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RECEIVED AND FILED
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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF

LEONARD VERTSMAN, D.D.S.
License No. DI 9939

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that Leonard Vertsman, D.D.S. ("respondent"), performed restorations on patient V.S. even though the patient presented with serious periodontal disease. As a result, a ten unit, fixed, mandibular bridge was inserted which failed due to bone loss in the lower anterior region and lack of bone support on abutment tooth # 24. Specifically, it has been alleged that on January 25, 2000 patient V.S. presented to respondent as an emergency patient complaining of pain and swelling in the lower left posterior region caused by a periapical abscess. V.S. also presented with serious periodontal disease as well as many teeth in need of restorations in the mandibular arch. Respondent eventually inserted a fixed, ten unit bridge in the mandibular arch, without first

scheduling a periodontal evaluation or treating the serious periodontal condition. Additionally, tooth # 24 was used as an abutment for the bridge, even though radiographs indicated that tooth # 24 lacked sufficient bone support.

On December 17, 2003, respondent appeared with counsel, Gregory Prosmushkin, Esq., at an investigative inquiry into the matter. During the inquiry, respondent admitted that V.S. was not referred to a periodontist for an evaluation and that nothing was done to treat the patient's poor periodontal condition prior to the insertion of the ten unit, fixed, mandibular bridge. Additionally, respondent admits that he did not make any notations in the patient chart concerning the patient's poor periodontal condition and poor oral hygiene prior to the insertion of the bridge. Respondent admitted that after the bridge was inserted, and continued to fail, he then made notations in the patient chart concerning the patient's poor periodontal condition and poor oral hygiene.

Having reviewed the entire record, including patient records and the testimony of respondent at the investigative inquiry, it appears to the Board, that respondent committed repeated acts of negligence by performing restorations in the presence of serious periodontal disease, as well as performing large bridgework on abutment teeth that lacked sufficient bone support. Additionally, the patient record failed to fully document the patient's oral condition and did not reference the patient's oral hygiene and periodontal condition until after the fixed bridge was inserted. These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(d), for engaging in repeated acts of negligence. Additionally, these facts establish a basis for disciplinary action for failing to maintain and complete accurate patient records as required by N.J.A.C. 13:30-

8.7.

The Board acknowledges that subsequent to the investigative inquiry, respondent successfully completed a ten month course entitled "Full Mouth Rehabilitation: Conventional and Implant Prosthodontics" at the New York University College of Dentistry Center for Continuing Dental Education. Respondent has submitted a Certificate of Achievement to the Board indicating successful completion of the course. It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS *2nd* DAY OF *November*, 2005

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$2,500 for violating N.J.S.A. 45:1-21(d). Additionally, respondent is assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,000 for violating N.J.A.C. 13:30-8.7. Payment shall be made no later than thirty days from the entry of this Consent Order. Payment for the civil penalties totaling \$3,500 shall be submitted 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.
2. Respondent shall pay restitution of \$5,000 by certified check or money order made payable to patient V.S., ~~delivered to the Office of the New Jersey State Board of Dentistry~~ simultaneously with the signing of this order.
3. Respondent shall be assessed \$403.33 to cover the cost of the stenographer for the investigative inquiry. Such payment shall be made in the same manner as payment of the penalty and under the same terms as indicated in numbered paragraph 1 above.

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

5. 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: Herbert B. Dollinsky
Herbert B. Dollinsky, D.D.S.
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.

Leonard Vertsman
Leonard Vertsman, D.D.S.

10/20/05
Date

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

Lisa Taylor
Lisa Taylor, Esq.

11/1/05
Date