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

IN THE MATTER OF THE LICENSE OF

PETER L. CHU, D.D.S.
License No. 22 DI 01542700

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Dentistry upon receipt of information that the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Peter L. Chu, D.D.S. ("respondent"), was initially licensed to practice dentistry in the State of New Jersey on November 15, 1985.
2. Respondent did not submit a biennial registration renewal for the period 1999-2001 and has not sought to reinstate his license to practice since that time.
3. Based on his failure to renew, respondent's license to practice dentistry has been suspended by operation of law pursuant to N.J.S.A. 45:1-7.
4. On June 19, 2003, respondent was charged with two counts of Delivery of

Marijuana, a felony and two counts of Criminal Use of Communication Facility, also a felony, in the Court of Common Pleas of Lancaster, Pennsylvania.

5. On March 16, 2005, in the Court of Common Pleas, respondent pled guilty to one count of Delivery of Marijuana and one count of Criminal Use of Communication Facility. He was sentenced to imprisonment for six (6) to twenty-three (23) months, with immediate work release, followed by probation for a period of three years and restitution of \$6,400 in relation to the first guilty plea and five (5) years probation, to run concurrent to the order of probation above, in relation to the second guilty plea.

6. On June 27, 2005 respondent's license to practice dentistry in the Commonwealth of Pennsylvania was automatically suspended by the Pennsylvania State Board of Dentistry based upon respondent's guilty plea described in paragraph 5 above. On October 14, 2005, respondent entered into a consent order with the Pennsylvania State Board of Dentistry in which he agreed to a ten year suspension of his dental license.

CONCLUSIONS OF LAW

1. These above facts establish a basis for disciplinary action against respondent, pursuant to N.J.S.A. 45:1-21(g), in that respondent's license has been suspended by the Commonwealth of Pennsylvania for reasons consistent with other provisions of N.J.S.A. 45:1-21.

2. In addition, respondent's conviction provides a basis for discipline pursuant to N.J.S.A. 45:1-21(f), in that respondent has been convicted of, or engaged in acts constituting any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 15, 2008. A copy of the Order was forwarded to respondent's address used by the State of Pennsylvania in its disciplinary proceedings, by certified mail, return receipt requested on October 16, 2008. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following its entry unless respondent requested a modification or dismissal of the above Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal, setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

The Provisional Order was received by respondent as evidenced by the return of the receipt card bearing the signature "Manaparet Chu" and indicating November 7, 2008 as the date of receipt. Despite receipt of the Provisional Order, respondent has not communicated with the Board. Accordingly, it is determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS ON THIS *11th* DAY OF *September* 2009,

ORDERED that:

1. Peter Chu's license to practice dentistry in the State of New Jersey is suspended for a period of not less than nine years. Respondent may not apply for reinstatement of his New Jersey license until such time as his license to practice in the State of Pennsylvania is fully restored by that State's licensing authority.

2. Prior to any application for reinstatement, respondent shall comply with all

requirements of N.J.S.A. 45:7-1.2 (and any amendments thereto) and respondent shall:

a. Request an appearance before the Board or a committee of the Board to discuss his readiness to reenter the practice of dentistry. At that time, respondent shall be prepared to propose his plans for future practice in New Jersey;

b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare and that he is not then suffering from any impairment or limitation resulting from any psychological condition or the use of any substance, including but not limited to CDS, which could affect his practice;

c. Provide the Board with evidence that he is not presently engaged in drug use that is likely to impair his ability to practice with reasonable skill and safety in violation of N.J.S.A. 45:1-21(l);

d. Affirmatively establish his fitness, competence, and capacity to reenter the active practice of dentistry in New Jersey;

e. Provide the Board with a full account of his conduct during the intervening period of time from his entry into this order until his appearance pursuant to this order;

f. Present proof of resolution of all criminal sentencing requirements;

g. Present proof to the Board that he has fully complied with all terms of this order.

h. Affirmatively demonstrate by clear and convincing evidence that he has been rehabilitated. In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

i. the nature and responsibility of the position which the convicted person would hold, has held or currently holds, as the case may be;

ii. the nature and seriousness of the offense;

iii. the circumstances under which the offense occurred;

iv. the date of the offense;

v. the age of the person when the offense was committed;

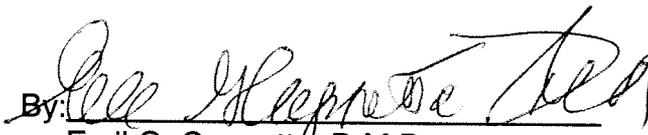
vi. whether the offense was an isolated or repeated incident;

vii. any social conditions which may have contributed to the offense; and

viii. any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in corrections work-release programs, or the recommendation of those who have had the person in their supervision.

3. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. The Board reserves the right to impose any conditions on respondent's return to practice that the Board believes are necessary to protect the public health, safety, and welfare.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Emil G. Cappetta, D.M.D.
Board President