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

IN THE MATTER OF)	
)	Administrative Action
)	
W. THOMAS BREITHAUPT, JR., D.M.D.)	
License No. 22DI 01616700)	
)	
LICENSED TO PRACTICE DENTISTRY)	ORDER REINSTATING
IN THE STATE OF NEW JERSEY)	LICENSE WITH RESTRICTIONS
)	

The New Jersey State Board of Dentistry has received and reviewed the December 16, 2009 request of W. Thomas Breithaupt, Jr., D.M.D. ("Dr. Briethaupt" or "respondent"), made through the Professional Assistance Program ("PAP"), to reinstate his license to practice dentistry. Respondent voluntarily surrendered his license by order entered on October 6, 2004, following receipt of information that he had relapsed and used cocaine on more than one occasion in 2004.

Dr. Breithaupt appeared before the Board on February 17, 2010, accompanied by Louis Baxter, M.D., Executive Medical Director of the PAP, who provided a Position Statement supporting respondent's request to reinstate, but with proposed restrictions

on the dentist's license. At that time, Dr. Briethaupt discussed his practice history, his ongoing recovery, his activities since he surrendered his license, and his plans for practice if reinstated. He testified that he was three years sober. He submitted proof of completion continuing education. The PAP "wholeheartedly supports" respondent's request.

Based upon the record and his testimony, the Board has determined that Dr. Breithaupt's return to practice with restrictions is appropriate at this time. The terms imposed by this order are designed to ensure that as he reenters practice in this State, respondent's practice is consistent with the public health, safety and welfare.

IT IS, THEREFORE, ON THIS 3rd DAY OF March, 2010

HEREBY ORDERED AND AGREED THAT:

1. The license of W. Thomas Briethaupt, Jr., D.M.D., to practice dentistry in this State is hereby reinstated, subject to the terms in this order. Dr. Breithaupt shall first comply with all administrative issues related to reinstatement, including payment of applicable fees for his license and his CDS registration and completion of the criminal history background check.
2. Respondent shall be permitted to write prescriptions only for patients as required in connection with dental treatment and/or to administer medication to patients in the course of dental treatment, in accordance with the following terms and conditions:
 - (a) Respondent may prescribe or dispense controlled dangerous substances.
 - (b) Respondent shall use sequentially numbered, triplicate prescription pads for all prescriptions written.

(c) Respondent shall continue to provide the original prescription to the patient, attach one copy of the prescription to the patient record, and submit the third copy to the Board, attention: Jonathan Eisenmenger, Executive Director, on a monthly basis.

(d) Respondent shall be required to account for each consecutively numbered prescription, regardless of whether the particular prescription was voided or not used for any purpose whatsoever.

(e) Respondent shall comply with all State and federal laws and regulations governing the purchase, storage, use, and dispensing of controlled dangerous substances.

(i) If respondent administers or dispenses CDS to a patient in his practice, he shall maintain a log for each administration or dispensing event, which log shall include the patient name, date, name of medication, dosage, and units administered or dispensed.

(ii) Respondent shall submit a true copy of the log to the executive director along with a copy of the patient record for each patient listed on a monthly basis.

3. Respondent shall continue his participation with the Professional Assistance Program and shall comply with the recommendations for treatment, including but not limited to:

(a) monthly face-to-face contact with representatives from that program for the first year following entry of this order, and not less than bimonthly for the second year after return to practice. Thereafter, appointments shall be at the discretion of the Executive Medical Director of the PAP consistent with Dr. Breithaupt's recovery;

(b) attendance at support groups, NA or AA, including a Caduceus meeting, at a minimum of three times per week;

(c) random urine monitoring twice weekly for the first year of licensure, followed by weekly screens for the subsequent year.

(d) continued treatment with his psychiatrist, Ricardo Fernandez, M.D. Respondent shall not discontinue treatment unless approved by the Board after consultation with the Executive Medical Director of the PAP; and

(e) counseling as recommended by the Executive Medical Director of the PAP.

4. If respondent discontinues participation with the PAP or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the PAP, he shall be deemed in violation of this Order. After the period specified in this order, reduction in urine monitoring or the number of required face-to-face meetings with the PAP shall be at the discretion of the Executive Medical Director of the Program with notification to the Executive Director of the State Board of Dentistry.

5. Respondent shall abstain from the use of alcohol and from all psychoactive substances, unless prescribed by a treating physician for a documented medical condition with prior notification to the Executive Medical Director of the PAP of the diagnosis and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

6. The PAP shall submit quarterly reports, including urine results, to the Board regarding respondent's participation and compliance with all requirements of the

PAP and this order. If respondent has a positive urine, misses an appointment without consent, or has a lapse or slip in his recovery, or if respondent terminates recommended counseling or his participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

7. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the PAP. Respondent shall notify the PAP if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The PAP may, after notifying the Board, modify the method of testing

during the monitoring period.

8. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent waives any privilege of confidentiality to such information and agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to his license.

9(a) Respondent shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information which 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, including but not limited to report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

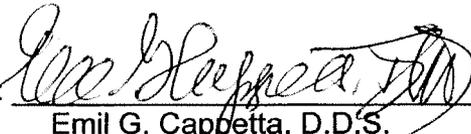
(b) Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effective immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

10. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted or from imposing restrictions or conditions on

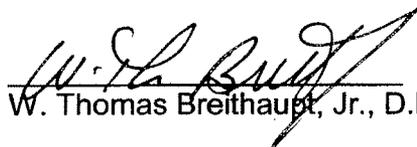
respondent's license should the Board determine that such restrictions or conditions are appropriate to protect the public health, safety, and welfare.

11. 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.

NEW JERSEY STATE BOARD OF DENTISTRY

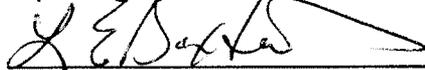
By: 
Emil G. Cappetta, D.D.S.
President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.


W. Thomas Breithaupt, Jr., D.M.D.

Date 2-24-2010

I have read the terms of this consent order and agree on behalf of the Professional Assistance Program to comply with its terms pertaining to monitoring and reporting by the Professional Assistance Program.


Louis E. Baxter, M.D.

2/24/10
Date