

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 11-12-09 cm

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

By: Nancy Costello Miller
Deputy Attorney General
(973) 648-2500

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

| | | |
|-----------------------------------|---|-----------------------|
| IN THE MATTER OF |) | |
| |) | Administrative Action |
| |) | |
| JOHN A. KIRKOWSKI, D.M.D. |) | |
| License No. 22 DI008940000 |) | CONSENT ORDER |
| |) | |
| LICENSED TO PRACTICE DENTISTRY |) | |
| IN THE STATE OF NEW JERSEY |) | |

The New Jersey State Board of Dentistry has reviewed the June 30, 2009, application of John A. Kirkowski, D.M.D. (respondent), seeking to remove restrictions imposed by the Consent Order entered into on March 4, 2009. That order suspended respondent's practice for a period of one year, of which six months was an active suspension. That sanction was based on respondent's having treated patients at a time when his license was suspended pursuant to the Board's order of July 30, 2008. The March 4, 2009, order required Dr. Kirkowski to appear before the Board prior to reinstatement of his license, to have his office inspected by the Board's representatives,

and to submit to an independent psychological evaluation.

On September 2, 2009, Dr. Kirkowski appeared in support of his application to reinstate his license. He provided the June 16, 2009, report from Richard J. Finkelstein, Ph.D., attesting to Dr. Kirkowski's ability to practice dentistry with reasonable skill and safety. The Board also reviewed the report from an inspection conducted on August 6, 2009, which reflected that respondent's office was maintained in a clean and sanitary manner. As respondent demonstrated that he has successfully completed the requirements of the March 2009 Consent Order, the Board is satisfied that his practice, when in compliance with the terms of this order, is consistent with the public health, safety and welfare.

IT IS, THEREFORE, ON THIS 12th DAY OF November, 2009

HEREBY ORDERED AND AGREED THAT:

1. John A. Kirkowski, D.M.D., may resume the active practice of dentistry in this State pursuant to the terms of this Consent Order. The stayed portion of the suspension imposed by the Board's March 4, 2009, which is served as a period of probation, shall continue through March 3, 2010.

2. Until notified otherwise by the Board, respondent shall on the first of each month submit to the Board office a report regarding the physical condition of his office and his compliance with State and federal laws, including waste management (medical and/or hazardous), OSHA and CDC requirements and guidelines, as well as proof of sterilization and spore testing for equipment and current registration for radiological equipment. The report shall include photographs of all areas of his office (operatories, patient waiting area, restroom(s), front desk, work rooms, laboratory, storage areas)

and shall be forwarded to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101.

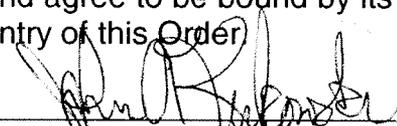
3. Respondent may seek modification of the terms of this order not sooner than six (6) months from the date of its entry. The Board reserves the right to require respondent's appearance prior to any modification or removal of restrictions set forth in this Consent Order.

4. 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 this Consent Order. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Emil G. Cappetta, D.D.S.
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 A. Kirkowski, D.M.D.

Date 10/28/09

|