a designated number of Respondent's patient records to review Respondent's standard of care, billing, and record keeping to ensure they are appropriate. After one (1) year, the Board may, at its discretion, order these reviews be done on a quarterly basis.

5. Respondent shall ensure the practice monitor submits a monthly report to the Board following each records review for the first six (6) months, and quarterly thereafter. The practice monitor shall immediately report to the Board any discrepancies in billing or record keeping, or any concern with clinical competency, if any. The practice monitor shall make recommendation for changes in Respondent's billing, record keeping, and/or clinical practice, if necessary.
6. Respondent shall comply with any recommendation made by his practice monitor.
7. Respondent shall be solely responsible for the costs associated with practice monitoring. Respondent shall promptly reimburse the practice monitor the usual and customary fee for the services.
8. Respondent shall successfully complete a Board approved professional ethics program within ninety (90) days of the date of this Order
9. Respondent shall successfully complete the dental jurisprudence examination within sixty (60) days of the date of this Order.
10. Respondent shall successfully complete a record keeping course prior approved by the Board within sixty (60) days of the date of this Order. Respondent shall maintain his records in accordance with the Board's rules and the standard of care.
11. Respondent shall obtain a minimum of four (4) hours of continuing education in the areas of pharmacology during the biennium starting September 1, 2014. The continuing education shall be prior approved by the Board and shall be in addition to the continuing education required for renewal of his license.
12. Respondent shall fully disclose this Order to all current and future licensees, employees and/or employers at the Respondent's place of employment.

Respondent shall report back to the Board with signed statements from all such licensees, employees and employers within fourteen (14) days of the date of this Order, and thereafter within fourteen (14) days of any new employment relationship, indicating that they have read this Reinstatement Order, and understand the current terms and conditions placed on Respondent's dental license. All employees shall report any concerns directly to the Board without adverse employment consequences.

13. Respondent shall make monthly written reports to the Board with respect to his practice, detailing his compliance with the terms of this Order for the first six (6) months, and quarterly thereafter. Quarterly reports are due by the 1st of January, April, July, and October of each calendar year, monthly reports are due by the 1st of the month.
14. Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for all costs incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit three hundred dollars (300.00) on or before the first day of January, April, July, and October, of each calendar year for such costs while on probation.
15. Respondent shall upon reasonable notice, and subject to the provisions of 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
16. Periods of residence outside of the state of Iowa may be applied toward period of the probation if approved by the Board prior to the commencement of the out of state residency. Notice of any change of residence must be provided to the Board

within fourteen (14) days.

17. Notice of any change of practice location must be provided to the Board within fourteen (14) days.

SECTION II.

1. Respondent acknowledges that he has read in its entirety the foregoing Reinstatement Order and that he understands its content and that he executed the Order freely, voluntarily, and with no mental reservation whatsoever.
2. Respondent acknowledges he has the right to a hearing in this matter, and he hereby waives that right.
3. Respondent acknowledges that he has the right to be represented by counsel in this matter.
4. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
5. Respondent understands that the Board will report this Order to the National Practitioner Data Bank.
6. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way whatsoever, to execute this Order.
7. Respondent acknowledges that this proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party.
8. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of dentistry in Iowa. Any violation of the

terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a) (2013).

9. The Board's approval of this Reinstatement Order shall constitute a FINAL ORDER of the Board.

This Reinstatement Order is voluntarily submitted on this 31st day of July, 2014.


Masih Safabakhsh, D.D.S.
Respondent

This Reinstatement Order is accepted by the Iowa Dental Board on this 1st day of August, 2014.


STEVEN P. BRADLEY, D.D.S.
Chairperson
Iowa Dental Board
400 S.W. 8th, Suite D
Des Moines, IA 50309

cc: Sara Scott
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319