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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 11-18-99

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

IN THE MATTER OF)	Administrative Action
)	
EDMUND ABAVANA, D.D.S.)	FINAL ORDER
License No. 16941)	OF DISCIPLINE
)	
TO PRACTICE DENTISTRY IN THE)	
STATE OF NEW JERSEY)	

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Dentistry upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Edmund Abavana, D.D.S. ("respondent"), is a dentist in the State of New Jersey and has been a licensee at all times relevant hereto.

2 On November 13, 1998, the Enforcement Bureau conducted an inspection of respondent's office, located at 606 Broadway Avenue, Camden, New Jersey, in accordance with the Board's Consent Order dated February 4, 1998. As part of that inspection,

investigators asked respondent to produce proof of his medical waste disposal contract.

3 On November 20, 1998, respondent submitted what he asserted to be a copy of a November 9, 1998 waste tracking form, numbered 0892046, from his Camden office. A copy of that submission is attached as Exhibit #1.

4. Review of the waste tracking records provided by the waste hauler East Coast Medical Waste, reveals that the last waste pickup from the respondent's Camden office was on June 9, 1997, as reflected on waste tracking form # 0892125, a copy of which is attached as Exhibit #2.

5. Review of the waste tracking records provided by the waste hauler East Coast Medical Waste, reveals the tracking form number on the form provided by respondent purporting to reflect a waste pick up on November 9, 1998 from the Camden office was for waste pick up at respondent's Erial office on June 11, 1997. A copy of that form is attached as Exhibit 3.

6. Comparison of Exhibits 1, 2, and 3 shows that respondent altered the June 9, 1997 waste tracking form by writing over the information, changing the date and site of the pickup.

7. By letter dated January 21, 1999, the Board notified respondent to appear at investigative inquiry scheduled for April 21, 1999, at 10:00 a.m.

8. By letter dated April 14, 1999, respondent notified the Board that he would be unable to attend hearing due to court ordered participation in a custody/visitation awareness seminar.

With that letter, respondent submitted what purported to be the March 24, 1999 court summons listing April 21, 1999 at 11:30 a.m. as the date and time of the seminar. A copy of that submission is attached as Exhibit #4.

9. Based on the information submitted, respondent's appearance was rescheduled for May 19, 1999.

10. Board staff obtained from the court a copy of the March 24, 1999 scheduling letter for the custody and visitation seminar. Review of the court records shows that respondent was ordered to attend the seminar on April 21, 1999 at 5:00 p.m. A copy of which is attached as Exhibit #5.

11. Comparison of Exhibit #4 and Exhibit #5 reveals that respondent altered the March 24, 1999 summons by changing the time for the seminar, thus creating the appearance of a conflict between his scheduled investigative inquiry and his attendance at the seminar.

12. Respondent appeared and testified at the rescheduled investigative inquiry on May 19, 1999. Respondent admitted that he altered the waste tracking document to reflect a waste pick up that did not occur. Respondent admitted that he altered the time on the court summons.

13. Respondent has failed to provide proof of completion of 12 hours continuing education credits for the renewal period 1995-1997.

CONCLUSIONS OF LAW

1. The above actions provide grounds for the suspension of respondent's license to practice dentistry in New Jersey pursuant to N.J.S.A. 45:1-21(b), in that he has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, or false pretense by submitting altered documents to the Board, and by virtue of those actions, has engaged in professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e).

2. Respondent has failed to provide proof of completion of 12 hours of continuing education credits for the renewal period 1995-1997 in violation of N.J.S.A. 45:6-10.1 and N.J.A.C. 13:30-8.18.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") suspending respondent's license to practice dentistry in the State of New Jersey, assessing a civil penalty, censuring respondent for submitting false documents to the Board and imposing random and unannounced inspections of respondent's office at his own expense was entered on September 2, 1999 and a copy was served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written

evidence supporting respondent's request for consideration and reasons therefor.

Respondent did submit a request for modification or dismissal by letter dated September 25, 1999. With respect to the altering of documents presented to the Board, respondent argues that he was "nervous and scared" and preoccupied with marital problems and consequently concerned for the welfare of his young child. He acknowledged that his conduct was inappropriate. Regarding the continuing education deficiency, respondent reported that although he does not have any proof of completion for the remaining twelve (12) hours of course work for the 1995-1997 renewal period, he does have sufficient credit for the 1999-2001 renewal to satisfy both the requirement for that renewal and the outstanding twelve credits for the 1995-1997 renewal period. Finally, respondent asks that his license not be suspended because his practice is his only source of income and even a brief period of suspension would most likely put him out of business.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. While respondent did not dispute the Findings of Fact and Conclusions of Law he did present evidence in mitigation of the proposed penalty which the Board found persuasive in part.

ACCORDINGLY, IT IS on this 17th day of ~~August~~ ^{November}, 1999,

ORDERED that:

1. Respondent's license to practice dentistry in the State of New Jersey be suspended for a period of 5 years, the entire period of which shall be stayed and served as a period of probation.

2. Respondent is hereby censured pursuant to N.J.S.A. 45:1-22(a), for submitting false documents to the Board.

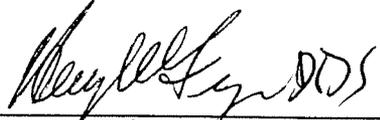
3. The Board shall conduct random and unannounced inspections of respondent's office at his own expense for two (2) years from the date of entry of a final order in this matter to ensure compliance with all laws and regulations administered by the Board.

4. Respondent shall pay a civil penalty of \$2,000.00 pursuant to N.J.S.A. 45:1-22(b), reflecting a penalty of \$1,000.00 for each of the two false submissions. The \$500.00 penalty proposed in the POD for failure to provide proof of completion of continuing education credits for the 1995-1997 renewal period is hereby rescinded. Respondent shall send the proof of completion of all of the continuing education credits he has obtained for the 1999-2001 renewal period to the Board Office by November 30, 1999.

5. Respondent shall pay costs of the investigation pursuant to N.J.S.A. 45:1-25 in the amount as set forth in a certified statement of costs to be provided.

6. Payments of the civil penalty and costs in this matter shall be made by certified check or money order payable to the State of New Jersey and forwarded to Agnes M. Clarke, Executive Director, State Board of Dentistry upon the entry of a final order of discipline.

NEW JERSEY BOARD OF DENTISTRY

By: 
Henry Finger, D.D.S.
Board President