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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	:	Administrative Action
	:	
DANIEL MARKHAM, D.M.D.	:	CONSENT ORDER
	:	
LICENSED TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a patient complaint from Kelly O'Neill concerning a claim form that had been submitted to Delta Dental on behalf of the patient for the completion of a three unit bridge on teeth #13, 14 and 15 on December 4, 1990. The claim form had been completed by respondent's former partner, Dr. Lucy Palmieri but the three unit bridge had not been completed for this patient on December 4, 1990. Respondent's name and license number was indicated in the billing information field on the claim form submitted to Delta Dental. The Board reviewed the entire record in this matter consisting of documentation received from Delta Dental and Dr. Palmieri and additional information acquired at an investigative inquiry attended

by the respondent on April 19, 1995. It appears to the Board that the original payment issued by Delta Dental on January 8, 1991 was issued to respondent as a participating dentist. It further appears that to date respondent has not returned the money to Delta Dental for the services identified in the claim form which had not been completed. The foregoing conduct constitutes a violation of N.J.A.C. 13:30-8.10(b)(2), to wit: to submit to a third party payor any claim form which contains any description of a dental service or procedure which does not accurately reflect the actual work completed. It further appearing that the respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 31st DAY OF May, 1995,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall make restitution to Delta Dental by submitting a certified check or money order made payable to Delta Dental in the amount of \$862.50 to the State Board of Dentistry at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, no later than the first day of the month following the entry date of this Order.

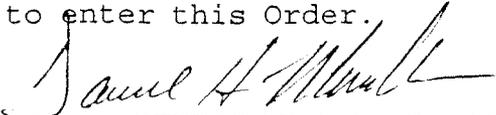
2. Respondent shall be hereby assessed a civil penalty in the amount of Five Hundred (\$500) Dollars for professional misconduct for misrepresenting to the insurance company that the dental services rendered on December 4, 1990 as submitted on the claim form had been completed when in fact such services had not been completed on that date. This civil penalty shall be submitted by certified check or

money order made payable to the State of New Jersey and submitted to the Board within fifteen days of the entry date of this Order.

STATE BOARD OF DENTISTRY

By: 
Stephen Candio, D.D.S., President

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Daniel Markham, D.M.D.