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SACRAMENTO
DBC ENFORCEMENT

BEFORE THE
DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **MICHAEL JOHN DOUCET** **410 San Pablo Avenue** **Albany, CA 94706** **Dental License No. DDS 35099** **General Anesthesia Permit No. 798** **Fictitious Name Permit No. 9052** Respondent.	Case No. **DBC 2015 -68** **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about October 16, 1986, the Dental Board of California issued Dental License Number DDS 35099 to Michael John Doucet (Respondent). The Dental License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2017, unless renewed.

3. On or about June 24, 1987, the Dental Board of California issued General Anesthesia Permit Number 798 to Michael John Doucet (Respondent). The General Anesthesia Permit was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2017, unless renewed.

4. On or about November 3, 2010, the Dental Board of California issued Fictitious Name Permit Number 9052 to Michael John Doucet (Respondent). The Fictitious Name Permit was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2017, unless renewed.

JURISDICTION

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

6. Section **118(b)** of the Code provides, in pertinent part, that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section **1670** of the Code states:

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

COSTS

8. Section **125.3** of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed reasonable costs of investigation and enforcement.

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FACTUAL SUMMARY

9. On or about March 13, 2015, Respondent attempted to perform dental procedures on patient C.S., a six-year-old child.[1] Respondent administered anesthesia to patient C.S. Patient C.S. then stopped breathing and went into cardiac arrest. Patient C.S. suffered hypoxia and, subsequently, died. Respondent's response and actions during this emergency incident were inadequate and constituted incompetence, gross negligence and repeated acts of negligence. Respondent's inadequate response and actions included, but were not limited to:

a. Respondent failed to utilize EKG monitoring during the incident.

b. Respondent failed to establish a supraglottic airway for patient C.S.

c. Respondent proceeded directly to an attempted intubation of patient C.S. rather than attempt to preoxygenate patient C.S. with a non-invasive technique.

d. Respondent improperly proceeded to attempting to intubate patient C.S. without first administering succinylcholine.

e. Instead of establishing a supraglottic airway, Respondent established, but failed to utilize, an invasive emergency airway by crichothyrotomy needle.

f. Respondent failed to utilize advanced cardiac life support protocols including, but not limited to, monitoring of pulse and EKG patterns and BLS chest compressions.

g. Respondent failed to apply and utilize an AED devise to attempt to revive patient C.S.

h. Respondent and his staff failed to utilize an effective team approach to the emergency situation and failed to have an established protocol in place for this type of situation.

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FIRST CAUSE FOR DISCIPLINE

(Negligence/Incompetence)

10. Respondent is subject to disciplinary action under section 1670 of the Code in that he acted with incompetence, gross negligence and repeated acts of negligence, as set forth above in paragraph 9 and its subparts.

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[1] Patient C.S's name is withheld to protect the patient's privacy.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

11. Respondent is subject to disciplinary action under section 1670 of the Code in that he acted unprofessionally, as set forth above in paragraph 9 and its subparts.

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 Dental License Number DDS 35099, issued to Michael John Doucet

2. Revoking or suspending General Anesthesia Permit Number 798, issued to Michael John Doucet;

3. Revoking or suspending Fictitious Name Permit Number 9052, issued to Michael John Doucet;

4. Ordering Michael John Doucet 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;

5. Taking such other and further action as deemed necessary and proper.

DATED: 2/24/16

Karen M. Fischer

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