

This is the  
original from  
Feinberg,

file & place in  
file — Ce

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 6-6-08 DA.

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for State Board of Dentistry

By: Joseph Donofrio  
Deputy Attorney General  
(973)648-2438

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

IN THE MATTER OF

**CARLOS A. QUISPE, and  
KEARNY FAMILY HEALTH CENTER, INC.**  
a New Jersey Corporation,

Respondents,

ENGAGING IN THE UNLICENSED  
PRACTICE OF DENTISTRY  
IN THE STATE OF NEW JERSEY

Administrative Action

INTERIM  
CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that Carlos A. Quipse, D.D.S. ("respondent"), and Kearny Family Health Center, Inc. ("corporation"), a New Jersey general business corporation, were engaged in the unlicensed practice of dentistry at 65 Kearny Avenue Kearny, New Jersey. Specifically, respondent, individually and through the corporation, engaged in acts requiring a license to practice dentistry in this State, including treating patients, owning and operating a dental practice, employing licensed dentists to perform dental procedures, billing for dental services rendered, and advertising the provision of dental services.

Respondent was arrested on December 12, 2007, and charged with engaging in the unlicensed practice of dentistry. He pled guilty to engaging in the unlicensed practice of dentistry, in violation of N.J.S.A. 2C:21-30, pursuant to an Accusation in Hudson County Superior Court on April 24, 2008 and is awaiting sentencing. He has applied for admission into the Pre-Trial Intervention Program.

On April 30, 2008, respondent appeared with counsel, Marc Agnifilo, Esq., at an investigative inquiry into the matter held by a committee of the Board. On that same date, dentists employed by the practice also appeared before the committee and testified as to the activities of respondent and the corporation.

Having reviewed the entire record, including the testimony of respondent at the Investigative inquiry and a consent order entered by the Board on September 13, 1993, in which respondent previously agreed to cease and desist from engaging in the unlicensed practice of dentistry, it appears to the Board that respondent has again violated the law and regulations governing the practice of dentistry as that term is defined at N.J.S.A. 45:6-19. While the Board is continuing its investigation into this matter, it has determined that this interim consent order is essential to prevent the continuation of unlawful acts and to protect the public health, safety, and welfare. The Board reserves the right to take appropriate action and seek additional relief based on the conduct of respondent, dentists employed by the practice, and the corporation, including but not limited to injunctive relief, penalties, costs, and restitution.

It appearing that respondent and the corporation desire to enter this order to avoid the Board's immediate filing of an action seeking injunctive and other relief, and to provide for an orderly transition of patient care, and for good cause shown;

IT IS ON THIS 6<sup>th</sup> DAY OF June, 2008,

HEREBY ORDERED AND AGREED THAT:

1. Kearny Family Health Center, Inc., and Carlos A. Quispe, individually or through any agent, employee, or representative, shall not participate in any aspect of the practice of dentistry or in any dental decisions, including but not limited to, consultation, treatment planning, treatment, supervision of auxiliaries, scheduling, billing activities, or submission of claims to an insurance company or any third party payor.

2. Carlos A. Quispe shall not be present at the dental practice at 65 Kearny Avenue Kearny, New Jersey. Respondent shall not be present at any other dental practice in this State, except as may be necessary to receive dental treatment for himself by a licensed dentist. In the event respondent receives dental treatment, he shall notify the State Board of Dentistry in advance in writing of the date, location, and name of the licensed dentist rendering treatment within three days of such treatment. The notice shall be forwarded to Executive Director Jonathan Eisenmenger, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

3. Within 7 days, Carlos A. Quispe shall submit to the Board for its approval the names of not fewer than three persons to act as a receiver for Kearny Family Health Center, Inc. Respondents shall cooperate fully with the receiver; such cooperation shall include but not be limited to, promptly providing all information such as books, records, bank statements, as the receiver may request. The receiver shall oversee the actions designed to cause the corporation to disengage from all aspects from the practice of dentistry, including ownership of premises and equipment, management of the dental practice, and employment of personnel. The receiver shall, at respondents' expense, hire such experts as needed to assess fair market value of any equipment or assets to be sold

so as to ensure proper and lawful transfers. Respondents shall not receive any compensation or remuneration for any intangible assets (e.g., good will) of the corporation. The receiver shall report to the Board twice monthly regarding actions taken and anticipated dates for completion of the transfers.

4. In the event that any practice of dentistry continues at 85 Keamy Avenue, Kearny, New Jersey, that practice may be conducted only by licensed dentists holding either a license or a branch license for that location. Carlos A. Quispe shall provide a full list of all dentists, dental auxiliaries, and/or other employees who are practicing at that location and the days and hours that the facility is open. The list shall be provided to the executive director of the Board within three days of the entry of this order.

5. Carlos A. Quispe shall notify all patients of Keamy Family Health Center, Inc., who have been treated or seen for consultations within the last 36 months that they may request a copy or a transfer of their records to another dental practice. Such notification shall occur by mail to the last known address of the patient. Respondent shall publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months.

6. The Board specifically reserves the right to bring further proceedings to ensure compliance with this order and the statutes and regulations administered by the Board and to complete its investigation and seek sanctions against Carlos A. Quispe, Keamy Family Health Center, Inc., and dentists employed by the corporation for violation of the Dental Practice Act, N.J.S.A. 45:6-1, the rules governing the practice of dentistry.

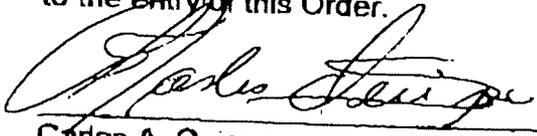
7. Failure to comply with any of the terms of this consent order will result in the Board seeking enforcement of this agency order and other relief in Superior Court.

8. This order is subject to ratification by the Board at its meeting on June 18, 2008.

NEW JERSEY STATE BOARD OF DENTISTRY

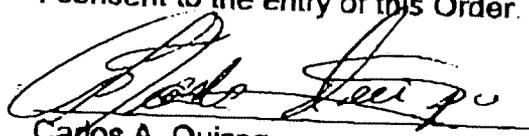
By:   
Maxine Feinberg, D.D.S.  
President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

  
Carlos A. Quispe

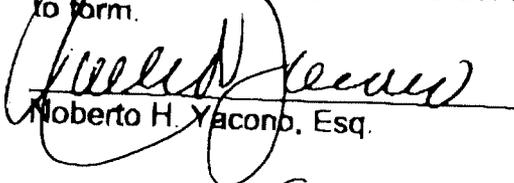
6/2/08  
Date

I certify that I am the president and sole shareholder of Kearny Family Health Center, Inc., and I am authorized to act on its behalf. I have read and understand this Consent Order and agree on behalf of Kearny Family Health Center, Inc., to be bound by its terms. I consent to the entry of this Order.

  
Carlos A. Quispe

6/2/08  
Date

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

  
Roberto H. Yacono, Esq.

6-2-08  
Date