

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

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE LICENSE OF :
 :
 :
 ALEX SILMAN, D.D.S. : FINAL ORDER OF DISCIPLINE
 License No. 22DI02178500 :
 :
 :
 TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry upon receipt of information concerning Alex Silman, D.D.S. ("respondent"), which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent was initially licensed to practice dentistry in the State of New Jersey on April 8, 2002 and has held an active license since that time.

2. On June 22, 2005, respondent was indicted in New York State Supreme Court, County of Kings (Indictment # 3520-05), on one count of Grand Larceny in the First Degree for property valued in excess of one million dollars (\$1,000,000.00), and nine (9) counts of Offering a False Instrument for Filing in the First Degree.

3. On April 24, 2007, respondent appeared for Plea Proceedings at the Supreme Court of the State of New York, County of Kings.

4. Respondent withdrew his plea of not guilty to indictment 3520-05, and plead guilty to the lesser included offense under the first count of the indictment of grand larceny in the third degree.

5. In establishing the factual basis for the plea, respondent answered that between January 1, 2002 and April 30, 2004, he knowingly entered dates on charts to indicate that certain procedures were performed over multiple dates to obtain funds that he was not entitled to.

6. When asked if the value of proceeds that he received to which he was not entitled was in excess of \$3,000.00, respondent indicated that he and the owner of the premises where he practiced were paid this amount by Medicaid.

7. As a condition of his plea, respondent has agreed to cooperate with the government on any civil or criminal action that may be brought against the owner of the premises where he practiced.

8. When asked by the Court: "You pleading guilty because you are guilty. Is that true?" Dr. Silman answered: "Yes".

9. A disposition of the matter is unavailable; the Supreme Court of the State of New York, Criminal Team Correspondence Unit, has advised: "This case is marked NO PUBLIC RECORD and a disposition cannot be forwarded."

CONCLUSIONS OF LAW

The above findings of fact provide the bases for disciplinary action in this State pursuant to N.J.S.A. 45:1-21(b) as respondent has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense; N.J.S.A. 45:1-21(e) as respondent has engaged in professional misconduct as determined by the Board; and N.J.S.A. 45:1-21(f) as respondent has pled guilty to a crime or offense involving moral turpitude and relating adversely to the activity regulated by the Board.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was filed on October 8, 2009. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated 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 therefor.

In a letter dated November 3, 2009, respondent, through his counsel, accepts responsibility for engaging in unlawful acts related to submission of false claims to Medicaid. Respondent

admitted that during the period between 2002 to 2004, he was "instructed to split billing dates in order to maximize reimbursement by Medicaid ... when in fact those procedures were done on the same date." He stated that the bills were prepared by a management company for Medicaid reimbursement and without reviewing them, accepted and signed the bills in bulk as a matter of expediency. Based on the arrangement with the practice his compensation was 30% of the billings which he generated and which were collected by the practice.

Respondent is remorseful for his actions and has been "in counseling with his Rabbi to better understand and address the reasons he allowed himself to be compromised as he did." Respondent seeks the Board's understanding that he is a good, clinical dentist, that he has a family and that "his mistakes were those of judgment and greed brought on by his lack of experience, and the corrupting influence of those for whom he worked." Respondent argues that he does not "present a danger to the public or his patients".

Respondent requests that the Board not impose any active (actual) suspension as this will cause an extraordinary hardship on him and his family and therefore, would be amenable to a reduced period of active suspension.

The Board upon deliberation finds that respondent deliberately and systematically submitted false claims to Medicaid, consequently,

diverting to himself and others the limited resources available to provide dental care for the most vulnerable was simply wrong, and indeed criminal. Further, the Board finds that respondent's failure to review the bills prepared by a management company but accepted and simply signed them in bulk as a matter of expediency demonstrated to the Board his poor judgment.

ACCORDINGLY, IT IS on this 17th day of February 2010,

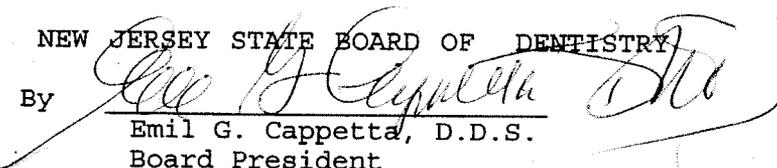
PROVISIONALLY ORDERED that:

1. Respondent's license to practice dentistry shall be suspended effective thirty (30) days after entry of a final order in this matter, for a period of five (5) years, of which a minimum of the first three years shall be served as a period of active suspension, and any remainder of the suspension shall be stayed and served as a period of probation.

2. Prior to the Board's consideration of any application for reinstatement of his license in this State, respondent shall appear before the Board (or a committee of the Board) to demonstrate that he is fit to resume practice and that he has been sufficiently rehabilitated. Respondent shall also demonstrate that he has completed the necessary continuing education and all other requirements for reinstatement. The Board reserves the right to place restrictions on respondent's practice should his application for reinstatement of his license be granted.

NEW JERSEY STATE BOARD OF DENTISTRY

By


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