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CERTIFIED TRUE COPY

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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 | : | Administrative Action |
| | : | |
| MARK SPIERER, D.D.S. | : | |
| License No: DI 11958 | : | CONSENT ORDER |
| | : | |
| LICENSED TO PRACTICE DENTISTRY | : | |
| IN THE STATE OF NEW JERSEY | : | |
| | : | |

This matter was opened to the New Jersey State Board of Dentistry ("Board") concerning Mark Spierer, D.D.S. ("Respondent"), when a random and unannounced audit of Respondent's records resulted in a finding of deficiencies in patient records. It appears Respondent failed to maintain accurate and complete patient and billing records in a manner consistent with the standard for such record keeping practices in New Jersey. Specifically, fees for services rendered were not entered into patients' charts at the

time of service, "Statements of Account" for patients were unavailable and there were discrepancies noted as to patients whose names did not appear in Respondent's appointment book on the dates indicated in their respective treatment records.

On February 16, 2000, Respondent appeared with counsel, Stephen Schechner, Esq., at an investigative inquiry into the matter held by the Board.

Having reviewed the entire record, including the testimony of Respondent at the investigative inquiry, it appears to the Board that Respondent has not maintained adequate patient and billing records and has billed for procedures utilizing an "unbundling" of treatment method.

These facts establish a basis for disciplinary action pursuant to N.J.A.C. 13:30-8.7 and N.J.S.A. 45:1-21(e).

It appearing that Respondent desires to resolve this matter without admissions and without recourse to formal proceedings, and the Board having determined that the within Order is sufficiently protective of the public health, safety and welfare, and for good cause shown:

IT IS on this 5th day of March, 2003;

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice dentistry shall be suspended for a four (4) year period commencing on the filing date of this Order. The suspension shall be stayed, and served as a

period of probation, so long as Respondent complies with all of the terms of this Order. In the event that Respondent fails to comply with the terms of this Order, his failure may result in an activation of the four year period of suspension.

2. Random and unannounced quarterly audits of the Respondent's patient and billing records may be conducted by the Board's designees, at the Board's discretion, and at the Respondent's expense for a period of four years commencing on the entry date of this Order. On reasonable demand made, the Respondent shall immediately make available all records necessary to conduct the audit as determined by the Board or its designees. The audits will be on a prospective basis, however, if during the course of the audit it is determined that information from patient or billing records prior to the date of the Order is relevant, Respondent will provide such records and these records may be reviewed by the Board. The Board may also review any patient or billing records based on a consumer complaint, insurance company inquiry or other bona fide third part inquiry including records prior to the date of this Order. The cost of each audit shall be due and payable within ten (10) days of the Respondent's receipt of a statement of costs from the Executive Director of the Board. The audits provided for herein shall be conducted in a reasonable manner so as not to disrupt the treatment of patients and at a reasonable frequency.

3. Respondent is directed herein to maintain proper and accurate patient and billing records.

4. Respondent must cease and desist from his current practice of "unbundling of treatment."

5. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the total amount of \$7,500.00 comprised of \$3,750.00 for unbundling of treatment and \$3,750.00 for poor record keeping. Payment of the civil penalty of \$7,500.00 shall be made by certified check or money order, payable to the State of New Jersey and forwarded to Kevin Earle, Executive Director, Board of Dentistry, P.O. Box 45005, Sixth Floor, 124 Halsey Street, Newark, New Jersey 07101. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

6. Respondent shall pay costs of the investigation in this matter in the amount of \$2,046.89. Payment for costs shall be made by certified check or money order payable to the State of New Jersey and submitted to Kevin Earle, Executive Director of the Board, at the address above no later than thirty (30) days from the entry of this Consent Order.

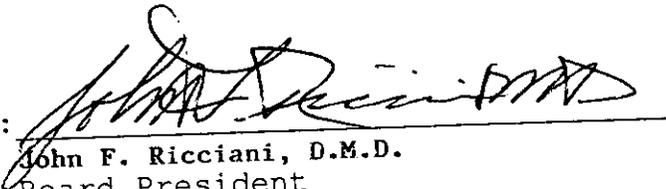
7. In payment of the \$7,500.00 in civil penalties, Respondent shall make payments of \$156.25 per month for forty-eight (48) months. The first payment shall be due no later than thirty (30) days following the entry of this Order and subsequent payments

shall continue to be due by the first of each month until all 48 payments are completed. In the event that Respondent does not make a timely payment, the full balance will immediately become due.

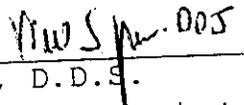
8. Failure to remit any payment as required by this Order will result in the filing of a Certificate of Debt.

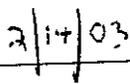
9. Failure to comply with any of the terms of this Consent Order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

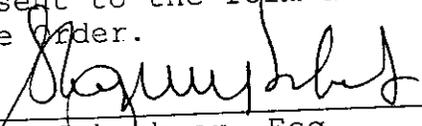
By: 
John F. Ricciani, D.M.D.
Board President

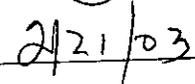
I have read and understand this Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Mark Spierer, D.D.S.


Date

I consent to the form and entry of the order.


Stephen Schechner, Esq.


Date