

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for State Board of Dentistry

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 9-12-03 DA

By: Joseph Donofrio
Deputy Attorney General
(973) 648-7266

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

IN THE MATTER OF

MICHAEL C. TSIMIS, D.M.D.
License No. DI 1642

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that Michael C. Tsimis, D.M.D. ("respondent"), was double billing insurance carriers for the same services on the same date. Specifically, it has been alleged that between March 1997 and the end of December 1999 respondent submitted false and/or fraudulent claims, concerning seven patients, totaling \$7,679.00. On Wednesday, March 20, 2002, respondent appeared with counsel, Terrence M. Scott, Esq. at an investigative inquiry into the matter held by the Board. During the course of the testimony, respondent testified that he repeatedly billed two insurance carriers for the same procedures on the same date for which he received remuneration from both carriers. Additionally, respondent testified that he failed to maintain copies of the explanation of benefit forms that were submitted to the insurance companies.

Having reviewed the entire record, including patient records as well as the insurance submissions for the seven patients and the testimony of respondent at the investigative inquiry, it appears to the Board that respondent has engaged in repeated acts of improper billing in contravention of N.J.A.C. 13:30-8.10. Additionally, these facts establish basis for disciplinary action for failing to maintain and complete accurate patient records as required by N.J.A.C. 13:30-8.7.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS *12th* DAY OF *September*, 2003

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice dentistry is hereby suspended for two years, to be served as a stayed suspension, for engaging in the repeated acts of improper billing and for engaging in inadequate record keeping. Such stayed suspension shall be automatically activated should respondent engage in additional instances of improper billing or inadequate record keeping improprieties during the stayed suspension period or for any violation of this order.

2. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$5,000, for repeated acts of improper billing in violation of N.J.A.C. 13:30-8.10. Additionally, respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$3,500, for failing to maintain and complete accurate patient records as required by N.J.A.C. 13:30-8.7. Payment shall be made no later than 60 days from the entry of this Consent Order. Payment for the civil penalties totaling \$8,500 shall be by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin Earle, Executive Director, 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. Respondent is assessed the costs of the investigation to the State in this matter in the amount of eleven thousand, one hundred fifty-eight dollars and fifty-nine cents (\$11,158.59). Payment for the costs shall be by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than sixty (60) days from the entry of this Consent Order. Payment shall be sent to Kevin Earle at the address described in paragraph #2.

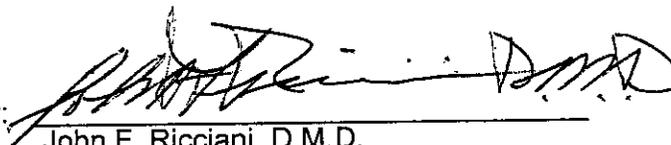
4. Failure to timely remit any payment required by this Order will result in the filing of a certificate of debt.

5. Respondent will submit to random audits at the request of the Board or representatives of the Enforcement Bureau of the New Jersey Division of Consumer Affairs.

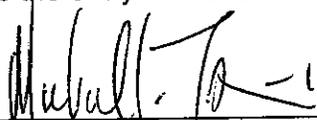
6. Respondent shall maintain and keep all explanation of benefit forms and insurance forms consistent with existing Board rules and regulations

7. 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. I consent to the entry of this Order.


Michael C. Tsimis, DMD

9/5/03
Date

I consent to the entry of this order as to form.


Terrence M. Scott, Esq.
Attorney for Michael C. Tsimis, DMD

9/8/03
Date