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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DIVISION OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

----- :
IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE :
ISSUED TO :

: CONSENT ORDER

:
ROBEN BROOKHIM, D.D.S. :
License No. 14826 :

:
TO ENGAGE IN THE PRACTICE OF :
DENTISTRY IN THE STATE OF NEW :
JERSEY :
----- :

CERTIFIED TRUE COPY

This matter having been opened on the Attorney General's complaint alleging the submission by Roben Brookhim, D.D.S. of insurance claims for services not performed for six patients, and the creation of false record entries, failure to create record entries for work performed, improper destruction and recreation of patient records, and insertion of false dates of service in insurance claim forms for nine patients, and the regular waiver of co-payment collection without disclosure to insurance carriers between November 15, 1986 and February, 1994, and Roben Brookhim, D.D.S. desiring to terminate the within proceeding without formal hearing, the same being hereby waived, and it further appearing that good cause exists for the entry of the within Order,

IT IS on this 6 day of AUGUST ,1999

ORDERED AND AGREED:

1. The license to practice dentistry issued to Roben Brookhim, D.D.S. shall be and hereby is suspended for five years. The first two years of said suspension shall be active during which period Roben Brookhim, D.D.S. shall not practice or offer to practice dentistry within the State of New Jersey. In the event that Roben Brookhim, D.D.S. shall engage in the practice of dentistry in any other state, jurisdiction, or country, the active suspension herein ordered shall be tolled, and he shall not be permitted to reenter the practice of dentistry within New Jersey until completion of a two year period during which he shall not have engaged in the practice of dentistry. The active period of suspension shall be effective on September 2, 1999. Upon satisfactory completion of the active suspension, Roben Brookhim, D.D.S. shall have leave to apply for reinstatement of licensure at which time it shall be his responsibility to establish his fitness and capacity to reenter the practice of dentistry.

2. The remainder of the three year suspension shall, upon reinstatement of licensure, be deemed a period of probation during which Roben Brookhim, D.D.S. shall comply with all statutes and Board regulations relating to the practice of dentistry as well as the general laws of the State of New Jersey. In the event that Roben Brookhim, D.D.S. shall fail to comply with any statute, Board regulation, or the general laws of the State of New Jersey, the Board, upon notice and opportunity to be heard, may in addition or

alternative to, any other remedy authorized by law, suspend the license issued to Roben Brookhim, D.D.S. for any part or the entirety of the remainder of the probationary period. In the event that Roben Brookhim, D.D.S. during the period of active suspension, violates any statute or regulation pertaining to the practice of dentistry or the general laws of the State of New Jersey, the Board may take such action as may be authorized by law upon notice and opportunity to be heard.

3. During the period of license suspension, Roben Brookhim, D.D.S. shall comply with the directives attached hereto and made a part hereof.

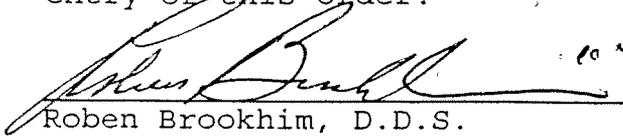
4. Contemporaneous with the tender for entry of this Order Roben Brookhim, D.D.S. shall pay a civil penalty in the amount of \$25,000 and costs in the amount of \$ 3,071.20.

5. Contemporaneous with the tender for entry of this Order Roben Brookhim, D.D.S. shall tender to the Board's Executive Director his certificate of licensure and biennial license renewal issued by the Board.



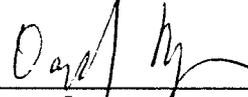
Abraham Samansky, D.D.S.
President, New Jersey State Board
Of Dentistry

I have read and understand the terms and conditions of this Order. I agree to be bound by them, and I hereby give my consent for the entry of this Order.


Roben Brookhim, D.D.S.

Consented as to form and entry

John J. Farmer, Jr., Attorney General
of New Jersey
Counsel to New Jersey State Board
of Dentistry

By: 
Douglas J. Harper
Deputy Attorney General

Greenbaum, Rowe, Smith, Ravin, Davis
& Himmel, L.L.C.
Counsel for respondent Robert Brookhim, D.D.S.

By: 
Paul Rowe, Esq.

**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 assuaging, 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.