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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

In the Matter of )  
DAVID P. DONATI, D.M.D. ) Administrative Action  
Licensed to Practice Dentistry )  
in the State of New Jersey ) CONSENT ORDER

This matter was opened to the State Board ("Board") of Dentistry upon receipt of information concerning the dissolution of Dr. Donati's partnership to practice dentistry and concerning possible drug use by Dr. Donati. The Board acquired further information at an investigative inquiry attended by Dr. Donati on December 7, 1988 and from additional materials provided by Dr. Donati after the investigative inquiry. The Board also received and reviewed a psychological evaluation of Dr. Donati prepared by Dr. Frank Dyer, a Board appointed consultant.

The parties being desirous of resolving this matter without recourse to formal proceedings and for good cause shown,

IT IS ON THIS 16<sup>th</sup> DAY OF August, 1989,

HEREBY ORDERED AND AGREED THAT:

- 1. David M. Donati, D.M.D., shall submit to and make himself

available for urine monitoring under the supervision of the Impaired Dentists Program on a random, unannounced basis, three (3) times a month for the next six (6) months at a location in southern New Jersey in reasonable proximity to Dr. Donati's residence and/or place of employment. The urine monitoring shall be conducted with direct witnessing of the taking of the samples either by a volunteer or drug clinic staff as arranged and designated by the Impaired Dentists Program. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry. The testing procedure will include a forensic chain of custody protocol to ensure sample integrity and to provide documentation to withstand a legal challenge. The Impaired Dentists Program shall be responsible to assure that all urine samples are handled by a laboratory competent to provide these services. All test results shall be provided in the first instance directly to the Impaired Dentists Program, and any positive result will be reported immediately by the Impaired Dentists Program to William Gutman, Executive Director of the Board of Dentistry, or his designee, in the event he is unavailable. The Board retains sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach

is required in order to guarantee the accuracy and reliability of the testing. Any failure by Dr. Donati to submit or provide a urine sample within 24 hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event Dr. Donati is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Dr. Barbara McCrady or Dr. Frederick Rotgers of the Impaired Dentists Program. Neither the volunteer or drug clinic staff shall be authorized to consent to waive a urine test. The Impaired Dentists Program shall advise the Board of every instance where a request has been made to waive a urine test together with the Program's determination in each such case. Dr. Donati shall be responsible for all costs connected with the urine monitoring program.

2. Dr. Donati shall provide appropriate releases to any and all parties who are participating in the monitoring program described herein as may be required in order that all reports, records and other information may be provided to the Board in a timely manner.

3. Dr. Donati shall submit quarterly reports to the Board concerning his professional activities. These reports shall include the name and address of any employing dentist and a description of his current professional activities. Additionally, Dr. Donati shall cause any employing dentist for whom he practices to submit quarterly reports to the Board concerning Dr. Donati's professional activities. The quarterly

reports shall be submitted for a one year period, commencing fifteen (15) days after the entry date of this Order.

4. In the event that Dr. Donati violates any of the provisions of this Order, or, in the event that the Board receives any reliable information such as, but not limited to, a report of a confirmed positive urine from the party responsible for monitoring Dr. Donati's urine, which reveals evidence of Dr. Donati's use of an addictive substance, the Attorney General may, on short notice, move before the Board or a designated Board member for suspension or revocation of Dr. Donati's license to practice dentistry or for any other relief as may be in the public interest.

  
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SAMUEL E. FURMAN, D.D.S.  
PRESIDENT  
STATE BOARD OF DENTISTRY

I have read and understand the terms of the within Order and agree to be bound by them. I hereby consent to the entry of this Order.

  
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DAVID P. DONATI, D.M.D.

  
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RONALD J. STAGLIANO, ESQ.  
Attorney for Dr. Donati