

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH**

**UTPALA BANDY, M.D., M.P.H.,
IN HER CAPACITY AS INTERIM DIRECTOR OF
THE RHODE ISLAND DEPARTMENT OF HEALTH**

**IN THE MATTER OF: WALESKA MELGAR
COMPLAINT C23-1193**

ORDER TO CEASE AND DESIST OPERATIONS

Now comes the Director of the Rhode Island Department of Health (“RIDOH”) who, pursuant to R. I. Gen. Laws §§ 23-1-1, 23-1-17, and 5-31.1-1, *et seq.* makes the following findings and conclusions and issues this Order to Cease and Desist Operations (this “Order”).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On or about November 27, 2023, RIDOH received a provider complaint based upon the report of a licensed dental professional. The complaint alleged that a person (“Patient One”) had recently presented to the reporting practice with injuries that appeared to have been sustained from a dental procedure performed by a person unknown to the reporting practitioner.
2. Through further investigation, RIDOH was able to identify and locate Patient One. Thereafter RIDOH staff and Central Falls Police interviewed Patient One, who identified that Waleska Melgar (“Respondent”) had attempted, but failed, to extract a tooth from Patient One. Respondent had also installed full orthodontic braces on Patient One. These procedures were performed at a residence located in Central Falls, Rhode Island.
3. In the course of the investigation, RIDOH staff learned that Respondent advertised her dental services to the public and solicited or received monetary consideration for those services.
4. On or about January 9, 2024, RIDOH received information from Central Falls Police, including evidence obtained through execution of a search warrant, confirming the Respondent’s active practice of dentistry at the Central Falls location.
5. That R.I. Gen. Laws §§ 1(17)(i)(A)(III), (IV), and (V) define the “practice of dentistry” as when a person:
 - “[d]irectly or indirectly informs the public in any language, orally, in writing, or in printing, or by drawings, demonstrations, specimens, signs, or pictures that he or she can perform or will attempt to perform, dental operations of any kind;
 - [u]ndertakes, by any means or method, gratuitously, or for a salary, fee, money, or other reward paid or granted directly or indirectly to himself or herself, or to any other person, to diagnose or profess to diagnose, or to treat or profess to treat, or to prescribe for, or profess to prescribe for, any of the lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible, and/or adjacent associated structures; [or]

- [e]xtracts human teeth, corrects malpositions of the teeth or of the jaws”.
6. Further, R.I. Gen. Laws § 5-31.1-30 requires any person practicing dentistry to have a license.
 7. Further still, R.I. Gen. Laws § 5-31.1-35 provides that “[a]ny person who practices or attempts to practice dentistry in this state, without being licensed by and registered with the board [of the examiners in dentistry] ... is guilty of a felony.”
 8. The investigation conducted by RIDOH staff and Central Falls Police found that Respondent engaged in the several activities described herein that constitute the practice of dentistry.
 9. A search of licensing records maintained by RIDOH yielded that Respondent is not presently, and was not at the time of the incidents, licensed to practice dentistry in this State.

ACCORDINGLY, BASED UPON THE FOREGOING

10. Upon receipt of this Order and pursuant to R.I. Gen. Laws §§ 5-31.1-25, Respondent shall immediately **CEASE AND DESIST** from the practice of dentistry and dental hygiene.
11. If Respondent fails to cease and desist operations as directed by this Order, RIDOH may take any additional enforcement action against Respondent not otherwise precluded by law.
12. Notwithstanding any further findings, actions, or sanctions by RIDOH, this Order shall remain in full force and effect until further notice.

Entered this 12th day of January, 2024

Utpala Bandy, MD, MPH

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