

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

BOARD OF DENTAL EXAMINERS

**In Re: Francis Quaratiello,
Dentist Application for Reinstatement
License #01183**

Docket No.: 2022-DEN-013

**FINAL ORDER ON SHOW CAUSE
HEARING -
12/05/22 @ 3:30 PM**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 04/08/22 the Board sent Francis Quaratiello, DMD (“Applicant”) notification that he had been randomly selected as part of its audit of licensees for compliance with N.H. Code Admin. Rs., Den 403 et seq. (“Rules”). *See* Rule 403.04(c). At its regularly scheduled meeting on 06/06/22, the Board reviewed documentation submitted by the Licensee in response to the notification and determined the Licensee was deficient in required categories under Rule 403.03. By letter dated 06/09/22, the Board informed the Licensee in which categories he was deficient and granted him 30 days to complete the missing CEUs. On 10/03/22, the Board reviewed additional documentation submitted by the Licensee in response to the 06/08/22 letter and determined he was still not in compliance with the requirements of Rule 403.03. The Board issued a Notice of Show Cause Hearing to begin this non-disciplinary matter to determine if the Applicant has the required training under Rules 403.03, 403.06, and 403.07. A hearing was held on 12/05/22 at 3:30 PM EST and this final order follows.

II. CONDUCT OF HEARING, EVIDENCE PRESENTED, FINDINGS OF FACT:

The Applicant failed to appear.¹ The Board Administrator informed the Board that the Licensee had filed a letter with the Board on 11/08/22 stating he could not appear either in-person or remotely for the hearing. The letter failed to provide a reason for his inability to appear and did not request a continuance. Accompanying the letter were document submissions that the Licensee believed demonstrated that he meets the qualifications for licensure. The Licensee also submitted an 11/19/22 letter alleging he had attempted to call the Board Administrator to learn why what he submitted was not sufficient but had not received a return call. This letter also indicates that he is unable to attend the hearing on 12/05/22 but fails to request a continuance or elaborate as to why he cannot appear. After the Board reviewed the letters, the Board Administrator informed the Board of the multiple attempts she had made to communicate with the Licensee without being able to reach him directly. Based on the foregoing, the Board decided to proceed forward with the hearing without the Licensee present.

The burden of proof was on the Applicant to prove by a preponderance of the evidence that "... he is qualified for reinstatement as a dentist pursuant to RSA 317-A:15-a, Rule 403.03, 403.06, and 403.07, and the Board's Order of 06/06/22 (as set forth in its letter to the Applicant dated 06/09/22), by demonstrating he has met certain obligations of his conditional reinstatement— 2 CEUs earned in Medical Emergency Training and proof of BLS-HCP, submitting an adult only BLS card." *See* Rule 403.03(b). Rescheduled Notice of Hearing at II.d.1. The issue presented was based upon the 06/09/22 letter sent to the Licensee which informed him "[w]hen reviewing your documentation, it was noted that you lack the required medical emergencies training, and that proof of completion of accepted BLS-HCP training is absent." Ltr of 06/09/22. The Licensee was also informed by the 06/09/22 letter that "[s]pecial attention should be paid to rules Den 403.03, Den 403.06, and Den 403.07." *Id.* As previously mentioned, the

¹ The Licensee was not present at 3:30 PM EST so the Board waited until 3:35 PM EST before commencing the hearing. The Licensee did not appear in-person or via Zoom for the duration of the hearing.

Applicant had filed documentation to address the matter, which the Board admitted as a full exhibit.² The record was then closed, and the Board took the matter under advisement.

III. CONCLUSIONS OF LAW:

After reviewing all the evidence and drawing all reasonable inferences therefrom, the Board finds the Applicant has not met his burden of proof that he meets the requirements of Rules 403.03 et seq. The evidence shows that he still needs to take credit hours toward “Medical Emergency Training”, as well as the BLS-HCP requirement. The two requirements are separate and distinct, and this is readily apparent from the fact that they are listed separately in Rule 403.03(b) and each capitalized. *See* Rule 403.03(b). While the Licensee did provide a certificate that explicitly states: “Adult First Aid/CPR/AED”, the rule explicitly requires that it be a “BLS-HCP course”, which includes training for adults, children, and infants. Thus, the Board finds and concludes that the Licensee is deficient in his continuing education requirements because he lacks both 3 CEU BLS-HCP credits, *see* Rules 403.03(b) and 403.07(c), and 2 CEU Medical Emergency Training credits. *See* Rule 403.03(b).

Having concluded that the Applicant has failed to meet his burden of proof that he meets the requirements to be licensed as a dentist in New Hampshire, the Board turns to the second issue presented in the notice of hearing, which was: “[i]f the Board finds that the Applicant does not meet the requirements what action(s) it should take with respect to his license, including revocation for failure to meet the conditions for issuing or reissuing such a permit. *See* RSA 317-A:20, II(c) and Rules 403.03 et seq.” Rescheduled Notice of Hearing at II.d.1. The Board finds and concludes that the appropriate remedy for

² The exhibit contains the following documentation: Certificate of Completion for Adult First Aid/CPR/AED Online dated 06/19/22; 11/08/22 letter from the Licensee; 11/19/22 letter from the Licensee; Certificate for Techniques for Delivery of Maxillary and Mandibular Anesthesia dated 10/06/21; Certificate for Let’s Talk about Infection Control, OSHA and Vaccine Recommendations dated 12/03/21; Certificate for Tumors are Things that Grow Bump in the Night dated 10/02/21; Certificate for Periodontal Concepts for the Modern Dental Practice: From Diagnosis to Long Term Maintenance Care dated 05/01/21; Certificate for Radiology & Oral Pathology: A Review that Sticks dated 10/30/20; Certificate for Comprehensive Periodontics for the General Practice: Clinical Update 2020 dated 10/04/20; Certificate for Differential Diagnosis Part 3: Radiographic Pathology & Tooth Abnormalities dated 09/23/20; Certificate for Appropriate Prescribing practices for Opioid Analgesics in the Dental Office dated 09/20/20.

failure to meet the requirements of licensure is **SUSPENSION** of the Licensee's license to practice dentistry in the state of New Hampshire until such time as 1) he provides documentation to the Board that he has completed the Emergency Training and BLS HCP requirements in accordance with Rules 403.03(b) and 403.07(c); and 2) the Board determines, in its sole discretion, that the documentation submitted by the Licensee meets the requirements of the aforementioned rules. The **SUSPENSION** shall take effect as of the signed date of this order.

IV. ORDER:

Pursuant to RSA 317-A:15-a and RSA 541-A:30, II, the Board makes the following orders:

1. The Licensee's license to practice dentistry in the state of New Hampshire is hereby **SUSPENDED** until such time as 1) he provides documentation to the Board that he has completed the Emergency Training and BLS HCP requirements in accordance with Rules 403.03(b) and 403.07(c); and 2) the Board determines, in its sole discretion, that the documentation submitted by the Licensee substantially meets the requirements of the rules; and
2. The **SUSPENSION** shall take effect as of the signed date of this order.

So ordered.

DATED: 12/6/2022

_____/s/ Nikolas K. Frye, Esq._____
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