

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 11-14-01 cm

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street - 5th floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Dentistry

CERTIFIED TRUE COPY

By: Rhonda Pope Stephens
Deputy Attorney General
(973) 693-5056

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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

LARRY BERMAN, D.D.S. : Administrative Action
DI 13347 :

TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") on information received from the Enforcement Bureau, Division of Consumer Affairs, on June 6, 2001, and upon the receipt of a patient complaint regarding Larry Berman, D.D.S. which suggested that the continued practice of dentistry by the respondent would present a clear and imminent danger to the public health, safety and welfare and thus would constitute a basis for temporary suspension or limitation of licensure pursuant to N.J.S.A. 45:1-22.

More specifically, the inspection report herein demonstrated that on May 5, 2001, the respondent's dental office located at 321

Raritan Avenue, Highland Park, New Jersey, 08904 was maintained in an unsanitary condition. The inspection report revealed the following conditions: dirt on floors and walls of reception area; dirt on floors and walls in hallway; stains and dirt on automatic developer in hallway; dust, peeling walls and missing tiles in lavatory; filthy walls, countertops and equipment in lavatory; dirty storage areas; dirt clutter, rusty sink, stained chemclave and ultrasonic cleaner in sterilization area; dirt, clutter, stains, torn dental chairs, haphazardly arranged instruments and supplies, peeling wallpaper and ripped sterilization bags in operatories #'s 1 and 2.

Having reviewed the entire record, it appears to the Board that these facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-22.

It appearing that the parties have agreed to a resolution of this matter without recourse to formal proceedings and the Board finding that the within Order is adequately protective of the public health, safety, and welfare, and for good cause shown;

IT IS THIS 14th DAY OF November, 2001

ORDERED THAT:

1. The license of Larry Berman, D.D.S., to practice dentistry in the State of New Jersey is hereby suspended for a period of one (1) year. The suspension shall be stayed and served

as a period of probation during which time the respondent is warned to cease and desist any and all activities deemed to be in violation of the Board's statutes and regulations as specified above.

2. The respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$7,500.00 for conduct with respect to his failure to maintain a satisfactory level of cleanliness in his office. Payment for the civil penalties shall be submitted by certified mail or money order made payable to the State of New Jersey and shall be sent to Kevin Earle, Executive Director, at the Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey, 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. The respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$1,568.28. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than ten (10) days from the entry of this Consent Order. Payment shall be sent to Kevin Earle at the address set forth in paragraph two.

4. Failure to remit any payment as required by this Order will result in the filing of a Certificate of Debt.

5. Upon the closure of respondent's office located at 321 Raritan Avenue, Highland Park, New Jersey respondent shall enter

into a contract with a cleaning company to clean respondent's new office located at 308 Raritan Avenue, Highland Park, New Jersey on a regular basis. The respondent agrees to verify that such contract exists, shall submit bills for cleaning services and shall verify the daily cleanings upon request of the Enforcement Bureau for a period of six (6) months from the date of the filing of the Consent Order.

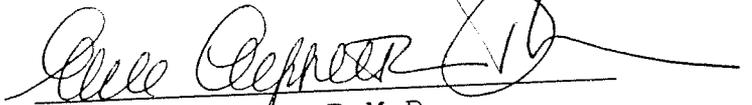
6. The Board of Dentistry will perform random inspections of the office at reasonable frequency and at respondent's expense. Respondent shall be provided with the exact amount of the costs which is to be paid by certified check or money order payable to the Board of Dentistry at the address set forth in paragraph two.

7. Respondent hereby consents to the entry of an Order of automatic suspension of licensure barring further practice without notice, upon the Board's receipt of any information which the Board, in its discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions herein, including, but not limited to, falling below the standard of accepted dental sanitary practice at said office.

8. The respondent shall have the right to apply for removal of the automatic temporary limitation to a showing that the conditions at said office did not fall below the standard accepted dental sanitary practices at said office.

9. Failure to comply with any of the terms of this Consent Order may result in further discipline.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Emil Cappetta, D.M.D.
Board President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Larry Berman, D.D.S.

10/24/01
Date