

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 8-4-10 DA

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

PETER CRAPANZANO, D.D.S.
License No. 22DI02117600

ORDER

TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

The Attorney General moved for relief in aid of litigant's rights before the New Jersey State Board of Dentistry seeking an order finding Peter Crapanzano, D.D.S. (respondent), violated the Board's January 28, 2010, order. For the reasons set forth below, the Board will activate the stayed portion of his suspension (thirty months), but will permit him to apply for relief from this order on or after August 28, 2011 in accord with the terms of this order.

The Board entered a Final Order of Discipline on January 28, 2010, against Dr. Crapanzano. That order, based on a violation of N.J.S.A. 45:1-21(k), imposed a three year suspension, of which six months was to be served as an active suspension and the remainder stayed and served as a period of probation. To permit respondent to have adequate time to care for his patients prior to the start of the active suspension, the active portion was to commence thirty days following entry of the order, that is, on February 28,

2010. Under the terms of the order, Dr. Crapanzano was not permitted to practice or be present in his dental office.

Following receipt of information that Dr. Crapanzano was practicing dentistry during the period of active suspension, the Enforcement Bureau of the Division of Consumer Affairs and the Hazlet Township Police Department conducted a joint investigation. On May 19, 2010, after performing a dental examination of an undercover investigator posing as a patient, Dr. Crapanzano was arrested and charged with the unlicensed practice of dentistry.*

The Attorney General filed a motion for relief in aid of litigant's rights, which the Board heard on July 7, 2010. The Attorney General, citing respondent's blatant disregard of the Board's order, asked the Board to activate the stayed period of suspension. Dr. Crapanzano, represented by Michael Pappa, Esq., did not contest the allegation that he had violated the order. He asked to be heard on the circumstances underlying his actions.

The Board permitted respondent to testify. Dr. Crapanzano stated that he had continued to practice to help his patients and that he had tried to hide his suspension from his wife by listing fictitious appointments in his appointment book. He attempted to further conceal his unlicensed activity by asking patients to pay cash for treatment and declining to submit insurance claims for payment. Dr. Crapanzano indicated that he was

* In addition to the charge of unlicensed practice of dentistry, Dr. Crapanzano was charged with improper prescribing practices. The Board has not addressed issues related to those charges in this order and reserves the right, should that conduct be proven, to impose sanctions based on those and any other charges that may relate to prescribing practices.

embarrassed by the suspension but “lacked the strength to do the right thing.” He claimed to be in a precarious financial condition, noting he was on the verge of bankruptcy.

After consideration of the arguments of counsel and the record, including respondent’s testimony and admissions, the Board finds that Dr. Crapanzano willfully violated the January 28, 2010, order of the Board by practicing during the period of active suspension. The Board had imposed the suspension because respondent has engaged in insurance fraud. Respondent has apparently not heeded the lesson of his earlier encounter with the Board. By practicing while suspended, he continued to engage in improper and unprofessional conduct. A significant sanction is thus required; the Board will activate the stayed portion of the three year suspension.

As noted in its January 2010 order: “... a suspension of license will have negative financial consequences, but those consequences are a direct result of respondent’s conduct in falsifying dental claims to insurance companies.” Once again, the sanction imposed here is the direct result of respondent’s actions. The Board, however, is not unmoved by respondent’s testimony of hardship and will entertain an application to return to practice prior to the expiration of the three year period, but not sooner than August 28, 2011. Should respondent wish to make that application, among the materials the Board would, at a minimum, find necessary in assessing the request are reports from treating psychologists or psychiatrists; evidence of community service; completion of an ethics course; continued compliance with the payment schedule entered into with the Office of the Insurance Fraud Prosecutor; and information regarding the disposition of criminal charges now pending, as well as an appearance before the Board. Respondent shall

follow the attached directives for licensees whose licenses have been suspended or revoked.

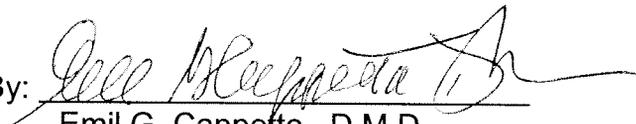
ACCORDINGLY, IT IS on this 4th day of August, 2010,

ORDERED that:

1. The thirty month stayed portion of the suspension of the license of Peter Crapanzano, D.D.S., to practice dentistry in the State of New Jersey, shall be served as an active suspension. Thus, the entire three year suspension, which was effective February 28, 2010, shall now be served as an active suspension; respondent's license shall remain suspended through February 27, 2013.

2. The Board will entertain an application from respondent to return to active practice before the conclusion of the active suspension, but in no event shall that application be made sooner than August 28, 2011. The Board reserves the right to require an appearance in connection with that application as well as any other information it deems necessary to determine whether respondent's practice is consistent with the public health, safety, and welfare.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Emil G. Cappetta, D.M.D.
Board President

**DIRECTIVES APPLICABLE TO ANY DENTISTRY BOARD LICENSEE
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license has been accepted by the Board, shall conduct him/herself as follows:

1. Document Return and Agency Notification

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate, and if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances Registration. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of dentistry in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee of this Board provides health care services. Unless otherwise ordered by the Board, the disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from all prescription blanks and pads, professional listings, telephone directories, professional stationery, or billings. If the licensee's name

is utilized in a group practice title, it shall be deleted.

Prescription pads bearing the licensee's name shall be destroyed. A destruction report form shall be obtained from the Office of Drug Control (973-504-6558) and filed with that office. If no other licensee is providing services at the practice location, all medications must be removed and returned to the manufacturer (if possible), or destroyed or safeguarded. In situations where the licensee has been suspended for a period of less than one year, prescription pads and medications must be secured in a locked place for safekeeping.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice, and shall be required to comply with the requirements to divest him/herself of all financial interest in the professional practice pursuant to Board regulations contained in N.J.A.C. 13:30-8.21. Such divestiture shall occur within 90 days following the entry of the Board Order. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the New Jersey Department of Treasury, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Patient Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to patient records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her patient record or asks that the record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

6. Reports of Reimbursement

A disciplined practitioner shall promptly report to the Board his/her compliance with each directive requiring monies to be reimbursed to patients to other parties or third party payors or to any Court.

7. Report of Changes of Address

A disciplined practitioner shall notify the Board office in writing within ten (10) days of change of address.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Dentistry are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a dentist:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the American Association of Dental Examiners, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board. In addition, the same description may appear on the Internet Website of the Division of Consumer Affairs.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.