

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 10-7-09 DA

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

IN THE MATTER OF THE SUSPENSION OR :
REVOCAION OF THE LICENSE OF :

VYACHESLAV YUNATANOV, D.D.S. :
License No. 22DI02177600 :

TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

Administrative Action

FINAL ORDER
OF DISCIPLINE

The New Jersey State Board of Dentistry ("Board"), having reviewed information related to the 2003 criminal conviction of, and 2007 revocation of license taken by New York State against, Vyacheslav Yunatanov, D.D.S. ("respondent" or "Dr. Yunatanov"), entered a Provisional Order of Discipline on November 21, 2008. In that order, the Board made preliminary findings of fact and conclusions of law, and provisionally suspended respondent's license until he could demonstrate that his license had been fully restored in New York. The provisional order also required respondent to cease and desist from violating statutes and regulations governing the practice of dentistry in New Jersey. The Board's order offered respondent an opportunity to submit reasons for modification or dismissal of the provisional order.

Dr. Yunatanov, by submission dated December 22, 2008, argued that the provisional order should be vacated or modified. He stated that he was ill-represented by counsel during the criminal proceedings and that his counsel's failure to move for relief from disabilities under New York State law resulted in the disciplinary action revoking his license. He claimed that he was not aware that his employee-dentist was not licensed, and

therefore, the criminal charges based on submission of claims to Medicaid for services performed by that unlicensed person should not be a basis for sanction against him. In lieu of the provisional relief in the Board's order, respondent asked that any suspension be limited to the time he had already been revoked in New York or that he perform community service.

The deputy attorney general assigned to prosecute the matter responded to Dr. Yunatanov's submission. In his August 26, 2009, letter to the Board, which was copied to respondent, the deputy attached a copy of the transcript of the April 2003 plea allocution. That transcript demonstrates that respondent knowingly and freely pled guilty to the charges. Because Dr. Yunatanov has suggested he was convicted based on inadequate representation by counsel, the Board quotes at length from that transcript here:

The Court: Mr. Yunatanov, do you swear to tell the truth the whole truth, and noting but the truth, so help you God?

Defendant Yunatanov: I do. [T : 6-9]

* * * * *

The Court: Have you fully discussed this plea with your lawyer, Mr. Yunatanov?

Defendant Yunatanov: Yes. [T : 6-8]

* * * * *

The Court: Are you satisfied the way your lawyer represented you, Mr. Yunatanov?

Defendant Yunatanov: Yes. [T 11-13]

* * * * *

The Court: Are you pleading guilty to this because you are guilty?

Defendant Yunatanov: Yes [T : 9-11]

* * * * *

The Court: Mr. Yunatanov, do you admit that on or about and in between January 11, 1995, and August 29, 2001, here in Queens County, with the intent to deprive another of property and to appropriate the same to yourself, that you wrongfully took, obtained and withheld property valued in excess of \$50,000?

Defendant Yunatanov: Yes. [T 14-20]

The Court: Mr. Yunatanov, do you admit that you , a licensed dentist, on or about December 29, 1999,* in Queens County, aided and abetted Igor Zlotkin, an unlicensed person, to practice, offer to practice, or hold himself out as being able to practice the profession of dentistry as defined in New York State Education Law, a profession in which a license is a prerequisite of the acts so defined; do you admit that?

Defendant Yunatanov: Yes. [T :3-12]

The Court: Are you pleading guilty of your own free will, Mr. Yunatanov?

Defendant Yunatanov: Yes. [T :7-9]

The Court: Has anyone at all forced you to enter these plea [sic], Mr. Yunatanov?

Defendant Yunatanov: No. [T 12-14].

The Board has fully reviewed Dr. Yunatanov's submission, his statements at the time he entered his plea of guilty, and the reasoning of the New York State licensing authority as it decided to revoke respondent's license.** The Board is not persuaded by respondent's arguments that he was not adequately represented. That the submission of payment for claims went on for a period of more than six years, totaling more than \$300,000, and that even after Mr. Zlotkin was arrested, Dr. Yunatanov again submitted claims for payment for treatment rendered by him, leads the Board to reject his proffer of

* The date of the act was April 18, 1999, not December 29, 1999 as reflected in cocounsel's correction to the court [T 13-21]

** One member of the Board voted not to revoke.

explanation and mitigation. Therefore, the Board will not alter its provisional findings of fact or conclusions or law, nor will the Board modify the sanction provisionally imposed by its order. Therefore, the Board makes the following:

FINDINGS OF FACT

1. Vyacheslav Yunatanov, D.D.S., is a dentist in the State of New Jersey and has been a licensee at all times relevant to this proceeding. Respondent's license is currently in active status.
2. On or about December 1, 2006, the University of the State of New York Regents Review Committee ("the Review Committee") submitted a report finding that respondent had committed professional misconduct based on an April 2, 2003 guilty plea by respondent to Grand Larceny in the Second Degree, a violation of NY PENAL LAW §155.40, and Unauthorized Practice of a Profession, a violation of NY EDUCATION LAW §6512. Specifically, between January 1995 and August 2001, respondent was found to have submitted numerous claims to the New York State Medical Assistance program (Medicaid) claiming he was the licensed dentist who performed certain services, when in fact, an unlicensed person provided these services. Also, respondent admitted that in April 1999, he aided and abetted an unlicensed person to practice dentistry.
3. As a result of his criminal conviction, respondent was required to make restitution in the amount of \$300,000 to the Medicaid Program, fined an additional \$500, and "was ordered to be incarcerated intermittently (weekends) for a period of one year." The Review Committee recommended to the University of New York Board of Regents ("Board of Regents") that the Board of Regents revoke respondent's license for three years, and upon reinstatement, place respondent on probation for two years.

4. On January 9, 2007, the Board of Regents adopted the recommendations of the Review Committee. As a result, respondent's New York dental license and registration to practice as a dentist was revoked in accordance with the Review Committee recommendations.

CONCLUSIONS OF LAW

1. The above findings of fact establish a basis for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(g), in that respondent has had his authority to engage in the practice of dentistry revoked by the New York State Board of Dentistry for reasons consistent with the provisions of N.J.S.A. 45:1-21.

2. The above findings of fact also provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(f), in that respondent has pled guilty two crimes relating adversely to the activity regulated by the Board in that respondent pled guilty to submitting false claims to Medicaid and aided and abetted an unlicensed person to practice dentistry.

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

ORDERED that:

1. Respondent's license to practice dentistry in the State of New Jersey is suspended until he demonstrates to the Board that his license to practice dentistry has been fully reinstated in the State of New York. The effective date of the suspension shall be October 31, 2009. Prior to reinstatement, respondent shall appear before the Board to discuss his future practice of dentistry and demonstrate to the Board that his license to practice dentistry has been fully reinstated in the State of New York.

2. Respondent shall cease and desist from violating the statutes and regulations

governing the practice of dentistry in the State of New Jersey. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

NEW JERSEY STATE BOARD OF DENTISTRY

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