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

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

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon information alleging that Steven Weinberg, D.M.D., had prescribed and attempted to purchase under a fictitious name a certain controlled dangerous substance for his personal use and for a purpose unrelated to the practice of dentistry. The Board also received a report from David Canavan, M.D., Medical Director of the Physicians' Health Program, setting forth the respondent's successful participation in the Program and the opinion that the aforementioned attempt to obtain a prescription drug was related to his inability to obtain pain relief for a chronic illness. The report also advised of the Program's willingness to continue monitoring the respondent.

The Board having reviewed the record in this matter, and the Board having been advised that respondent will continue in a rehabilitation program under the supervision of the Physicians'

Health Program, and it appearing that respondent wishes to resolve this matter without resort to formal proceedings and for good cause shown;

IT IS ON THIS 2nd DAY OF October, 1996,

HEREBY ORDERED AND AGREED THAT:

1. The license of Steven Weinberg, D.M.D. to practice dentistry in the State of New Jersey shall be expressly contingent upon continuing compliance with the following terms and conditions:

(a) Respondent shall enroll or continue enrollment in the Physicians' Health Program (PHP) and shall comply with a monitoring program supervised by PHP which shall include, at a minimum, the conditions set forth herein.

(b) Respondent shall have his urine monitored under the supervision of the PHP on a random, unannounced basis, twice monthly. The urine monitoring shall be conducted with direct witnessing of the taking of the samples either from a volunteer or drug clinic staff as arranged and designated by the PHP. The initial drug screen shall utilize appropriate screening techniques, and all confirming tests and/or secondary tests shall be performed by gas chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. The PHP 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 PHP, and any positive result shall be reported immediately by the PHP to Agnes Clarke, Executive Director of the Board, or her designee in the event she is unavailable. The Board also will retain 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 the respondent to submit or provide a urine sample within twenty-four (24) hours of a request shall be deemed to be equivalent to a confirmed positive urine test. In the event the respondent 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 Rev. Reading or Dr. David Canavan of the PHP. Neither the volunteer nor drug clinic staff shall be authorized to consent to waive a urine test. In addition, respondent must provide the PHP with written substantiation of his inability to appear within two (2) days after permission is granted to waive a test, e.g., a physician's report attesting that the respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of the respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day. The PHP 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.

In the event respondent will be out of state for any reason, the PHP shall be so advised and arrangements shall be made for a urine test prior to the resumption of dental practice upon return to the state.

Respondent shall be required to place a telephone call to Agnes Clarke, Director of the Board (or her designee), on the Monday of any week when respondent has not been called by or has not in fact provided to the PHP one urine sample during the immediate preceding seven days. Further, respondent shall advise Agnes Clarke immediately in the event respondent is notified by the PHP that a urine test will not be made for a period of seven (7) days or longer for any reason whatsoever including, but not limited to, vacations, office closures or illness.

The Board may in its sole discretion modify the frequency of testing or method of reporting during the monitoring period.

(c) Respondent shall attend support groups including an impaired professionals group and/or AA/NA twice weekly. Respondent shall provide evidence of attendance at such groups directly to the PHP on a form or in a manner as required by the Program. The PHP shall advise the Board immediately in the event it receives information that respondent has discontinued attendance at any of the support groups.

(d) The PHP shall provide quarterly reports to the Board in regard to its monitoring of respondent's program as

outlined herein including, but not limited to, the urine testing and the attendance at support groups. The Program shall attach to its quarterly reports any and all appropriate reports and/or documentation concerning any of the monitoring aspects of the within program.

(e) Respondent shall attend individual psychological/psychiatric therapy or substance abuse counseling at a frequency as recommended by his physician or therapist who shall be approved and/or appointed by the PHP. Respondent shall cause the therapist to provide quarterly reports directly to the Board with respect to his attendance and progress in therapy and the monitoring of any medication prescribed.

(f) Respondent shall not self-prescribe any medication, including controlled dangerous substances, nor shall he possess such substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than seven (7) days subsequent to the prescription in order to alert the Board in the event of a confirmed positive urine test as a result of such medication.

(g) Respondent shall provide appropriate releases to any and all parties who have information concerning respondent's drug dependency within the last two years and/or who are

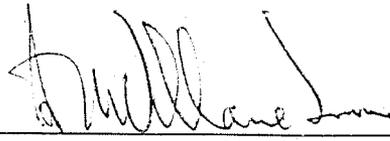
participating in the monitoring program as outlined herein as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner.

2. All costs associated with the monitoring program as outlined herein shall be paid directly by the respondent.

3. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in any manner whatsoever, including, but not limited to, a verbal report of a confirmed positive urine or any other evidence that respondent has used an addictive substance, a hearing shall be held on short notice before the Board or before its representative authorized to act on its behalf. The proofs at such a hearing shall be limited to evidence of the particular violation at issue. Any confirmed positive urine test shall be presumed valid, and respondent shall bear the burden of demonstrating its invalidity.

4. Respondent may apply for modification of the terms and conditions of the within Order no sooner than one (1) year from

the entry date herein.



ANTHONY VILLANE, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY

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.



STEVEN WEINBERG, D.M.D.