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PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: Denise A. Cobham
Deputy Attorney General
Division of Law, 5th floor
124 Halsey Street
Newark, N.J. 07101
Telephone (201) 648-2478

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
OAL Dkt.No. 01327-96N

In the Matter of

Howard S. Bloom, D.D.S.

Licensed To Practice Dentistry
in the State of New Jersey

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Dentistry [hereinafter: Board] upon receipt of numerous consumer complaints. Pursuant to an Administrative Complaint filed by the Attorney General on behalf of the Board on November 28, 1994, and the Answer filed in response thereto, the issue was joined and the matter was transmitted to the Office of Administrative Law for hearing. On the first scheduled date of hearing, September 4, 1996, before the Honorable Edith Klinger, A.L.J., respondent Bloom, in the presence of Hal B. Eisenstein, Esq., determined to accept the terms of settlement offered by the Board. Based on information presented to it, the Board makes the following findings of fact and conclusions of law:

1. For a period commencing in March 1991 and ending in April 1992, respondent rendered dental treatment to a patient named Joyce Cadenhead. The treatment consisted of a cast maxillary partial denture and root canal therapy on tooth #10. Based on the uncontroverted expert report presented to it, the Board finds that the dental treatment rendered to this patient deviated from acceptable dental standards with respect to the root canal therapy on tooth #10 in that there was improper filling of the canal and a failure to eliminate an existing infection prior to filling the canal. The Board further

finds this deviation from accepted dental standards to be a violation of N.J.S.A. 45:1-21(c) and (d) which constitutes grossly and/or repeatedly negligent dental treatment of Joyce Cadenhead by respondent.

2. Between June 1990 and September 1990 respondent undertook to render treatment to Kathleen Cardenas. The treatment rendered by the respondent consisted, in pertinent part, of root canal therapy, post and core, and a crown on tooth #3. The performance of said treatment by respondent deviated from accepted standards of dental care in that the crown on tooth #3 did not fit properly resulting in the development of substantial caries under the crown. As a consequence, the patient later had to have the tooth extracted and replaced with a three unit bridge. The Board finds, based upon the patient record maintained by respondent, and the uncontroverted report of Dr. H. Roy Cills, D.D.S., that the treatment rendered by respondent deviated from accepted standards of dental care. The Board further finds that the dental treatment rendered to Kathleen Cardenas by respondent constitutes gross negligence and as such represents a violation of N.J.S.A. 45:1-21 (c).

3. Respondent rendered treatment to Nancy Cassar from July 1991 through January 1992. Respondent caused to be fabricated and inserted a maxillary partial denture for this patient. The Board finds, based upon its review of the uncontroverted report of its examining expert, that this course of treatment deviated from accepted standards of dental care in that the maxillary partial denture was constructed in the presence of moderate to advanced periodontal disease. The Board further finds that the fabrication and insertion of the maxillary partial denture prior to adequate treatment of the periodontal condition caused the patient to lose two teeth and to require a new partial denture. The Board concludes that respondent's dental treatment rendered to Nancy Cassar constitutes gross and/or repeated negligence in violation of N.J.S.A. 45:1-21(c) and (d).

4. For a period commencing April 1992 and ending in November 1992, respondent undertook at his dental office to render treatment to a patient named Assunta (Sue) Giampaola. The dental treatment rendered by the respondent to this patient consisted,

in pertinent part, of fitting maxillary and mandibular removable partial dentures. The Board finds that treatment rendered by respondent deviated from acceptable standards of care in that the partial dentures did not fit properly even after many adjustments. The Board further finds that said treatment deviated from acceptable standards of care in that the removable partial dentures were inserted in the presence of active periodontal disease and prior to treatment of the periodontal disease. The Board further finds that respondent's rendering of treatment to the patient was performed by acts and practices which were gross and/or repeated negligence, and are at variance from acceptable dental standards in violation of N.J.S.A. 45:1-21(c) and (d).

5. For a period commencing approximately April 10, 1991 and ending in January 1992, respondent undertook at his dental office to render treatment to a patient named Dora Morawski. The dental treatment rendered to this patient consisted, in pertinent part, of the extraction of remaining dentition and the fabrication of immediate complete maxillary and immediate mandibular dentures. The Board finds that the rendering of said treatment deviated from acceptable standards of care in that the dentures did not fit and were non-functional. The Board further finds, relying on the uncontroverted expert report of Robert H. Gross, D.D.S., that the vertical dimension of the dentures upon completion was so great that the patient was unable to chew or close her mouth with the dentures seated. The Board concludes, based upon Dr. Gross' report, that the treatment rendered by respondent to the patient constitutes acts and practices which constitute gross and/or repeated negligence and are at variance from acceptable dental standards in violation of N.J.S.A. 45:1-21(c) and (d).

6. For a period commencing approximately April 29, 1992 and ending in February 1993, respondent undertook at his dental office to render treatment to a patient named Mark A. Roy. The treatment plan for this patient consisted, in pertinent part, of a maxillary full denture and a mandibular partial denture. Said treatment plan deviated from acceptable standards of care in that the mandibular partial denture was all plastic with large cutouts and no clasps resulting in an inadequate prosthesis. When the initial all plastic partial denture failed, respondent proceeded to make a second partial denture

with a cast metal base and clasps, but the denture was defective in that it did not fit the patient. The respondent then proceeded to make a third partial denture which also did not fit. The Board finds that the respondent deviated from acceptable standards of dental care in that three partial dentures made for this patient were poorly designed and poorly fabricated and did not fit the patient. The Board further finds that respondent's treatment of the patient was performed by acts and practices which constitute gross and/or repeated negligence and are at variance from acceptable dental standards in violation of N.J.S.A. 45:1-21(c) and (d).

7. On at least one occasion during the course of dental treatment for patient Mark A. Roy respondent permitted Harry Hariston, the operator of the dental laboratory located on the premises of respondent's dental practice, to perform an intra-oral dental procedure on the patient for the purpose of adjusting the lower partial denture. (See Exhibit P). Harry Hariston does not hold a license to practice dentistry in the State of New Jersey. Respondent knew or should have known that Harry Hariston did not hold a license to practice dentistry in this State. The Board finds the conduct of the respondent in permitting an unlicensed person to perform a dental operation on a patient of the respondent notwithstanding that the unlicensed person had no authority to do so constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e).

8. For a period commencing approximately July 1992 and ending in September 1992 respondent undertook at his dental office to render treatment to a patient named Lilly Simons. During the course of treatment respondent replaced the patient's full maxillary and mandibular dentures. The Board finds respondent's treatment of this patient deviated from acceptable standards of care in that the dentures did not fit and were very loose. As a consequence, the patient could not talk and could not eat with the dentures in her mouth. The Board further finds, based upon the expert report of Henry J. Finger, D.D.S. that Respondent's treatment of the patient constituted gross and/or repeated negligence in violation of N.J.S.A. 45:1-21(c) and (d).

9. For a period commencing approximately April 1, 1992 and ending in May 1992 respondent undertook at his dental office to render treatment to a patient named Barbara Snow. The treatment rendered to the patient consisted, in pertinent part, of amalgam restorations on tooth #12 and tooth #29. The Board finds that said dental treatment deviated from acceptable standards of care in that there was light interproximal contact for tooth #12 and no contact distally for tooth #29 as well as an area on the occlusal surface of tooth #29 where the dentin was exposed. The Board further finds that respondent's treatment of the patient constituted gross and/or repeated negligence in violation of N.J.S.A. 45:1-21(c) and (d).

10. For a period commencing approximately August 1992 and ending in November 1992 respondent undertook at his dental office to render treatment to a patient named Iris A. Swanson. During the course of treatment respondent constructed a new full maxillary denture and an immediate mandibular full denture with extraction of eight teeth upon insertion of the dentures. The Board finds, relying on the expert report of Henry W. Finger, D.D.S., that the results of said treatment deviated from acceptable standards of care in that the dentures did not fit, the occlusal contact was not acceptable, there was no retention, and the aesthetic appearance was improper. As a consequence, the dentures cannot be modified to be used by the patient. The Board further finds that respondent's rendering of treatment to the patient was performed by acts and practices which constitute gross and/or repeated negligence in violation of N.J.S.A. 45:1-21(c) and (d).

11. For a period commencing approximately November 10, 1992 and ending in April 1993, respondent undertook at his dental office to render treatment to a patient named Catherine V. Williams. The treatment rendered to the patient consisted of fabricating a partial acrylic maxillary denture and a partial acrylic mandibular denture. The Board finds, relying on the expert report of Henry W. Finger, D.D.S., that said dental treatment deviated from acceptable standards of care in that the maxillary and mandibular partial dentures were improperly constructed. There were inadequate rests causing tissue irritation during function. The all plastic maxillary partial denture fit poorly and rocked, and had a very rough and pitted tissue surface which was stained and could not

be properly cleaned. The mandibular all plastic partial denture was locked around tooth #21 which was distally tipped. This denture fit poorly and flopped around in the patient's mouth. The Board further finds that respondent's treatment of the patient constituted gross and/or repeated negligence in violation of N.J.S.A. 45:1-21 (c) and (d).

The aforementioned acts and deviations by respondent constitute grounds for revocation or suspension of Respondent's license to practice dentistry in the State of New Jersey. Respondent has, under oath before Administrative Law Judge Edith Klinger, admitted that the aforesaid acts and practices constitute gross and/or repeated negligence in the performance of dentistry. Respondent having decided not to contest the above charges, and for good cause shown;

IT IS on this day of 1996,

HEREBY ORDERED AND AGREED THAT:

1. Effective upon entry of this Order the license of Howard Stuart Bloom, D.D.S. to practice dentistry in the State of New Jersey be and hereby is suspended for an indefinite period of time. Respondent shall not be permitted to apply for termination of suspension until such time as all of the following conditions are met:

a. Dr. Bloom shall submit to a psychiatric evaluation by a psychiatrist chosen and/or approved by the Board. Should such evaluation yield a recommendation for treatment, Dr. Bloom shall undertake such treatment until satisfactorily discharged by the Board-chosen treating psychiatrist. The expense of the evaluation and treatment are to borne by Dr. Bloom. Dr. Bloom hereby consents to release of the evaluation and, if any, treatment records that result from compliance with this condition. Dr. Bloom shall have the affirmative burden of demonstrating his competency and fitness to return to the practice of dentistry to the satisfaction of the Board.

b. Dr. Bloom shall successfully complete 750 hours of continuing dental education with a Board-approved institution. The expense of fulfilling this condition shall be borne by Dr. Bloom.

c. Dr. Bloom shall pay restitution to the patients named in this Order, except where a judgment has been obtained. In those instances where a judgment has been obtained, Dr. Bloom shall satisfy the judgment. Dr. Bloom shall file with the Board a list of any judgment obtained by any patient named in this complaint within 30 days of the filing of this Consent Order. Further, should Dr. Bloom become aware of any other judgment obtained by any patient not listed in the complaint, he shall notify the Board of the existence of same immediately. The amount of restitution to be paid shall be determined by the Board or its designee.

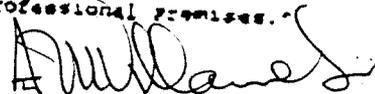
d. Dr. Bloom shall pay the costs associated with the investigation and prosecution of this disciplinary matter. Those costs shall be conclusively established by affidavit and/or certification of the Executive Director of the State Board of Dentistry and those of the investigatory staff employed by the Board.

e. Dr. Bloom consents to the filing of a certificate of debt with regard to the restitution ordered herein, and the costs incurred by the State upon the filing of this Consent Order. Such costs shall not exceed \$8,000.00. Such costs shall be due and owing to the Board immediately upon entry of this Order.

f. Upon completion of the above conditions of suspension, Dr. Bloom shall have the burden to affirmatively establish, to the satisfaction of the Board, that he has fully complied with all Board-imposed conditions of suspension. Upon written submission of a sworn statement outlining his proofs with regard to compliance, he shall request a hearing before the Board to present his proofs of compliance, at the Board's earliest convenience.

2. Respondent shall immediately upon receipt of this Order arrange to have his license and wall certificate returned to the New Jersey State Board of Dentistry, 124 Halsey Street, Newark, New Jersey 07101.

3. Respondent shall abide by the "Directive Regarding Future Activities of Board Licensee Who Has Been Suspended/Revoked And Use of The Professional Premises."



Dr. SAMUEL FURMAN
PRESIDENT
STATE BOARD OF DENTISTRY

I have read and understood the terms of the within Order and agree to be bound by them. I hereby give my consent to the entry of the Order.

Howard S. Bloom
Howard S. Bloom

9-25-96

I hereby consent to the entry of this Order.

Hal B. Eisenstein
Hal B. Eisenstein, Esq.
Attorney for Respondent