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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

AMY HOFFMAN, R.D.A.
Registration No. 22DP004046

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER
GRANTING LICENSE
WITH RESTRICTIONS

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information in connection with the application of Amy Hoffman, R.D.A. ("respondent") for licensure as a registered dental. Specifically, the criminal history background check performed in connection with her application revealed that respondent had been arrested on July 17, 2005, and charged with possession of marijuana.

On October 5, 2005, respondent appeared before the Board without counsel. She testified that she was registered by the Board as a registered dental assistant on May 23, 2002 and had recently completed her studies to become a dental hygienist. She acknowledged that she had been arrested in July and was convicted on September 15, 2005 of violating N.J.S.A. 2C:35-100(4).

She was sentenced to probation for a period one year. Pursuant to the Municipal Court Judgment of Conviction, the matter has been conditionally discharged, subject to completion of probation for a period of one year. Pursuant to that disposition, respondent is required to comply with the Standard Conditions of Supervisory Treatment.

Having reviewed the entire record, including the testimony of respondent at her appearance, it appears to the Board that respondent engaged in conduct that establishes a basis for refusing to grant, or placing restrictions on, her license pursuant to N.J.S.A. 45:1-21(i) and (l). It appearing that respondent desires to resolve this matter and for good cause shown:

IT IS ON THIS 2 DAY OF NOVEMBER, 2005

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall be granted a license to practice dental hygiene in this State provided that she complies with the terms and restrictions set forth in this order.

2 Respondent shall enroll in the Professional Assistance Program ("PAP") and abide by all recommendations of that program, including but not limited to counseling, urine testing, and participation in AA/NA meetings. Respondent shall ensure that the PAP provides a list of all conditions with which she is to comply to the Board within 14 days of the entry of this order and shall further ensure that the PAP provides quarterly reports to the Board.

3. Respondent shall abstain from all psychoactive substances, including alcohol, and not possess any 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, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse. Respondent shall cause any physician or dentist who prescribed 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.

4. Respondent may not discontinue participation with the PAP without prior Board approval.

5. Respondent 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. The first quarterly report shall be submitted on or about January 2, 2006. Reports shall be sent to Kevin B. Earle, M.P.H., Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

6. (a) Respondent shall have her urine monitored on a random basis as directed by the PAP at a laboratory facility designated by the Board to continue until further order of the Board expressly discontinuing testing. Respondent shall be provided with specific directions for the protocol of the testing procedure and the location of the laboratory facility by the PAP or by the Executive Director of the Board. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed 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 or 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 respondent to appear for 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 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 Kevin B. Earle, or his 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 her inability to appear for a test within two (2) days, e.g., a physician's report attesting that respondent was so ill that she 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 respondent that is so insurmountable 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 respondent 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.

7. Respondent shall attend support groups, including NA or AA as directed by the PAP. Respondent shall provide evidence of attendance at such groups to the PAP. Respondent shall ensure the PAP provides information on her attendance at such support groups to the Board.

8. Failure to abide by the PAP's recommendations or any terms of this order shall constitute a violation of this order and subject respondent to discipline.

9. Respondent shall provide a copy of this order to each dentist who employs her. Respondent shall provide to the Board a signed statement from each employer that he or she has received a copy of this order and is familiar with the restrictions imposed by this order.

10. (a) Respondent shall be subject to an order of automatic suspension of license 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 alcohol or drug abuse.

(b) Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid and respondent may only contest the chain of custody for that sample.

10. The Board will entertain an application to modify the provisions of this order no earlier than one year following its entry.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Herbert B. Dolinsky, D.D.S.
Herbert B. Dolinsky, D.D.S.
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.

Amy Hoffman
Amy Hoffman

11/3/05
Date