

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

IN THE MATTER OF THE)
SUSPENSION OR REVOCATION)
OF THE LICENSE OF)
RUDOLPH D. MORRONE, D.D.S.)
TO PRACTICE DENTISTRY)
IN THE STATE OF NEW)
JERSEY)

Administrative Action
FINAL DECISION AND ORDER

This matter was opened to the New Jersey State Board of Dentistry on March 21, 1990, upon the return date of an Order to Show Cause and Verified Complaint of Robert J. Del Tufo, Attorney General of New Jersey, by Anne Marie Kelly, Deputy Attorney General, ordering respondent to show cause before the Board why his license to practice dentistry in the State of New Jersey should not be temporarily suspended unless and until his dental premises were shown to be safe and clean and pending final hearing on the Administrative Complaint. The Complaint, in two counts, alleged that respondent permitted his dental office to remain in a condition which was filthy, unsanitary, unhealthy, and demonstrating a total disregard for the public's health, safety and welfare, constituting gross negligence, gross malpractice or gross incompetence in violation of N.J.S.A. 45: 1-21(c), repeated acts of negligence, malpractice or

incompetence in violation of N.J.S.A. 45:1-21(d), professional misconduct in violation of N.J.S.A. 45:1-21(e), and/or demonstrated that respondent was incapable of discharging the functions of a licensee in a manner consistent with the public health, safety and welfare in violation of N.J.S.A. 45:1-21(i). The Complaint further alleged that respondent failed to comply with a Board Order entered on October 12, 1989, providing for restitution to two patients and costs of the proceedings leading to this Order. Respondent filed a letter answer dated March 16, 1990.

A hearing in this matter was held on March 21, 1990. Deputy Attorney General Anne Marie Kelly appeared on behalf of the complainant; respondent appeared pro se. Respondent was advised of his right to be represented by counsel and indicated that he wished to proceed pro se.

Deputy Attorney General Anne Marie Kelly presented the Complaint to the Board which was verified by the report and certification of Sharon Voigt, R.N., Investigator for the Division of Consumer Affairs, Enforcement Bureau - Professional Boards, and a Certificate of Debt concerning the unpaid restitution and costs as certified by William Gutman, Executive Director of the Board. In addition, Dr. Morrone testified on direct examination by D.A.G. Kelly as well as on his own behalf.

The respondent admitted that the waiting room of his dental office had a dirty floor and had pieces of a dog's chewing toys scattered around. He admitted that the toilet and sink in the

lavatory were dirty with large rings around them and that there were no paper towels. Respondent further admitted that his desk was dirty and cluttered, and the floor in the area of his desk was dirty and cluttered. He admitted that the sink in the dental laboratory was dirty. He admitted that the operatory was very cluttered, dirty, and dusty. He admitted that the dental chair was dirty and spattered with white stains. There was a white plastic bag on the headrest which he said he wiped down between patients. He admitted that the florescent light fixture on the ceiling had only two lights working out of four. The respondent further admitted that a tray on a small counter to the side of the dental chair which was used as an instrument tray contained a pile of white substance which was dog hair. He advised the Board that he permits his dog to run freely through the dental office and that he had been grooming his dog earlier on the day of the inspection and had not thrown out the hair. He stated that he groomed the dog in the operatory in the dental chair.

Respondent also admitted to the Board that he has not paid any installment whatsoever on the restitution owed to two patients or for the costs of the prior proceedings as ordered by the Board's Decision of October 16, 1989. He stated that he does not have the money and that he will pay if he gets the money.

The Board conducted its deliberations in Executive Session on March 21, 1990, and announced its decision on the same day in Public Session. On consideration of the record herein, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Rudolph D. Morrone, D.D.S., is a licensed dentist in the State of New Jersey and has been a licensee during all times pertinent hereto.

2. On or about January 29, 1990, Sharon Voigt, Investigator with the Enforcement Bureau of the Division of Consumer Affairs, conducted an inspection of the respondent's dental office, accompanied by Investigator John Czuba.

3. The Investigation Report as well as respondent's own admissions disclosed that respondent's dental office has been permitted to remain in a condition which is filthy, unsanitary, unhealthy, and demonstrates a disregard for the public's health, safety and welfare.

4. By Final Decision and Order entered by the Board on October 16, 1989, respondent was ordered to make restitution to patient Alline Johnson in the amount of \$440.00 and patient Joan Martin in the amount of \$560.00 within thirty (30) days. Respondent was further ordered to pay the costs of the proceeding in the amount of \$1,349.89.

5. Respondent has failed to comply with the requirements of this Order.

CONCLUSIONS OF LAW

1. The conduct of the respondent in allowing his dental office to remain in an unsanitary condition constitutes gross negligence in violation of N.J.S.A. 45:1-21(c); repeated acts of negligence in violation of N.J.S.A. 45:1-21(d); professional

misconduct in violation of N.J.S.A. 45:1-21(e); and/or demonstrates that respondent is incapable of discharging the functions of a licensee in a manner consistent with the public health, safety and welfare in violation of N.J.S.A. 1-21(i).

2. Respondent has failed to comply with the Final Decision and Order of the Board entered on October 16, 1989, directing the payment of restoration of monies to patients and costs. Such conduct constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e).

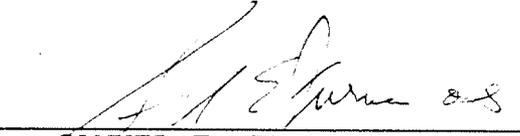
IT IS, THEREFORE, on this *9th* day of *April* 1990,

ORDERED THAT:

1. Respondent shall make restitution to the patients by submitting to William Gutman, Executive Director of the Board of Dentistry, at 1100 Raymond Boulevard, Newark, New Jersey 07102, certified checks made payable to Alline Johnson in the amount of \$440.00 and Joan Martin in the amount of \$560.00, and respondent also shall pay the costs of the prior proceeding in the amount of \$1,349.89 by certified check made payable to the State of New Jersey. The aforesaid amounts are due and payable no later than April 20, 1990. In the event these debts are not paid, the license of the respondent to practice dentistry in the State of New Jersey shall be automatically suspended without further notice. An investigator from the Enforcement Bureau shall be directed to appear at the office of the respondent on April 23, 1990 for the purpose of obtaining the respondent's dental license and current certificates including those for

DEA and CDS registration and respondent shall surrender said documents on demand therefor. In addition, the Division of Law shall be directed to bring an action in the Superior Court in summary manner pursuant to the Penalty Enforcement Act and in accordance with N.J.S.A. 45:1-24.

2. Respondent shall be given an opportunity to take any and all remedial steps necessary in order to clean his dental offices and bring them to acceptable standards for the health and safety of the citizens of the State of New Jersey. An inspector from the Enforcement Bureau shall be directed to reinspect the respondent's dental facility by April 20, 1990, and to make a report to the Board indicating what steps have been taken to clean the dental offices.



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