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N.J. BOARD OF DENTISTRY
ON 5-7-08 *DA*

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

IN THE MATTER OF THE SUSPENSION :	Administrative Action
OR REVOCATION OF THE :	
REGISTRATION OF :	
VALERIE N. KLINGLER, RDA :	FINAL ORDER
Registration No. 22DP00182100 :	OF DISCIPLINE
Registered Dental Assistant :	
in the State of New Jersey :	

The New Jersey State Board of Dentistry opened this matter upon review of information that Valerie Klinger, a registered dental assistant, (“Ms. Klinger” or “respondent”), had entered into a consent order with the Office of the Insurance Fraud Prosecutor. Ms. Klinger repeatedly failed to respond to the Board’s requests for information about the circumstances underlying the matter. Based on those repeated failures, the Board issued a Provisional Order of Discipline on January 17, 2008, in which it made provisional findings of fact and conclusions of law. That order advised respondent that she had an opportunity to contest the provisional findings through submission of documentation within thirty business days of the entry of the Provisional Order.

Ms. Klinger was served with the Provisional Order by certified and regular mail at her address of record with the Board. The return receipt card was returned bearing the signature of V.S. Klinger. The regular mail was not returned. Despite receipt of the Provisional Order, no response was received by the Board within the thirty day period. On April 2, 2008, the Board considered the matter. The absence of a response from Ms. Klinger continues her pattern of ignoring her responsibility to comply

with the laws and regulations governing her practice as a dental auxiliary and the processes employed to enforce those laws. Even when facing substantial penalties for her conduct - including an indefinite suspension of her registration - she again has failed to respond. Such blatant disregard of her responsibilities to the licensing authority call into question her judgment and militate against any leniency in the penalty that is to be imposed for failing to cooperate with the Board's investigation. The Board at this time is not imposing a sanction based on the action taken by the Office of the Insurance Fraud Prosecutor. The Board has determined to finalize the order as provisionally entered and therefore, makes the following findings and conclusions. .

FINDINGS OF FACT

1. Valerie N. Klingler, ("respondent") is an active registered dental assistant in the State of New Jersey and has been a active registered dental assistant at all times relevant to this order.
2. On January 30, 2002, respondent entered into a consent order with the Office of Insurance Fraud Prosecutor. According to the consent order, respondent presented written statements while knowing that the statements contained false and misleading information material to an Essential Services claim with Ohio Casualty Insurance Company. Specifically, respondent submitted Essential Services forms, dated September 28, 1994 through July 3, 1995, which indicated that Essential Services had been performed for her when , in fact, they had not. Respondent consented to pay a civil administrative penalty in the amount of \$2,000.00.
3. On March 24, 2004, the Board sent a letter to respondent requesting a narrative description of the circumstances that led to the consent order filed by the Office of Insurance Fraud Prosecutor. The letter was sent to respondent's address of record with the Board via regular and certified mail. The letter requested that respondent provide the narrative response to the Board office

no later than April 16, 2004. The certified postcard was returned to the Board office bearing the signature of "Celia Klingler" and indicating a date of delivery of April 2, 2004. The regular mailing was not returned to the Board office. No response was received from respondent.

4. On April 13, 2005, a second letter was sent to respondent, again requesting a narrative description of the circumstances that led to the consent order filed by the Office of Insurance Fraud Prosecutor. The letter was sent to respondent's address of record with the Board via regular and certified mail. The letter requested that respondent provide a response within five business days. The certified mailing was returned to the Board office indicating "unclaimed". The certified mailing also indicated notices of the certified mail were provided to respondent on April 16, 2005 and April 26, 2005. The regular mailing was not returned to the Board. No response was received from respondent.

5. On June 8, 2005, the Board sent a third letter to respondent again requesting a narrative description of the circumstances that led to the consent order filed by the Office of Insurance Fraud Prosecutor. The letter was sent to respondent's address of record with the Board via regular and certified mail. The letter requested that respondent provide a response within five business days. The certified postcard was returned to the Board office bearing the signature of "Celia Klingler" and indicating a date of delivery of July 7th. The regular mailing was not returned. No response was received from respondent.

6. On October 19, 2005, an investigator from the Division of Consumer Affairs, Enforcement Bureau, personally served respondent with copies of the letters sent to respondent dated March 24, 2004 and April 13, 2005, along with a copy of the January 30, 2002 consent order filed with the Office of Insurance Fraud Prosecutor. Respondent acknowledged her receipt of the

information by signing and dating a copy of the letter dated April 13, 2005. However, respondent failed to provide the Board with the requested narrative.

CONCLUSIONS OF LAW

The above findings of facts provide grounds for disciplinary action against respondent's registration pursuant to N.J.S.A. 45:1-21(e) in that respondent has engaged in professional or occupational misconduct by failing to cooperate with the Board's requests for information in contravention of N.J.A.C. 13:45C-1.3(a)5. Additionally, the above findings of fact provide grounds for disciplinary action against respondent's registration pursuant to N.J.S.A. 45:1-21(h) in that respondent, by that failure, has violated or failed to comply with the provisions of an act or regulation administered by the Board.

ACCORDINGLY, IT IS on this 7th day of May, 2008,

ORDERED that:

1. Respondent's registration to practice as a registered dental assistant in the State of New Jersey is hereby suspended until she appears before the Board for an investigative inquiry regarding the circumstances that led to the consent order filed by the Office of Insurance Fraud Prosecutor. The Board will not entertain an application for reinstatement until respondent appears before the Board.
2. Respondent is hereby assessed a civil penalty in the amount of \$2,000.00 for failing to respond to the Board's multiple requests to provide a narrative description. 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, Executive Director, New Jersey State Board of Dentistry, 124 Halsey Street, Sixth Floor, Newark New Jersey 07101.

3. Failure to remit any payment required by this Order within thirty days of its entry will result in the filing of a certificate of debt.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Maxine Feinberg, D.D.S.
Board President