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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
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By: Nancy Costello Miller
Deputy Attorney General

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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
CHRISTOPHER P. MULLOY, D.M.D. :
License # DI 17268 : **CONSENT ORDER WITH**
: **RESTRICTIONS ON**
LICENSED TO PRACTICE DENTISTRY : **LICENSE**
IN THE STATE OF NEW JERSEY :
_____ :

This matter was opened to the State Board of Dentistry upon receipt of information that Christopher P. Mulloy, D.M.D. ("respondent"), had on more than one occasion inhaled nitrous oxide gas for the purpose of causing intoxication. The incidents occurred at his dental office in Somerville, New Jersey. Respondent has acknowledged that he had inhaled nitrous oxide in the absence of a valid medical or dental purpose.

Respondent retained Christopher Barbrack, Esq., who has represented that respondent removed all nitrous oxide equipment from his office and has agreed to submit to an independent psychiatric examination, monitoring, and treatment related to his use of nitrous oxide. Further, respondent has agreed to abstain from use of intoxicating substances and from ingestion of any controlled dangerous substance absent a bona fide prescription from a licensed physician or dentist for a valid medical or dental purpose. Based on those representations, the Board finds that Dr. Mulloy may continue to practice dentistry with the restrictions and monitoring requirements in this order pending receipt of reports from medical and psychiatric assessments. Following receipt of those assessments, the Board will determine whether modifications to the terms of this order are necessary and appropriate or whether it should direct the Attorney General to seek further relief.

IT IS, therefore on this *5th* day of *November*, 2003,

ORDERED THAT:

1. Respondent, Christopher P. Mulloy, D.M.D., shall abstain from using nitrous oxide and shall not possess nitrous oxide or equipment used to deliver the inhalation agent.

2.(a.) Dr. Mulloy shall submit to random urine sampling a minimum of four times a month at a laboratory facility approved by the Board. The urine testing requirement shall continue until

further order of the Board expressly reducing or discontinuing testing. Dr. Mulloy shall be provided with specific directions for the protocol of the testing procedure and the location of the laboratory facility by the Executive Director of the Board. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designated by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b.) All test results shall be provided to Kevin B. Earle, Executive Director of the Board, or his designee in the event he is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c.) Any failure by Dr. Mulloy to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event Dr. Mulloy is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility,

consent to waive that day's test must be secured from Kevin B. Earle, or his designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, Dr. Mulloy must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g., a physician's report attesting that he was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of Dr. Mulloy that is so unsurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d.) In the event Dr. Mulloy will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

(e.) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall be deemed a confirmed positive urine test.

(f.) Dr. Mulloy shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances.

Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

3. Dr. Mulloy shall enroll in the Physicians' Health Program of the Medical Society of New Jersey ("P.H.P.") and shall have monthly face to face contact with representatives from that program. Dr. Mulloy shall comply with any recommended therapeutic regime for treatment or counseling. Dr. Mulloy shall be responsible for ensuring that any treating psychologist and any other person(s) providing therapy for his addiction provide the Board with quarterly reports regarding his progress in counseling.

4. Dr. Mulloy shall attend support groups, including NA or AA not less than four times per week. Dr. Mulloy shall provide evidence of attendance at such groups directly to the Board. If Dr. Mulloy has discontinued attendance at any of the support groups without obtaining approval of the Board, he shall be deemed in violation of this Order.

5. Dr. Mulloy shall abstain from the use of alcohol and controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, Dr. Mulloy shall advise any and all treating physicians and/or dentists of his history of substance abuse. Dr. Mulloy shall cause any physician or dentist who prescribes medication which is a controlled

dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

6. Dr. Mulloy shall provide any and all releases to any and all parties who are participating in the monitoring, treating or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. With regard to any requirement for submission of the quarterly reports to the Board, the beginning of the first quarter is deemed to have commenced October 15, 2003.

7. Prior to any modification or removal of restrictions set forth in this order, except those that may be made following receipt of the initial assessment reports from the Physicians' Health Program and medical and psychological evaluations, respondent shall:

a. Appear before the Board or a committee of the Board to discuss his recovery and to demonstrate to the satisfaction of the Board that he is not then suffering from any impairment or limitation resulting from the use of any substance, whether legal or illegal, which could affect his practice;

b. Prior to his appearance, respondent shall provide the Board with reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in respondent's care and/or treatment for the disability in this matter during the period of time from his entry into treatment to his appearance;

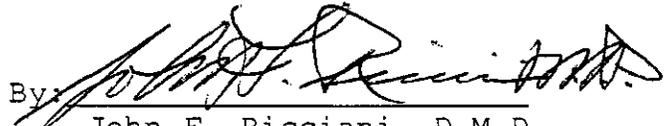
c. Prior to his appearance, provide the Board with a report from the Physicians' Health Program detailing the nature and extent of his involvement with that entity and its recommendations concerning the modification and removal of restrictions; and

8. Entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from respondent's conduct.

9. Dr. Mulloy shall be subject to an order of suspension of his license on short notice if the medical and psychological assessments performed demonstrate that respondent is not capable of carrying out the functions of a licensee consistent with the public's health, safety and welfare or upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of nitrous

oxide use. A hearing on that application may be before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be immediately effective and subject to ratification of the full Board at its next scheduled meeting.

New Jersey Board of Dentistry

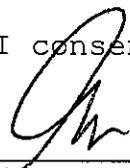
By: 
John F. Ricciani, D.M.D.
President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.


Christopher P. Mulloy, D.M.D.

10/23/03
Date

I consent to the form of this order.


Christopher Barbrack, Esq.

10/27/03
Date