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WITH THE
N.J. BOARD OF DENTISTRY
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PETER C. HARVEY
Attorney General of New Jersey
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

By: Daniel S. Goodman
Deputy Attorney General
(973) 648-4741

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

IN THE MATTER OF THE LICENSE OF RONY ELYAHOUZADEH, D.D.S. License No. DI 20223 TO PRACTICE DENTISTRY IN THE STATE OF NEW JERSEY	Administrative Action CONSENT ORDER

This matter was initially opened to the State Board of Dentistry ("Board") following an investigation by the Division of Consumer Affairs, Enforcement Bureau, which revealed that Rony Elyahouzadeh, D.D.S. ("Respondent") permitted the unlicensed practice of dentistry by Roben Brookhim, D.D.S. The Board's records reflect that on or about August 9, 1999, Dr. Brookhim entered into a Consent Order with the Board, whereby his dental license was suspended for five (5) years, following a complaint by the Attorney General alleging multiple counts of insurance claims fraud and patient record violations. Dr. Brookhim's suspension was to consist of a two (2) year active suspension, effective September 2, 1999, followed by a three (3) year stayed suspension.

Pursuant to the terms of the August 9, 1999 Order, upon satisfactory completion of his two (2) year active suspension, and upon a showing of fitness and capacity to re-enter the practice of dentistry, Dr. Brookhim was permitted to apply for reinstatement of his dental license, in order to commence the three (3) year stayed portion of his suspension. However, no such application was ever made by Dr. Brookhim for reinstatement of his dental license.

In early 2003, an Enforcement Bureau investigation revealed that during the active period of Dr. Brookhim's license suspension, he provided dental treatment and submitted billings to insurance companies, in Respondent's name and with Respondent's knowledge and consent, for approximately thirty (30) patients at Respondent's Elizabeth and New Providence dental offices. Respondent had purchased Dr. Brookhim's dental practice on September 2, 1999, following Dr. Brookhim's active license suspension. Respondent hereby acknowledges that he permitted the unlicensed practice of dentistry by Dr. Brookhim, in violation of N.J.S.A. 45:6-13 and N.J.S.A. 45:1-21(n), and in contravention of the Duty to Cooperate regulation, N.J.A.C. 13:45C-1.4. Furthermore, Respondent acknowledges that his above actions also constitute violations of N.J.S.A. 45:1-21(b), (e) and (h).

The Board has been informed by the Division of Criminal Justice that Respondent will not be the subject of criminal prosecution concerning any of the violations set forth herein. In addition, the Board is aware that under separate agreements to be executed with the Office of the Insurance Fraud Prosecutor ("OIFP"), Respondent and Dr. Brookhim shall be jointly and severally liable to pay a civil penalty to OIFP in the amount of $90,000.00.

It appearing that Respondent wishes to resolve this matter without the necessity for a formal hearing, and the Board finding that the disposition of the matter, as set forth herein, is adequately protective of the public health, safety and welfare,

IT IS, therefore, on this 2nd day of December, 2004,

ORDERED THAT:

1. The dental license of Respondent, Rony Elyahouzadeh, D.D.S., is hereby suspended for thirty-six (36) months for the above violations, effective November 25, 2004. Said suspension shall first consist of a six (6) month active suspension, followed by an automatic stay of the remaining thirty (30) month period of suspension, which shall be considered a period of probation. Any period of time in which Respondent practices dentistry in another state or jurisdiction shall not count towards the six (6) month active period of suspension.

2. Respondent and Roben Brookhim, D.D.S. (who has executed a separate Consent Order with the Board), shall be jointly and severally liable to pay the Board's costs in this matter in the amount of $25,000.00, within ten (10) days of the effective date of this Order. Payment shall be made by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Dentistry at P.O. Box 45005, Newark, New Jersey 07101.

3. Respondent and Roben Brookhim, D.D.S., shall be jointly and severally liable to pay a civil penalty to the Board in the amount $20,000.00 for the violations set forth herein. The total amount of $20,250.64 shall be memorialized in a Certificate of Debt duly recorded in the State of New Jersey, and shall be paid at the Court rule rate of interest (2.0%) in quarterly installments of $5,062.66, to be received by the Board on June 1, 2005, September 1, 2005, December 1, 2005 and

March 1, 2006. Payment shall be made by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Dentistry at P.O. Box 45005, Newark, New Jersey 07101. Any failure to make payments under the terms of this Order shall accelerate the total debt to the Board and shall subject Respondent to any and all remedies available to the Board under N.J.S.A. 45:1-21 and N.J.S.A. 45:1-22.

4. Respondent shall comply with the "Directives Applicable to Any Dentistry Board Licensee who is Suspended, Revoked, or whose Surrender of Licensure has been Accepted" which is attached hereto and made a part hereof.

NEW JERSEY STATE BOARD OF DENTISTRY

By: _____
Sally-Jo Plaça, D.M.D.
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.

_____
Rony Elyahouzadeh, D.D.S.

Consented to as to form:

_____
Lori E. Grifa, Esq.

DIRECTIVES APPLICABLE TO ANY DENTISTRY BOARD LICENSEE WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE HAS BEEN ACCEPTED

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board, shall conduct him/herself as follows:

1. Document Return and Agency Notification

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate, and if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances Registration. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of dentistry in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories,

professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). Such divestiture shall occur within 90 days following the disqualification to own shares in the corporation. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Patient Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement

Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

NOTICE OF REPORTING PRACTICES OF BOARD REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Denstistry are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a denstist:

(1) Which revokes or suspends (or otherwise restricts) a license; or

(2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or

(3) Under which a license is surrendered.

In accordance with an agreement with the American Association of Dental Examiners, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.