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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 :
:
RICHARD I. COHEN, D.D.S. :
License No. 22DI01252400 :
:
:
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 information that Richard I. Cohen, D.D.S. ("respondent") was allowing dental assistants to perform duties which are beyond their scope of practice. Specifically, it has been alleged that respondent was allowing dental assistants to take x-rays without possessing the requisite x-ray license.

On Wednesday, July 9, 2003, respondent appeared with counsel, Stephen H. Schechner, Esq., at an investigative inquiry into the matter held by the Board. During the inquiry, respondent admitted that three dental assistants had taken x-rays without the benefit of possessing the requisite x-ray license.

Having reviewed the entire record, including patient records and the testimony of respondent at the investigative inquiry, it appears to the Board that respondent has permitted three dental assistants to take x-rays without possessing the requisite license.

These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional or occupational misconduct as may be determined by the Board. These facts also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(n), in that respondent has permitted an unlicensed person to perform an act for which a license or certificate of registration or certification is required by the Board, as well as aided and abetted an unlicensed person in performing such an act. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated or failed to comply with the provisions of any act or regulation administered by the Board. It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 19 DAY OF June, 2009

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 \$7,500, consisting of \$2,500 for the acts of each of the three dental assistants who were permitted to take x-rays without possessing the requisite license in violation of N.J.S.A. 45:1-21(e), N.J.S.A. 45:1-21(n) and N.J.S.A. 45:1-21(h). Payment of the civil penalties totaling \$7,500 shall be by certified check or money order made payable to the State of New Jersey, simultaneous with the entry of this Consent Order, and shall be sent to Jonathan Eisenmenger, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsy Street, Sixth Floor, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

2. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$4,108.18. Payment for the costs shall be by certified check or money order made payable to the State of New Jersey and submitted to the Board simultaneous with the entry of this Consent Order. Payment shall be sent to Jonathan Eisenmenger at the address described in paragraph #1.

3. Failure to timely remit any payment required by this Order will result in the filing of a certificate of debt.
4. Respondent shall cease and desist from the violations described herein.
5. 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: Alex L Hall D.M.D.
Alexander Hall, D.M.D.
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 I. Cohen D.D.S.
Richard I. Cohen, D.D.S.

5/27/09
Date

I consent to the entry of this order as to form

Steven H. Schechner Esq.
Steven H. Schechner, Esq.
Attorney for Richard I. Cohen, D.D.S.

5/29/09
Date