

\$400. He offered no explanation for his failure to maintain a current license and provided no proofs of continuing education.

Following review of the matter, including Dr. DeCheser's response, the Board has determined that nothing has been submitted to alter the preliminary findings of fact or conclusions of law set forth in its order of January 20, 1999. The Board does note, however, that the number of continuing education credits was improperly calculated in its provisional order. There were no credits due for the 1991-1993 renewal period and twenty credits were due for the 1993-1995 renewal period. As such, this order modifies the provisional order to reflect a decrease from 140 hours to 100 hours. Therefore, the Board adopts the following:

FINDINGS OF FACT

1. Floyd DeCheser, D.D.S., has been a licensee of the Board at all times relevant hereto.

2. On July 30, 1998, the Board received information that respondent was practicing dentistry although his license had lapsed on October 31, 1991.

3. By letter dated August 14, 1998, Agnes Clarke, Executive Director, sought to determine whether respondent had continued practicing dentistry without having obtained a current registration.

4. By letter dated September 29, 1998, respondent stated that he had continued to practice dentistry although his license had lapsed in 1991. Respondent explained that he had notified the New Jersey Dental Association that he was filing for bankruptcy and

requested a waiver of his 1992 dues and fees. Respondent further stated that he assumed that his license fee was part of that waiver.

5. Respondent has not submitted any continuing education credits to the Board since his license has lapsed.

CONCLUSION OF LAW

Respondent's actions as set forth herein constitute violations of N.J.S.A. 45:6-10, 45:6-10.1, 45:6-13 and N.J.A.C. 13:30-8.18. These violations provide grounds for discipline pursuant to N.J.S.A. 45:1-21(e) and N.J.S.A. 45:1-21(h).

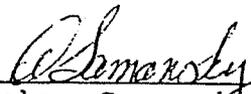
IT IS, THEREFORE, on this 29 day of APRIL 1999,
ORDERED that:

1. The license of FLOYD DeCHESER D.D.S. to practice dentistry in the State of New Jersey is hereby suspended for thirty days commencing May 5 to June 4, 1999.

2. Respondent shall submit proof to the Board Office by May 30, 1999 that he has completed one hundred (100) hours of continuing education, which has been calculated as follows: twenty (20) continuing education credits for the 1993-1995 renewal period; forty (40) continuing education credits for the 1995-1997 renewal period; and forty (40) continuing education credits for 1997-1999

renewal period. These credits are in addition to the forty hours of continuing education credit required for the renewal period 1999-2001.

STATE BOARD OF DENTISTRY



Abraham Samansky, D.D.S.
President

DIRECTIVE REGARDING FUTURE ACTIVITIES
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.