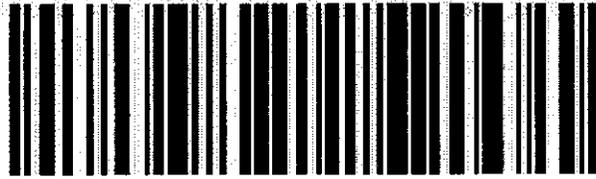


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	06/22/2005
expiration_date	06/22/2070
author	Tracy Steel
max_versions	4
	Ermocida
document	Anthony
	Joseph
	22DI01747300
description	

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WITH THE  
N.J. BOARD OF DENTISTRY  
ON 6-22-05 *cm*

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P.O. Box 45029  
Newark, New Jersey 07101

CERTIFIED TRUE COPY

By: Alan R. Niedz  
Deputy Attorney General  
Tel: (973) 648-4742

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

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IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
ANTHONY JOSEPH ERMOCIDA, D.M.D.	:	
License No. DI 17473	:	CONSENT ORDER
	:	
TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	

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This matter was opened to the New Jersey Board of Dentistry (the "Board") by the filing of a Verified Complaint and an Order to Show Cause, on March 30, 2005, on behalf of Peter C. Harvey, Attorney General of New Jersey, by Alan R. Niedz, Deputy Attorney General. A series of interim consent orders, signed by Anthony Joseph Ermocida, D.M.D. ("Respondent") and by Sally Jo Placa, D.M.D., President of the Board, were filed with the Board office, respectively on April 6, 2005, April 20, 2005 and May 18, 2005. As a term of the referenced orders, Respondent agreed to the temporary surrender of his license to practice dentistry from April 6, 2005, through June 22, 2005, or until further order of the Board, whichever occurred first.

The Verified Complaint in this matter alleges, and Respondent has admitted, that Respondent had been arrested on May 28, 2004 in the Commonwealth of Pennsylvania, and had pled guilty on

December 1, 2004 in that state, to operating a motor vehicle while under the influence of alcohol or a controlled substance, a violation of 75 Pa.C.S.A. § 3802(a)(1), which plea is deemed a conviction for purposes of N.J.S.A. 45:1-21(f). The Verified Complaint further alleges that, during normal business hours, on occasion, Respondent engaged in inappropriate behavior. While Respondent has denied that portion of the Verified Complaint, Respondent agreed to be evaluated through the New Jersey Dental Association's Well Being Evaluation Program at the Williamsburg Place and William J. Farley Center for evaluation for substance abuse (the "Program") between April 4, 2005 through April 7, 2005. The evaluation took place and the Program issued a Four Day Evaluation Report on May 5, 2005 which was subsequently provided to Respondent and to the Board.

Respondent has also initiated treatment with Raymond F. Hanbury, Ph.D., a licensed psychologist, which treatment began on March 2, 2005. On May 16, 2005, Dr. Hanbury also provided a report to the Respondent and to the Board. In accordance with the treatment being provided Respondent by Dr. Hanbury, Respondent must: 1) attend weekly psychotherapy sessions with Dr. Hanbury; 2) participate in a twelve (12) week Intensive Outpatient Program ("IOP") at Thomas Jefferson University Department of Psychiatry and Human Behavior in Pennsylvania, requiring Respondent's attendance three hours per day, three days per week, for a twelve week term, which began on March 2, 2005, Respondent's additional attendance once per week for an individual session, separate and apart from any sessions with Dr. Hanbury, and Respondent's random toxicological screening; 3) random toxicological screenings initiated through Dr. Hanbury's office, after Respondent successfully completes the IOP; 4) attend self-help meetings (Alcoholics Anonymous) on a daily basis; and 5) attend therapy sessions with his wife and Dr. Hanbury. In his report, Dr. Hanbury indicates that Respondent initiated the IOP on April 25, 2005.

Having considered the initial pleadings and certifications filed on behalf of both parties, and having considered the previously referenced reports provided, the Board has determined that Respondent's license may be reinstated, subject to the terms and conditions outlined in this Order. Since Respondent appears to be in recovery at this time, and since Respondent has agreed to the terms and conditions contained herein, the Board finds that the restrictions placed on Respondent's practice by this Order are adequate to protect the health, safety and welfare of the public; and good cause existing for the entry of this Order;

IT IS, THEREFORE, ON THIS 22 DAY OF JUNE, 2005, HEREBY ORDERED THAT:

1. Respondent's license to practice dentistry, which he surrendered to the Board on or about April 8, 2005, shall be returned to him forthwith, subject to the terms and conditions contained in this Order.
2. Respondent shall abstain from any and all intoxicating substances, including, but not limited to, alcohol, and/or any controlled dangerous substances, except pursuant to a bona fide prescription written by a physician or dentist treating Respondent for a legitimate medical or dental condition. In addition, Respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse. Respondent shall cause any duly licensed individual who prescribes a controlled dangerous substance to him to provide a written report to the Board, together with Respondent's patient record, which shall detail the need for such medication. Such report shall be provided to the Board not later than three (3) days subsequent to the writing of the prescription, in order to avoid any confusion which may be caused by a confirmed positive urine test as a result of ingesting such medication.

3.(a) Respondent shall continue to submit to random urine screenings, at least once per week. Respondent's urine screenings are currently supervised by the IOP, and, upon the completion of that program, will be supervised through Dr. Hanbury or through a health facility approved by the Board. The screening program and any laboratory facility conducting urine testing, and/or any subsequent changes to either the screening program and/or the laboratory facility, must be approved by the Board, which retains the sole discretion to accept or reject such program, facility or change. While the Board is desirous of Respondent's speedy recovery, and although Respondent is already receiving treatment through the IOP, the Board maintains the sole discretion for setting protocols for testing procedures. Consequently, the taking of all urine samples must be directly observed and Respondent must comply with all additional urine screening procedures and protocols, as outlined and prescribed by the Board. The urine screenings requirement shall continue until further order of the Board. Drug screenings, whether supervised by the IOP, Dr. Hanbury or any other person or facility shall utilize the EMIT technique. 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 insure sample integrity and to provide documentation in the event of a legal challenge.

(b) All test results shall be provided to Joanne Boyer, Acting Executive Director of the Board, or her designee in the event she is unavailable, or to the successor of either. The Board, in its sole discretion, shall retain the authority to modify the manner and extent of any testing in the event technical developments or individual requirements indicate that a different methodology or approach is required to guarantee the accuracy and reliability of the testing.

(c) Any failure by Respondent to submit or provide a urine screen within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. If Respondent 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 Executive Director Boyer, or her designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, Respondent must provide the Board with written substantiation of any inability to appear for a test within two (2) days, e.g., a physician's report attesting that Respondent was so ill that he was unable to provide the urine sample or appear for the test. For purposes of this Order, "impossibility" shall be defined as an obstacle, beyond Respondent's control, which is so insurmountable or which makes Respondent's appearance for the test or providing of a urine sample so unfeasible, so that a reasonable person would not withhold consent to waive the test on that day.

(d) Other than those occasions when Respondent is in Pennsylvania, if Respondent will be out of New Jersey for any reason, the Board shall be 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) Respondent shall familiarize himself with all foods, food additives or other products, which may affect the validity of urine screenings, 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.

4. Respondent shall continue in treatment with Dr. Hanbury, or with another Board-approved psychologist or psychotherapist, until further order of the Board. Respondent shall comply with any recommended therapeutic regime for treatment or counseling. Respondent shall notify the Board ten (10) days prior to engaging in therapy with a new psychologist or psychotherapist, who must be approved by the Board before treatment or counseling begins. Respondent shall be responsible for insuring that any treating psychologist, psychotherapist, or any other person(s) providing therapy provide the Board with quarterly reports regarding Respondent's progress in counseling.

5. In accordance with direction provided by Dr. Hanbury, Respondent shall participate in group therapy sessions for professionals with chemical addictions. Respondent shall be responsible for insuring that any and all persons providing such therapy furnish the Board with quarterly reports regarding Respondent's attendance and progress in counseling. Additionally, the person providing such therapy shall provide the Board with immediate reports of any discontinuance of treatment, positive urines or behavior indicative of a relapse.

6. In accordance with direction provided by Dr. Hanbury, Respondent shall continue to attend NA/AA meetings on a regular and consistent basis. Respondent shall provide evidence of attendance directly to the Board on a quarterly basis. If Respondent discontinues attendance at NA/AA, without obtaining prior approval of the Board, he shall be deemed in violation of this Order.

7. Respondent shall execute any and all releases and/or any and all authorizations and provide, or cause to be provided, any and all documentation, so as to enable all parties participating in his monitoring and treatment programs to provide all reports, records, and other pertinent information to the Board in a timely manner.

8. While Respondent may engage in a solo practice, until the further order of the Board, a Board-approved licensed dentist or other Board-approved licensee, shall act as a monitor and shall provide the Board with quarterly reports regarding Respondent's progress and behavior. The Board-approved monitor shall be fully aware of the terms and conditions of this Order, the Respondent's medical condition and his status with the Board. The Board-approved monitor shall agree to be responsible for immediately reporting to the Board any evidence or behavior indicating that Respondent is under the influence or engaging in the use of alcohol or psychoactive substances. Respondent shall provide such Board-approved monitor with a copy of this Order. Respondent shall also provide the Board with a copy of this Order signed by such Board-approved monitor, which signature shall be deemed to signify his or her agreement to make such reports to the Board. At no time shall Respondent practice clinical dentistry without a Board-approved monitor being physically present, until further order of the Board.

9. Respondent's hours of practice per day and per week shall not exceed the totals approved by Dr. Hanbury, or any successor psychologist treating Respondent. However, in no event, shall Respondent practice dentistry more than thirty (30) hours per week nor more than six (6) hours per day. Respondent shall not practice dentistry in excess of these restrictions until further order of the Board.

10. Respondent may seek modification of the terms of this Order six (6) months from the date of its entry. Prior to any modification or removal of the terms and conditions of this Order, Respondent shall:

(a) Appear before the Board or a committee of the Board to discuss his recovery and demonstrate, to the Board's satisfaction, 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;

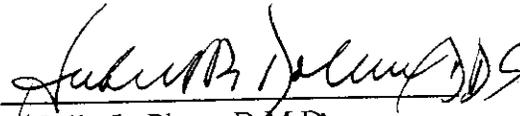
(b) Prior to his appearance, Respondent shall provide the Board with reports from each and every mental health professional, including but not limited to, psychologists, counselors, therapists, psychiatrists, who have participated in Respondent's care and/or treatment during the period of time from his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

11. Respondent hereby consents to the entry of an Order of automatic suspension of license, upon notice given telephonically or in writing to Respondent's current business address or that of his current attorney, upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable, demonstrating that Respondent is incapable of carrying out the functions of a licensee consistent with the public health, safety or welfare or that Respondent has failed to comply with any of the terms and conditions set forth in this Order, including, but not limited to, the reporting of a confirmed positive urine, or a prima facie showing of a relapse or occurrence or recurrence of substance abuse.

12. Respondent shall have the right to apply for removal of the automatic suspension upon two (2) days notice, but in such event shall be limited to a showing that, in the case of urine testing, the urine tested was not his or was a false positive, or that other information submitted was false.

13. Respondent shall pay by certified check or money order, concurrent with the signing of this Order, costs in the amount of \$3,300.00 for the use of the State and attorneys fees in the amount of \$3,600.00, payable to New Jersey Board of Dentistry, 124 Halsey Street, 6<sup>th</sup> Floor, P.O. Box 45005, Newark, New Jersey, 07101.

NEW JERSEY BOARD OF DENTISTRY

By:   
Dr. Herbert Delinsky ~~Sally Jo Placa, D.M.D.~~  
*Acting* President

I have read and understood this Order and agree to be bound by its terms. I agree to the entry of this Order.

Consent is hereby given as to the form and entry of this Order.

\_\_\_\_\_  
Anthony Joseph Ermocida, D.M.D.

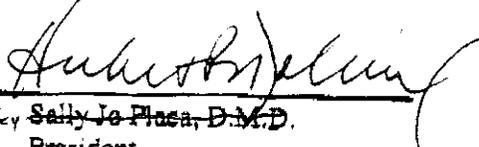
\_\_\_\_\_  
Richard A. Tanner, Esq.  
Attorney for Respondent

Date:

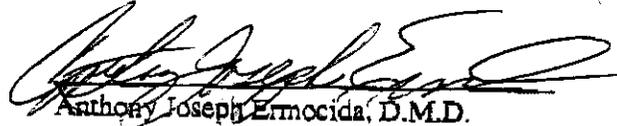
Date:

13. Respondent shall pay by certified check or money order, concurrent with the signing of this Order, costs in the amount of \$3,300.00 for the use of the State and attorneys fees in the amount of \$3,600.00, payable to New Jersey Board of Dentistry, 124 Halsey Street, 6<sup>th</sup> Floor, P.O. Box 45005, Newark, New Jersey, 07101.

NEW JERSEY BOARD OF DENTISTRY

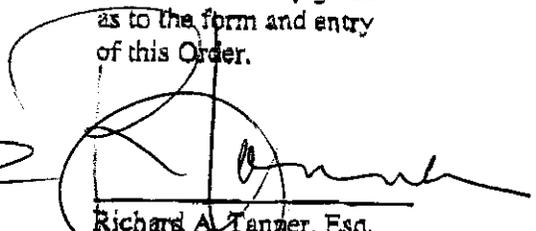
By:   
Dr. Herbert Dolinsky Sally Jo Plaza, D.M.D.  
Acting President

I have read and understood this Order and agree to be bound by its terms. I agree to the entry of this Order.

  
Anthony Joseph Ermocida, D.M.D.

Date: June 20, 2005

Consent is hereby given as to the form and entry of this Order.

  
Richard A. Tanner, Esq.  
Attorney for Respondent

Date: June 21, 2005