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RECEIVED AND FILED
WITH THE
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 :
: Administrative Action
RICHARD E. MATSIL, D.M.D. :
License No. 22DI01187600 :
: CONSENT ORDER
: LICENSED TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :
:

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that Richard E. Matsil, D.M.D. ("respondent"), permitted an unlicensed person to perform acts for which a license was required. Specifically, respondent permitted his partner, Dr. David Knecht, to sign and submit insurance claims without the benefit of an active dental license. Dr. Knecht's license had previously been suspended, by application of N.J.S.A. 45:1-7.1(b), after he failed to renew his license for the 1999-2001 biennial renewal period. Additionally, respondent permitted Dr. Knecht to maintain a fifty percent ownership in the dental practice although Dr. Knecht did not have an active dental license.

On April 19, 2006, respondent appeared at an investigative inquiry before the Board. During the inquiry, respondent acknowledged that he and Dr. Knecht were each fifty percent owners of the dental practice located at 345 Somerset Street, North Plainfield, New Jersey since 1997. While respondent testified that Dr. Knecht had not performed any clinical dentistry since the suspension of his license, respondent did admit that Dr. Knecht often signed insurance submissions which listed Dr. Knecht as the treating dentist. Respondent also acknowledged that

on occasion, office personnel signed Dr. Knecht's name on the form even though another dentist performed the work.

These facts establish a basis for disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(n) in that respondent permitted an unlicensed person to perform an act for which a license is required by continuing to maintain an ownership interest with Dr. Knecht in the dental practice subsequent to Dr. Knecht's suspension from the practice of dentistry, as well as permitted Dr. Knecht to sign insurance forms for submission as the treating dentist. N.J.S.A. 45:6-19(1) defines practicing dentistry to include any person who uses the word "dentist" in...any card, device, directory, poster, sign, or other media whereby he represents himself as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums, cheek, or jaws, or oral cavity and associated tissues. Additionally, N.J.S.A. 45:6-19(2) states that any person shall be regarded as practicing dentistry who is a manager, proprietor, operator, or conductor of a place where dental operations are performed.

These facts also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h), in that respondent violated a regulation of the Board by permitting an unlicensed person to submit a claim to a third party payor for dental services rendered to a patient which constitutes misrepresentation in violation of N.J.A.C. 13:30-8.10(a).

It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 9th DAY OF August, 2006

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 seven thousand five hundred dollars (\$7,500.00) for permitting an unlicensed person to perform an act for which a license is required in violation of N.J.S.A. 45:1-21(n). Additionally, respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of seven thousand five hundred dollars (\$7,500.00) for violating N.J.S.A. 45:1-21(h) by permitting an unlicensed person to submit a claim to a third party payor for dental services rendered to a patient which constitutes misrepresentation in violation of N.J.A.C. 13:30-8.10(a). Payment of the \$15,000 civil penalty shall be made simultaneously with the signing of this Consent Order. Payment of the

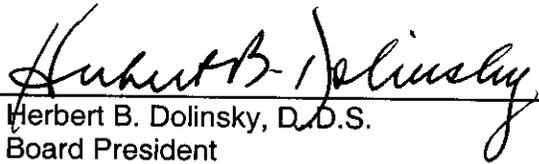
civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin Earle, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark New Jersey 07101.

2. Respondent shall fully attend and successfully complete the next available PRIME or ProBe ethics course. Respondent shall submit documentation regarding his successful completion of the next available PRIME or ProBe ethics course.

3. Failure to timely remit any payment required by this Order will result in the filing of a certificate of debt and such other proceedings as permitted by law.

4. Respondent shall cease and desist from violating the statutes and regulations governing the practice of dentistry in the State of New Jersey. Subsequent violations will subject respondent to further discipline and to enhanced penalties pursuant to N.J.S.A. 45:1-25.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Herbert B. 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.


Richard E. Matsil, D.M.D.

8/1/06
Date