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

By: Nancy Costello Miller
Deputy Attorney General
(973) 648-4735

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

IN THE MATTER OF :
 :
 : Administrative Action
 :
 JOHN J. FITZPATRICK, D.M.D. :
 License No. 22DI 01354600 :
 :
 :
 : **CONSENT ORDER**
 : **MODIFYING RESTRICTIONS**
 : **ON LICENSE**
 :
 LICENSED TO PRACTICE DENTISTRY :
 IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry (Board) upon the application of John J. Fitzpatrick, D.M.D. (respondent), seeking relief from certain terms of the Board's order of reinstatement entered on July 25, 2007, as modified by the Board's order of October 15, 2008. Respondent, through the Professional Assistance Program (PAP), asks that his privileges to write prescriptions for controlled dangerous substances (CDS) be reinstated and that the requirement that he have a monitor present when practicing be lifted. Respondent submitted a report from the PAP attesting to his continuing progress in recovery and supporting the application.

Having reviewed respondent's request, it appears to the Board that reinstatement of respondent's CDS privileges at this time, provided he continues to follow the Board's protocol for use of triplicate, sequentially numbered prescription blanks, is

appropriate and consistent with the public health, safety, and welfare. The Board notes that Dr. Fitzpatrick continues to be monitored by the Professional Assistance Program. While his recovery is progressing well, the Board declines at this time to remove the requirement that a licensed or registered dental auxiliary be present in his office while he is practicing. Continuing this requirement, along with the monitoring provided by the PAP, will provide some assurance to the Board that as respondent reintroduces CDS into his practice, he remains in solid recovery. All other restrictions set forth in the Board's orders of July 25, 2007, and August 15, 2008, remain in effect. Respondent may seek modification of the terms of the Board's orders not sooner than six (6) months from the date of the entry of this order.

IT IS ON THIS ^{13th} DAY OF July, 2009,

HEREBY ORDERED AND AGREED THAT:

1. John J. Fitzpatrick, D.M.D., may continue to practice dentistry in this State pursuant to the terms of this Consent Order and the Consent Orders of July 25, 2007, and August 15, 2008.

2. Respondent's CDS registration shall be reinstated following entry of this order and upon payment of the required fees for that registration.

3. Respondent shall be permitted to write prescriptions only for patients as required in connection with dental treatment or to administer medication to patients in the course of dental treatment, in accordance with the following terms and conditions:

(a) Respondent may prescribe or dispense controlled dangerous substances.

(b) Respondent shall use sequentially numbered, triplicate prescription pads for all prescriptions written.

(c) Respondent shall continue to provide the original prescription to the patient, attach one copy of the prescription to the patient record, and submit the third copy to the Board, attention: Jonathan Eisenmenger, Executive Director, on a monthly basis.

(d) Respondent shall be required to account for each consecutively numbered prescription, regardless of whether the particular prescription was voided or not used for any purpose whatsoever.

(e) Respondent shall comply with all State and federal laws and regulations governing the purchase, storage, use, and dispensing of controlled dangerous substances.

(i) If respondent administers or dispenses CDS to a patient in his practice, he shall maintain a log for each administration or dispensing event, which log shall include the patient name, date, name of medication, dosage, and units administered or dispensed.

(ii) Respondent shall submit a true copy of the log to the executive director along with a copy of the patient record for each patient listed on a monthly basis.

4. At all times when he is engaged in the practice of clinical dentistry, respondent shall have a licensed or registered dental auxiliary present in the office to assist him.

(a) The dental auxiliary shall be a licensed dental hygienist or a registered dental assistant holding a valid license or registration issued by the Board.

(b) The auxiliary shall agree to report to the Board any conduct or observations that indicate that respondent may be impaired, may be using controlled dangerous substances or writing prescriptions for a non dental purpose.

(c) Respondent shall provide a copy of this and any further orders of the Board to the auxiliary and shall ensure that the auxiliary initials the patient's chart indicating that she or he was present in the office at the time treatment was rendered. Respondent shall ensure that the auxiliary signs a copy of the order, which respondent shall submit to the Board within ten (10) days of employment.

5. Respondent shall comply with all other terms of the Consent Order of Reinstatement entered on July 25, 2007 and the Consent Order Modifying Restrictions entered on October 15, 2008.

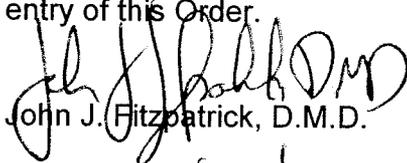
6. Respondent may seek modification of the terms of this order not sooner than six (6) months from date of its entry. The Board reserves the right to require respondent's appearance prior to any modification or removal of restrictions set forth in its orders.

7. Respondent shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information that the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in any Board order, including but not limited to report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of alcohol or drug abuse. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice, but in the case of urine testing, shall be limited to a showing that the urine tested was not his or was a false positive, or that other information was false.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
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.


John J. Fitzpatrick, D.M.D.

Date 06/22/09

I have read the terms of this consent order and agree on behalf of the Professional Assistance Program to comply with its terms and those of the July 25, 2007 and the October 15, 2008 orders, pertaining to the Professional Assistance Program.


Louis E. Baxter, M.D.

Date 6/18/09