State of Rhode Island and Providence Plantations

Department of Health
Office of Health Professional Regulation

vs.

Complaint No.: C14-0603
Licensee No.: DEN02637

Italo A. Lozada

FEB 09 2015

CONSENT ORDER

Pursuant to RIGL 5-31.1 and the Rules and Regulations promulgated there under, the Rhode Island Department of Health (hereinafter the "Department"), and the Board of Examiners in Dentistry (hereinafter the "Board"), has investigated a complaint charging Italo A. Lozada, #DEN02637, (hereinafter the "Respondent") with a violation of Unprofessional Conduct, RIGL 5-31.1-10.

After review and consideration by the Department and the Board with respect to the allegations of unprofessional conduct of the Respondent, the following are and shall constitute

FINDINGS OF FACT

1) Respondent is a Dentist licensed to practice in the State of Rhode Island under Dentist License Number # DEN02637.

2) At all times relevant hereto, Respondent was employed by City Dental, 439 Broadway, Everett, MA 02149.

3) That on or about March 18, 2008, Respondent had performed a crown lengthening procedure on patient Lauren Fontaine. Respondent received a three (3) month suspension followed by a period of one (1) year of Probation by the Commonwealth of Massachusetts Board of Registration in Dentistry for the claims of failure to properly diagnose and treat a severed lingual nerve and inadequate documentation of procedure.

4) That the conduct described in paragraph three (3) herein constitutes unprofessional conduct pursuant to RIGL 51-31.1-10 and the Rules and Regulations promulgated there under.

5) That the Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.

6) That the Respondent has read this Consent Order and understands this Consent Order shall become binding once signed by the Respondent and the Department and/or Board.

7) That the Respondent understands the purpose of this Consent Order is solely to resolve the complaint of unprofessional conduct alleged against the Respondent.

8) That the Respondent hereby acknowledges and waives:

a) The right to have an Administrative Hearing on this matter;
b) The right to represent himself/herself or be represented by an Attorney of Respondent's own choosing at said hearing;
c) The right to present testimony, evidence and witnesses on Respondent's behalf;
d) The right to cross-examine witnesses presented by the Department;
e) The right to further procedural steps except for those specifically contained herein;
f) The right to take an appeal from the terms of this Consent Order.

9) That failure to comply with this Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.

10) That Respondent's Dentistry license will be subject to a one (1) year period of probation and respondent's license shall reflect the status "Active Probation."

11) That the probationary period will abate for the duration of any period in which Respondent ceases to be employed as a license Dentist.

12) That Respondent will notify the Department of any lapse in employment and the probation period will be extended until the required employment as a license Dentist is completed.

13) That Respondent must provide the Department with the name and address of the new employer(s) and the reason for said change.

14) That Respondent shall submit to the Department evidence of certificates of completion from approved continuing education programs for the most recent renewal cycle.

15) That should Respondent comply with the laws and regulations governing the practice of Dentistry during the period of probation and with the requirements of this Consent Order, Respondent may apply to the Department for an unrestricted license to practice as a license Dentist.

ACCORDINGLY AND BASED ON THE FOREGOING

The Rhode Island Department of Health and the Respondent hereby agree to the following disposition of this complaint:

1) That Respondent is hereby issued the sanction of Probation for one (1) year from May 14, 2014 to May 15, 2015 with six (6) unannounced visits by a periodontist paid by the Respondent and must be someone who is licensed and practices in the State of Rhode Island. Such visits shall not be conducted on consecutive days.

2) That this Order shall become part of a public record of this proceeding.

Italo A. Lozada, DMD
#DEN02637

Date: 1/28/2015

Carleton C. Cappuccino, DMD
Chairman
Rhode Island Board of Examiners in Dentistry

Date: 3/4/15