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

IN THE MATTER OF

MICHAEL F. GULLO, D.D.S.
License No. 22DI 01147100

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

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Administrative Action
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CONSENT ORDER
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This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that Michael F. Gullo, D.D.S. ("respondent"), had prescribed controlled dangerous substances (Vicodin and its generic version Hydrocone), to patient J.C. between 1996 and 2001. The information revealed that respondent had on numerous occasions prescribed CDS without examining the patient, relying on only the patient's complaint of pain, and had prescribed CDS while the patient was taking multiple medications that were contraindicated. Further, respondent's records did not contain adequate diagnostics to support his diagnosis of Temporo-mandibular Joint Disorder and other pain problems. Finally, respondent's letterhead advertised him as a diplomat of the American Board of Facial Pain without the disclaimer that facial pain is not a recognized dental specialty.

On February 21, 2007, respondent appeared with counsel, Michael J. Keating, Esq., at an investigative inquiry. Respondent testified that J.C. had told him that the only drug that helped his headaches and pain was Vicodin. Nearly four years after beginning treatment, respondent became aware of the different medications J.C., was receiving and began to limit his CDS prescriptions. When shown prescriptions written under his name for J.C., respondent denied that he had written all the prescriptions but could not explain how they were issued. The Board also questioned respondent regarding his treatment of V.P., a matter that had been reviewed by the Board in 2005.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, it appears to the Board that respondent has engaged in repeated acts of negligence, malpractice or incompetence by repeatedly prescribing controlled dangerous substances without a confirmed, adequate medical or dental purpose to patients V.P. and J.C. Respondent has, however, demonstrated that he recognized the deficiencies in his practice and has modified his conduct to prevent recurrences of those practices.

The facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d). Further, it appears to the Board that respondent prescribed a controlled dangerous substance without good cause and where he knew or should have known the substances were to be used for unauthorized consumption in violation of N.J.S.A. 45:1-21(m). In addition, respondent represented himself as board certified in facial pain on his letterhead without a disclaimer that facial pain is not a Board-recognized specialty. This establishes a basis for disciplinary action pursuant to N.J.A.C. 13:30-6.2(h). As it appears that respondent desires to resolve this matter without recourse to formal proceedings, and has altered his prescribing practices, the Board has determined that the following resolution is appropriate:

IT IS ON THIS 7th DAY OF April, 2010,
HEREBY ORDERED AND AGREED THAT:

1. Respondent shall successfully complete the following continuing education: seven (7) hours in understanding addiction and the addicted patient, and seven (7) hours in management of sick role patients, within six (6) months of the entry of this Consent Order. Further, these courses, which are in addition to the regularly required continuing

education hours, shall be approved by the Board in writing prior to attendance. Respondent also shall be required to complete the attached continuing education Report and Proof of Attendance as proof of successful completion of the required course work. The attached forms are made a part of the within Consent Order, and a separate form is to be used for each course.

2. Respondent shall cease and desist from writing prescriptions for controlled dangerous substances without conducting an appropriate dental examination and taking a proper medical history, including consultations with other medical or dental professionals as indicated by the patient's presentation, and recording results of the examination, medical history and consultations in the patient's chart.

3. Respondent shall be permitted to write prescriptions only for patients as required in connection with dental treatment 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. If respondent wishes to electronically or telephonically transmit prescriptions, he shall first submit a plan to the Board for approval for the tracking and logging of all such prescriptions.

(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

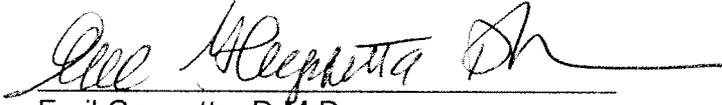
shall include the patient name, date, name of medication, dosage, and units administered or dispensed.

(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.

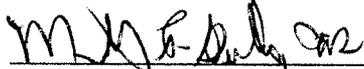
4. Respondent shall remove from his advertisements that he is "Board Certified" in facial pain or add a disclaimer that facial pain is not a recognized speciality pursuant to N.J.A.C. 13:30-6.2(h).

5. Failure to comply with any terms of this Consent Order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

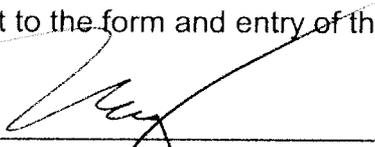
By: 
Emil Cappetta, D.M.D.
Board President

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


Michael F. Gullo, D.D.S.

3/25/10
Date

I consent to the form and entry of this order.


Michael Keating, Esq.

3/29/10
Date