

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against
Manijeh Khorshidi, D.D.S.
LS 9605023 DEN

FINAL DECISION AND ORDER

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Manijeh Khorshidi, D.D.S.
400 Prospect Drive
Brookfield WI 53005

Dentistry Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties to this proceeding having agreed to the attached stipulation, the Dentistry Examining Board makes the following

FINDINGS OF FACT

1. Manijeh Khorshidi, D.D.S., was born on June 17, 1949, and is licensed to practice dentistry in the state of Wisconsin pursuant to license number 3729, first granted on November 24, 1986.
2. On June 3, 1994, Dr. Khorshidi provided dental services to Patient J.C., a three year old girl. The child presented a difficult patient management situation, demonstrating a high level of anxiety and fear of dental procedures.
3. The patient's father observed part of the interaction from outside the treatment area. As a result of Dr. Khorshidi's conduct toward the patient following treatment, the patient's father complained that Dr. Khorshidi had frightened the child by verbal and physical contact.

4. Dr. Khorshidi does not agree that she engaged in any unprofessional conduct in regards her conduct with Patient J.C., but she does agree that her conduct was not perceived as an educational or calming interaction.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07, Stats.
2. Dr. Khorshidi's conduct following treatment of Patient J.C. constitutes a violation of s. 447.07(3), Stats.

ORDER

It is ordered that Dr. Khorshidi shall comply with the following protocol whenever she is treating a pediatric patient who presents a behavior management challenge:

1. Dr. Khorshidi shall request the presence of the patient's parent or guardian in the treatment area for the duration of the procedure.
2. a. Dr. Khorshidi will request that the parent/guardian speak with the child to calm the child. If successful, Dr. Khorshidi will proceed with the procedure.
b. If the parent or guardian's attempt to calm the child is unsuccessful, Dr. Khorshidi will discuss with the parent/guardian the administration of nitrous oxide or Valium, Visteril, or another tranquilizing or sedating medication. If the parent/guardian agrees, the sedative is administered and procedure continues. Dr. Khorshidi will request that the parent or guardian sign a consent form for the administration of the sedative before administering the sedative. Dr. Khorshidi may administer nitrous oxide if she has been trained in its use, in compliance with ch. DE 11, Wis. Admin. Code.
c. If the parent or guardian declines to consent to the administration of a sedative, or if the sedative is unsuccessful in calming the child sufficiently for treatment to proceed without other intervention, Dr. Khorshidi may request the parent or guardian to hold the child's hands or legs to prevent the child from injuring himself or herself. If the parent or guardian is present and consents, an assistant may hold the child's hands or legs instead of the parent or guardian doing so.
d. If it is not possible to treat the child, despite the administration of a sedative and the aid of a parent or guardian or assistant holding the child's hands or legs, Dr. Khorshidi will terminate the attempt at treatment, and either refer the patient to another dentist or re-schedule the patient for another time and another attempt at treatment. Dr. Khorshidi may also inform the parent/guardian of an option to admit the child to hospital to perform procedure under general anesthetic.

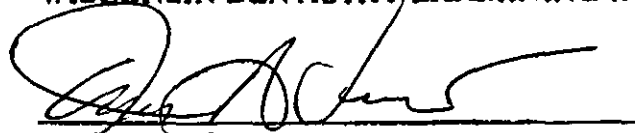
3. Whichever method is used, Dr. Khorshidi will begin the procedure by addressing the simplest task first incorporating the "Tell-Show-Do" technique.

IT IS FURTHER ORDERED that Dr. Khorshidi will pay \$1500.00 to the Department of Regulation and Licensing as the costs of this proceeding, pursuant to s. 440.22, Stats.

IT IS FURTHER ORDERED that the license previously issued to Manijeh Khorshidi, D.D.S., may be summarily suspended for any violation of this Order.

Dated this 9th day of July, 1997.

WISCONSIN DENTISTRY EXAMINING BOARD


A Member of the Board

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State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Manijeh Khorshidi, D.D.S.
Respondent
Case No. LS 9605023 DEN

Stipulation

It is hereby stipulated between Manijeh Khorshidi, D.D.S., personally and on her own behalf and Colleen Fleming, Dr. Khorshidi's counsel, and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending matter concerning Dr. Khorshidi's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Dentistry Examining Board for its consideration and adoption.
2. In resolution of these proceedings, Dr. Khorshidi consents to the entry of the attached Final Decision and Order.
3. Dr. Khorshidi is aware of and understands each of her rights, including:
 - the right to a hearing on the allegations against her, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
 - the right to confront and cross-examine the witnesses against her,
 - the right to call witnesses on his own behalf and to compel their attendance by subpoena,
 - the right to testify herself,
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision,
 - the right to petition for rehearing,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of her choosing, at her own expense,
 - all other rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. Dr. Khorshidi is aware and understands that by signing this stipulation she voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.

5. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

M. Khorshidi
Manijeh Khorshidi, D.D.S.

6,27,97
Date

Colleen Fleming
Colleen Fleming
Attorney for Dr. Khorshidi

6/30/97
Date

James E. Polewski
James E. Polewski
Attorney
Division of Enforcement

June 25 1997
Date

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE DENTISTRY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Manijeh Khorshidi, D.D.S.,

AFFIDAVIT OF MAILING

Respondent.

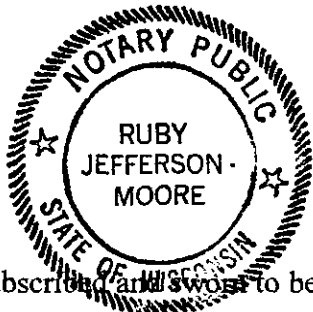
STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On July 10, 1997, I served the Final Decision and Order dated July 9, 1997, LS9605023DEN, upon the Respondent Manijeh Khorshidi's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 325.

Colleen Fleming, Attorney
735 N. Water Street, Suite 1400
Milwaukee WI 53202-4267



Subscribed and sworn to before me

this 10th day of July, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

July 10, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)