

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

ARASH BASSIRI, D.D.S.
(License No. 6315)

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CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board) as authorized by G.S. 90-41.1(b) for consideration of a Consent Order in lieu of a formal administrative hearing. The Respondent, Arash Bassiri, D.D.S., was represented by F. Hill Allen. Carolin Bakewell represented the Investigative Panel. The parties hereby consent to the Findings of Fact and Conclusions of Law set out herein and to the entry of the Order of Discipline.

FINDINGS OF FACT

1. The Dental Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding pursuant to the authority granted to it in Chapter 90 of the North Carolina General Statutes, including the Dental Practice Act and the Rules and Regulations of the North Carolina State Board of Dental Examiners.
2. Respondent was licensed to practice dentistry in North Carolina on June 22, 1994 and holds license number 6315.
3. Respondent was subject to the Dental Practice Act and the Board's Rules and Regulations at all times relevant hereto.

4. The Respondent is an approved provider for the North Carolina Division of Medical Assistance (DMA or Medicaid), but less than 1% of the patients in his Fayetteville office location receive Medicaid.

5. On a number of occasions between 1995 and 2010, the Respondent's staff incorrectly billed DMA by:

- a) selecting the wrong code for routine office examinations;
- b) selecting the wrong code for alveoloplasties;
- c) billing for two separate fillings when in fact only a single filling with multiple surfaces had been performed.

6. The Respondent's staff occasionally selected the wrong billing codes based on the Respondent's confusion about the proper billing code.

7. The total number of errors was relatively small.

8. Upon learning of the billing errors, the Respondent voluntarily reimbursed DMA for excess payments he received as a result of the errors.

9. The standard of care applicable to North Carolina dentists requires them to supervise clerical staff to ensure that bills submitted for work they perform are accurate.

10. The Respondent violated the standard of care by failing to supervise the clerical staff at the dental office to ensure that bills submitted for work he performed were accurate.

Based upon the foregoing Findings of Fact and with the consent of the parties hereto, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. The North Carolina State Board of Dental Examiners has jurisdiction over the Respondent's person and over the subject matter of this proceeding.

2. By failing to supervise the dental office billing staff to ensure that bills submitted for work he performed were accurate, the Respondent engaged in negligence in the practice of dentistry in violation of G.S. 90-41(a)(6).

FINDINGS OF FACT RELEVANT TO THE CHOICE OF DISCIPLINE

1. The Respondent did not intentionally defraud DMA.

2. No patients complained and there was no evidence that any patient was harmed by the Respondent's misconduct.

3. The Respondent was cooperative with the investigative process and accepted responsibility for his misconduct.

4. The Respondent has no prior discipline.

5. The Respondent made prompt and full restitution to DMA.

6. The Respondent has taken steps to improve his billing process to prevent future billing errors.

7. The public can be adequately protected by placing the Respondent on a stayed suspension and monitoring his billing practices.

Based upon the foregoing Findings of Fact and Conclusions of Law and with the consent of the parties hereto, the Hearing Panel enters the following:

ORDER OF DISCIPLINE

1. License Number 6315 issued to Respondent for the practice of dentistry in North Carolina is hereby suspended for one year. With the Respondent's consent, his

dental license is immediately provisionally restored, with no active period of suspension, provided that for a period of five years from the date of this Order, the Respondent complies with the following terms and conditions:

(a) Respondent shall violate no provision of the Dental Practice Act, the Board's rules and regulations or the laws of any state or of the United States.

(b) Within six months from the date of this Order, the Respondent shall successfully complete Board approved courses in record keeping, ethics and jurisprudence. The Respondent shall obtain written consent from the Hearing Panel before enrolling in said courses and shall be responsible for all costs associated with taking the courses. Within ten days after completing the course, the Respondent shall provide written proof to the Board's Deputy Operations Officer that he has completed the course. The course requirements set out in this subparagraph shall be in addition to the continuing education required by the Board for the renewal of the Respondent's dental license.

(c) The Respondent shall permit the Board or its authorized agent(s) to inspect and observe his office, conduct random patient chart reviews and interview his employees at any time during regular office hours;

(d) The Respondent shall neither direct nor permit any of his employees to violate any provision of the Dental Practice Act or the Board's rules;

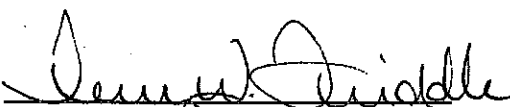
2. Respondent shall pay the cost of the investigation of this matter in the amount of \$2,254.00 within 30 days of the date of this Order.

3. If Respondent violates any term of this Order or breaches any term or condition of the conditional restoration of his license, the Board will immediately

schedule a hearing to require Respondent to show cause why his dental license should not be suspended for five years. This sanction shall be in addition to and not in lieu of any sanction that the Board may impose as a result of future violations of the Dental Practice Act or the Board's rules.

This the 31st day of May, 2013.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By: 
Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, Arash Bassiri, D.D.S., do hereby certify that I have read the foregoing Consent Order in its entirety and that I do freely and voluntarily consent to the Findings of Fact, Conclusions of Law, Order of Discipline and the terms and conditions set forth herein. By signing this Statement of Consent I hereby express my understanding that the Board will report the contents of this Consent Order to the National Practitioner Data Bank and that this Consent Order shall become a part of the permanent public record of the Board.

This the 10 day of April, 2013.



ARASH BASSIRI, D.D.S.