

CERTIFIED TRUE COPY

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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
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By: Nancy Costello Miller
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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 :
:
BENJAMIN BERSCHLER, D.M.D. :
License No. DI16027 :
:
:
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 an allegation that Benjamin Berschler, D.M.D. ("respondent"), had failed to treat a patient in accordance with the standard of care in this State. Specifically, it has been alleged that respondent's treatment plan of patient M.A. was inappropriate in that the span of the bridge was too long to be supported by existing teeth. On July 20, 2005, respondent appeared with counsel, Joseph Cooney, Esq., at an investigative inquiry into the matter held by the Board.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, it appears to the Board that these facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS ^{18th} DAY OF *January*, 2006 *da*

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall successfully complete the following continuing education: seven (7) hours in periodontics and fourteen (14) hours in prosthodontics, which course shall be a tutorial designed by faculty in restorative dentistry at a dental school and approved by the Board. These courses shall be completed within six (6) months of the entry of this Consent Order. Further, these courses, which are in addition to the regularly required continuing education hours, shall be approved by the Board in writing prior to attendance. Respondent shall complete the attached continuing education course approval and shall provide proof of successful completion of the required course work. The attached form is made a part of this Consent Order. A separate form shall be used for each course.

2. Respondent shall cease and desist from crown and bridge restorative dentistry in excess of five units until the successful completion of the continuing education listed in paragraph #1 of this Consent Order. In the event respondent has cases currently in mid treatment which are in excess of five units, respondent shall consult with a licensed dentist approved by the Board which consultant shall review the patient records to determine whether the treatment plan and its execution are within the standard of care for restorative dentistry in this State. If the consultant finds that modification to the treatment plan or its execution is necessary, respondent agrees to abide by any recommendation made by the consultant.

3. Respondent shall reimburse the patient identified in this order as M.A. in the amount of \$7,800. A certified check or money order made payable to the patient identified in this order as M.A. shall be sent within thirty (30) days of the entry date of this Consent Order to Kevin B. Earle, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

4. Respondent is assessed the costs of the investigation to the State in this matter in the amount of \$187.83. Payment for the costs shall be submitted by certified check or money order

made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days from the entry of this Consent Order. Payment shall be sent to Kevin B. Earle at the address described in paragraph #3.

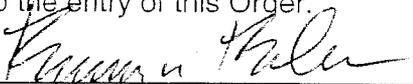
5. Failure to remit any payment required by this Order will result in the filing of a certificate of debt.

6. 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 Dolinsky, 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.


Benjamin Berschler, D.M.D.

12/17/05
Date

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


Joseph Cooney, Esq.

12/17/05
Date