

letter dated May 1, 2009, asked the Board to modify or dismiss its action, offering mitigation. He stated that the conduct underlying the OIFP action related to two submissions with erroneous dates submitted to the carrier in 1999 with a total value of approximately \$600. He acknowledged his responsibility for the actions of his office staff and noted that the personnel who had been involved have since been replaced.

In evaluating the mitigation offered, the Board noted that Dr. Birnbaum has not had any other disciplinary actions against him since his initial licensure. While there is a basis on which to discipline, the Board has determined in light of the mitigation offered, it will not exercise its authority in this instance and will rescind its Provisional Order of Discipline.

ACCORDINGLY, IT IS on this  day of October, 2009,

ORDERED that the Provisional Order of Discipline entered on April 23, 2009, is rescinded.

NEW JERSEY STATE BOARD OF DENTISTRY

By 
Emil G. Cappetta, D.D.S.
Board President