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9 **BEFORE THE**
10 **DENTAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case Number: 4402019803

14 **HUSAM ALDAIRI, D.D.S.**
15 **124 W. Main St, #110**
El Cajon, CA 92020

FIRST AMENDED ACCUSATION

16 **Dental License Number 59258**

17 Respondent.

18
19 **PARTIES**

20 1. Karen M. Fischer (Complainant) brings this First Amended Accusation solely in her
21 official capacity as the Executive Officer of the Dental Board of California, Department of
22 Consumer Affairs.

23 2. On or about April 26, 2010, the Dental Board of California issued Dentist License
24 Number 59258 to Husam Aldairi (Respondent). The Dentist License was in full force and effect
25 at all times relevant to the charges brought herein and will expire on January 31, 2023, unless
26 renewed.

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1 JURISDICTION

2 3. This First Amended Accusation is brought before the Dental Board of California
3 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Code section 118(b), of the Code provides that the suspension, expiration, or
6 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
7 action during the period within which the license may be renewed, restored, reissued or
8 reinstated.

9 STATUTORY PROVISIONS

10 5. Code section 1670 provides that:

11 Any licentiate may have his license revoked or suspended or be reprimanded
12 or be placed on probation by the board for unprofessional conduct, or incompetence,
13 or gross negligence, or repeated acts of negligence in his or her profession, or for the
14 issuance of a license by mistake, or for any other cause applicable to the licentiate
15 provided in this chapter. The proceedings under this article shall be conducted in
16 accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3
17 of Title 2 of the Government Code, and the board shall have all the powers granted
18 therein.

16 6. Code section 1680 provides in pertinent part that:

17 Unprofessional conduct by a person licensed under this chapter is defined as,
18 but is not limited to, any one of the following:

19 ...

20 (n) The violation of any of the provisions of this division.

21 ...

22 7. Code section 1683 states:

23 (a) Every dentist, dental health professional, or other licensed health
24 professional who performs a service on a patient in a dental office shall identify
25 himself or herself in the patient record by signing his or her name, or an identification
26 number and initials, next to the service performed and shall date those treatment
27 entries in the record. Any person licensed under this chapter who owns, operates, or
28 manages a dental office shall ensure compliance with this requirement.

(b) Repeated violations of this section constitutes unprofessional conduct.

1 **COST RECOVERY**

2 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FACTUAL ALLEGATIONS**

7 9. At all times mentioned herein, Respondent was a dentist practicing at 40/30 Dental in
8 in San Diego, California. At this practice, he treated the patient described below.

9 10. On December 5, 2016, W.K., a fifty-one year old female presented to Respondent for
10 a new patient examination and evaluation. Respondent performed an initial evaluation of W.K.
11 and obtained bitewings and periapical radiographs. He did not document a treatment plan, his
12 diagnoses, a discussions of the risks, benefits and alternatives associated with any treatment or his
13 clinical findings in the dental records other than to note "I. SRP, II. bridge #3, 4, 6, III. bridge # 7,
14 8, 9, IV. bridge #11,12,13, V. crown #10, VI. surgical extraction #8." He recommended two
15 fixed partial bridges and a new crown.

16 11. Respondent documented in the dental records that on December 30, 2016, his staff
17 performed scaling and root planing of W.K.'s upper left and upper right quadrant. He did not
18 chart that this procedure was medically necessary, including periodontal probing depths.

19 12. Respondent documented in the dental records that on January 2, 2017, his staff
20 performed scaling and root planing of W.K.'s lower left and lower right quadrant. He did not
21 chart in the dental records that this procedure was medically necessary, including periodontal
22 probing depths.

23 13. Respondent documented in the dental records that on January 3, 2017, he prepared
24 W.K.'s tooth #7 for a crown and that on January 6, 2017, he delivered a porcelain crown fused to
25 base metal on tooth #7. That crown had open margins.

26 14. Respondent documented in the dental records that on January 4, 2017, he prepared
27 W.K.'s tooth #9 for a crown and that on January 9, 2017, he delivered a porcelain crown fused to
28 base metal on tooth #9. That crown had open margins.

1 15. Respondent documented in the dental records that on January 5, 2017, he extracted
2 W.K.'s tooth #8. He did not document W.K.'s pre- and post-operative vital signs, the type and
3 quantity of anesthesia used, the description and quantity of all sutures and the status of
4 heomostasis.

5 16. Respondent's dental records were inaccurate.

6 17. Respondent recorded in the dental records that on March 13, 2017, Respondent
7 prepared W.K.'s tooth #3 for a crown and that on March 15, 2017, Respondent delivered a
8 porcelain crown fused to base metal on W.K.'s tooth #3. That crown had open margins.

9 18. Respondent recorded in the dental records that on March 14, 2017, Respondent
10 prepared W.K.'s tooth #6 for a crown and that on March 16, 2017, Respondent delivered a
11 porcelain crown fused to base metal on W.K.'s tooth #6. That crown had open margins.

12 19. Respondent recorded in the dental records that on March 17, 2017, Respondent
13 prepared W.K.'s tooth #10 for a crown and that on March 22, 2017, Respondent delivered a
14 porcelain crown fused to base metal on W.K.'s tooth #10. That crown had open margins.

15 20. Respondent recorded in the dental records that on March 20, 2017, Respondent
16 prepared W.K.'s tooth #11 for a crown and that on March 23, 2017, Respondent delivered a
17 porcelain crown fused to base metal on W.K.'s tooth #11. That crown had open margins.

18 21. Respondent recorded in the dental records that on March 21, 2017, Respondent
19 prepared W.K.'s tooth #13 for a crown and that on March 24, 2017, Respondent delivered a
20 porcelain crown fused to base metal on W.K.'s tooth #13.

21 22. Respondent did not fully document his restorative treatment (i.e., the preparation and
22 delivery of crowns or two bridges and a crown) of W.K. in the dental records. He did not
23 document any discussion about open margins of crowns with W.K.

24 23. W.K. complained to Respondent twice that the crowns were different colors and that
25 the bridges and/or crowns did not fit properly after Respondent temporarily cemented them.
26 Nonetheless, Respondent permanently cemented the bridges and/or crowns, commenting
27 afterward that he was "done with her."

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 24. Respondent's dental license is subject to disciplinary action under Code section 1670
4 for gross negligence when he delivered crowns that did not seat properly and had open margins
5 on teeth #s 3, 6, 7, 9, 10 and 11, as set forth in paragraphs 9-23.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Repeated Acts of Negligence)**

8 25. Respondent's dental license is subject to disciplinary action under Code section 1670
9 for repeated acts of negligence in his profession, as set forth in paragraphs 9-23 and as follows:

10 a. The act of gross negligence detailed in the First Cause for Discipline, incorporated
11 by reference as though fully set forth.

12 b. The failure to document treatment, surgical procedures, diagnoses and clinical
13 findings in the dental records.

14 c. The failure to document the medical necessity for four quadrants of scaling and
15 root planning.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Record Keeping Violations)**

18 26. Respondent's dental license is subject to disciplinary action under Code section 1680,
19 subdivision (n) for violations of Code section 1683 for inadequate record keeping in that he failed
20 to document all dental treatments, findings and procedures as set forth in paragraphs 9 through
21 23.

22 **DISCIPLINE CONSIDERATIONS**

23 27. To determine the degree of discipline, if any, to be imposed on Respondent,
24 Complainant alleges that on or about September 10, 2019, the Sycuan Tribal Police arrested
25 Respondent at the Sycuan Casino for being drunk and disorderly in public. He was loud and
26 disruptive and refused to leave the casino voluntarily even after police arrived. He asked the
27 police to arrest him.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Dental Board of California issue a decision:

1. Revoking or suspending Dentist License Number 59258 issued to Husam Aldairi;
2. Ordering Husam Aldairi to pay the Dental Board of California the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/29/21

Karen M. Fischer
KAREN M. FISCHER
Executive Officer
Dental Board of California
Department of Consumer Affairs
State of California
Complainant

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