37-07

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH HEALTH SERVICES REGULATION BOARD OF DENTISTRY	: : :
vs.	:
DAVID MASTROSTEFANO, DMD	:

CONSENT ORDER

Pursuant to Rhode Island General Laws (1999 Reenactment) Section 5-31.1 et seq. and the Rules and Regulations promulgated thereunder, the Department of Health, Board of Dentistry (hereinafter "Department") has investigated a complaint charging David Mastrostefano, DMD (hereinafter "Respondent"), with a violation of Chapter 5-31.1-10 of the Rules and Regulations.

After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a Dentist licensed to practice dentistry in the State of Rhode Island.
2. That on or about January 2007, the Respondent did hire a third party to produce a dental website, which site was copied without authorization of the Respondent and without authorization from a website of a licensed Dentist in Texas. Said website is a clear misrepresentation in violation of the Dentist Practice Act.

The parties agree as follows:

1. Respondent is a Dentist licensed to practice dentistry in the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval by the Department.

4. Respondent hereby acknowledges and waives:

a) The right to appear personally or by counsel or both before the Department;

b) The right to produce witnesses and present evidence in his behalf at a hearing;

c) The right to cross-examine witnesses;

d) The right to have subpoenas issued by the Department;

e) The right to further procedural steps except for those specifically contained herein;

f) Any and all rights of appeal of this Consent Order;

g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;

h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;

i) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.

6. The Respondent admits to The Findings of Fact as stated in section #1 and 2 of the Consent Order.

7. Respondent agrees to a letter of Reprimand and a Board-approved course in dental ethics.

David Mastrostefano, DMD

Henry Levin, DMD
Chairman
Board of Dentistry

Ratified as an Order of the Board of Dentistry on this 6th day of February 2008.

CERTIFICATION

I do hereby certify that this Consent Order was mailed to David Mastrostefano, DMD, 1090 New London Avenue, Cranston, RI 02920 on this 31st day of January 2008.

Carole Allsworth