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

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In the Matter of	:	Administrative Action
	:	
HENRY COHN, D.D.S.	:	CONSENT ORDER
	:	
Licensed to Practice Dentistry:	:	
in the State of New Jersey	:	
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This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") upon information that Henry Cohn, D.D.S. (hereinafter "respondent") has failed to renew his general anesthesia permit, pursuant to N.J.A.C. 13:30-8.3, since 1991, and he has failed to cooperate with the Board's inquiries into the status of his practice and permit. On November 19, 1997, respondent appeared without counsel at an investigative inquiry into the matter held by the Board.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, the Board finds the following:

On May 6, 1996, the Board office sent a letter to respondent indicating that he had failed to renew his general anesthesia

permit and requesting information regarding that permit. Since no response from respondent was received, Agnes Clarke, Executive Director of the Board, sent a letter to respondent on July 26, 1996 again requesting information on the status of his general anesthesia practice. When no response from respondent was received over the next several months, Ms. Clarke wrote to respondent on November 14, 1996, referring to the previous communication and asking again for the requested documentation. Although a response had been asked for within seven days, no response was made to the November letter; and Ms. Clarke once again wrote to respondent on December 26, 1996 concerning the need to submit within seven days the appropriate documentation relating to his general anesthesia permit. As before, respondent in no way communicated with the Board; and on September 22, 1997, Ms. Clarke wrote a letter to respondent, attaching the previous correspondence. The September letter stated that an immediate response was necessary and that failure to do so may result in penalties and the suspension or revocation of respondent's New Jersey dental license. Despite the seriousness of the matter, respondent still failed to communicate with the Board.

Finally, on October 30, 1997, the Board issued a subpoena to respondent requiring him to appear before the Board on November 19, 1997 for an investigative inquiry concerning the status of his general anesthesia permit. The investigative inquiry revealed, among other things, that respondent had not renewed his permit for three biennial renewal periods since 1991 although he continued to

administer general anesthesia. Further, it was revealed that neither respondent nor those employed by him to assist in monitoring patients under general anesthesia had current certifications in Basic Life Support ("BLS") or its equivalent as required by N.J.A.C. 13:30-8.3(1).

Respondent's failure to renew his general anesthesia permit and his failure to keep current his BLS or equivalent certification and to employ staff with current BLS or equivalent certification constitutes professional misconduct and gross negligence pursuant to N.J.A.C. 13:30-8.3(n) and N.J.S.A. 45:1-21(c) and (e). Respondent's consistent refusal to cooperate and respond to the many inquiries and letters sent to him requesting information and documentation concerning his general anesthesia permit constitutes professional misconduct pursuant to N.J.A.C. 13:45C-1.2 and N.J.A.C. 13:45C-1.3.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 18th DAY OF March 1998 ,

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby assessed civil penalties in the amount of \$2,000.00 for each of the three biennial renewal periods for which respondent failed to renew his general anesthesia permit; \$2,500.00 for allowing unqualified staff to monitor patients under

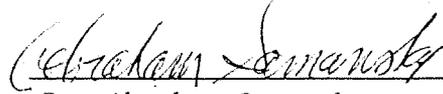
general anesthesia; and \$2,500.00 for failing to cooperate with the Board's repeated requests to provide information. Therefore, the total amount of the civil penalties is \$11,000.00. Payment shall be made by certified check or money order to the State of New Jersey and shall be submitted to Agnes Clarke, Executive Director, State Board of Dentistry, 124 Halsey Street, 6th Floor, Newark, New Jersey 07102. Respondent shall pay the civil penalty of \$11,000.00 in eleven monthly installments with each installment being in the amount of \$1,000.00. The first payment shall be due by the first day of the month following the entry of the within Consent Order, and all payments thereafter shall be due by the first day of the month until the \$11,000.00 has been paid in full. In the event that any payment is not timely, the Board may without prior notice demand payment in full.

2. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$70.11. This payment shall be made by certified check or money order to the State of New Jersey and shall be submitted within fourteen (14) days of the entry of the within Consent Order to Agnes Clarke at the address indicated in paragraph #1.

3. Respondent is hereby reprimanded for failing to renew his general anesthesia permit, failing to have and employ staff with the proper certifications in BLS or its equivalent, and failing to

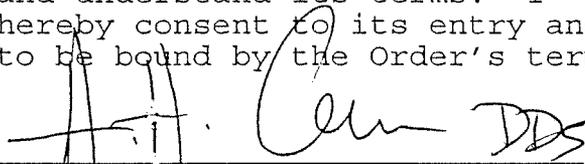
cooperate with the Board.

STATE BOARD OF DENTISTRY

A handwritten signature in cursive script, reading "Abraham Samansky", written over a horizontal line.

Dr. Abraham Samansky
Vice-President

I have read the within Order
and understand its terms. I
hereby consent to its entry and
to be bound by the Order's terms.

A handwritten signature in cursive script, reading "H. Cohn DDS", written over a horizontal line.

Henry Cohn, D.D.S.