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

IN THE MATTER OF THE SUSPENSION :	:
OR REVOCATION OF THE LICENSE OF :	:
MARK A. SANTOMENNA, D.D.S. :	Administrative Action
License No. DI127 <del>64</del> :	CONSENT ORDER
46 :	:
TO PRACTICE DENTISTRY IN THE :	:
STATE OF NEW JERSEY :	:

CERTIFIED TRUE COPY

THIS MATTER was opened to the New Jersey State Board of Dentistry (the "Board") upon receipt of information from Delta Dental Plan of New Jersey, Inc., ("Delta Dental"), alleging that respondent Mark A. Santomena, D.D.S. ("respondent"), a non-participating member of the Delta Dental plan, was intercepting reimbursement checks made payable to plan members and depositing said checks directly into his bank account while simultaneously billing patients for the same services for which reimbursement was made by Delta Dental.

A review of the supporting documentation by the Board revealed repeated instances of submissions of insurance claim forms to Delta Dental Insurance Plan by respondent<sup>1</sup> involving ten (10) patients

<sup>1</sup>Respondent is a non-participating member of Delta Dental and, therefore, not entitled to reimbursement directly from Delta Dental

which contained one or more of the following: (1) submitting claim forms which reflected either respondent's residential address at 705 Grand Avenue, North Bergen, NJ 07047 and respondent's office address at 7601 Broadway, North Bergen, NJ 07047 in the space intended for the address of the insured patient, resulting in reimbursement checks being forwarded directly to respondent, a non-participating member of the Delta Dental Plan; (2) endorsing insurance checks intended as payment to insured patient(s) and depositing said checks intended for insured patient(s) into respondent's bank account; and (3) billing for services rendered but not properly documented in the patient charts.

The Board thoroughly reviewed the entire record in this matter. It appears to the Board that respondent has engaged in repeated acts of professional misconduct in his submission of insurance claim forms to Delta Dental for dental services rendered to his patients insured by Delta Dental in violation of N.J.S.A. 45:1-21(e); and has failed to maintain adequate patient records by failing to properly document services rendered in the patients' charts in violation of N.J.A.C. 13:30-8.7. It appearing that the parties wish to amicably resolve this matter without recourse to formal proceedings and for good cause shown,

IT IS on this 20<sup>th</sup> day of October , 1999

ORDERED and agreed that:

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for services rendered to patients insured by the plan.

1. Respondent is hereby assessed a civil penalty in the amount of \$10,000.00, which sum represents a penalty for engaging in repeated acts of professional misconduct in violation of N.J.S.A.45:1-21(e) and N.J.A.C. 13:30-8.7. Said penalty shall be paid by certified check or money order made payable to the "State of New Jersey" and submitted to the State Board of Dentistry, Attention: Agnes M. Clarke, Executive Director, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 within thirty (30) days of the entry of this Order.

2. Random and unannounced audits of respondent's patient records and billing records may be conducted by the Board's designees at the Board's discretion and at the expense of the respondent. On demand made, respondent shall immediately make available all records necessary to conduct the audit as determined by the Board or its designees. The cost of each such audit shall be based on the standard hourly rate for the Board's investigators prevailing at the time of the audit and shall be due and payable within thirty (30) days of the respondent's receipt of a statement of such costs from the Executive Director of the Board setting forth the hourly rate and the total hours for the audit.

3. Respondent shall cease and desist from any and all professional misconduct or any other unlawful act in connection with the submission of insurance claims on behalf of patients in any manner whatsoever including, but not limited to, treatment dates which do not reflect accurately the date when the service or procedure was actually completed, description of dental services or

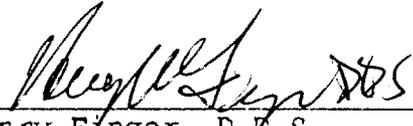
procedures which do not accurately reflect the actual work completed, discrepancies between the fees charged to the patient and the fees set forth in the claim form, and failure to maintain records for patients for whom insurance claims are made.

4. Any failure to comply with the provisions of this Consent Order shall be grounds for the Attorney General to apply for a summary hearing before the Board or any subcommittee of this Board, as the President may designate for this purpose, on three (3) days notice to respondent or his attorney. The proof at such hearing shall be limited to the issue of whether this Consent Order has been violated and any evidence in mitigation of sanction. Upon proof by a preponderance of the evidence of a material violation of this Consent Order, the Board members hearing the matter may summarily suspend or limit respondent's license to practice dentistry pending a review by the full Board.

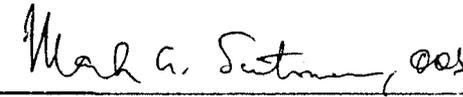
5. Respondent shall forward to Agnes M. Clarke, Executive Director of the Board of Dentistry, at the address set forth in paragraph 1, above, the sum of \$4,519.84, by certified check or money order made payable to the "State of New Jersey," within thirty (30) days of the entry of this Order, which represents the costs of the investigation in this matter.

6. Respondent is hereby reprimanded and cautioned that more serious penalties may be imposed in the event subsequent complaints of a similar nature are filed against him.

New Jersey Board of Dentistry

  
Henry Finger, D.D.S.  
President

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to entry of this Order.

  
Mark A. Santomenna, D.D.S.