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

IN THE MATTER OF : Administrative Action
:
JOSEPH P. MATRISS, D.D.S. : FINAL ORDER OF DISCIPLINE
License No. 22DI00528900 :
:
LICENSED TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

The New Jersey State Board of Dentistry ("Board") has received and reviewed information concerning Joseph P. Matriss, D.D.S. ("Dr. Matriss" or "respondent"), and makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent was initially licensed as a dentist in the State of New Jersey in or about 1952, and currently holds an active license.

2. On September 9, 2005, respondent was convicted in Superior Court of New Jersey, Bergen County, Law Division-Criminal, of one count of tampering with records in violation of N.J.S.A. 2C:21-4 and N.J.S.A. 2C: 2-6, a fourth degree offense.

3. Respondent was sentenced to one year of probation and was required to pay restitution in the amount of \$12,000.00 to two insurance companies, a \$550 fine and other fees.

4. In pleading guilty to the charges, respondent acknowledged his conduct.

5. The following exchanges are excerpted from the July 26, 2005 transcript of plea proceedings:

The Court: Did you sign and initial the plea form?

The Defendant: Yes.

The Court: Did you do that voluntarily?

The Defendant: Yes. [T4:1-5]

* * * *

[Mr. Mazawey, defense counsel]: ... [O]n or about September 15, 1999, through on or about March 19th of 2002, did you have the opportunity to acquire knowledge that there was a practice of dentistry at the United Dental Center (indiscernible)?

[The Defendant]: Yes. Yes, sir.

Q: And during that period of time, did you acquire knowledge that your name, authorization, and license was [sic] being used and affiliated with that facility?

A: Yes.

Q: And did you come to know that that was being done by Levin Natovich and Boris Natovich?

A: Yes. [T21: 11-24].

Q:[Y]ou had told them to stop?

A: Yes.

Q: And after you told them to stop, did you acquire knowledge subsequent thereto between March 15th, '99 and March of 2002?

A: Yes. It continued using my name.

Q: They continued to use your name?

A: Yes.

Q: They did that with your knowledge?

A: Yes.

Q: And you didn't do anything to stop it.

A: I didn't do anything to stop it.

Q: And you had knowledge they continued to use your name.

A: Yes. [T22:22-T23:12].

Q: ...[D]uring the time of September of '99 through March of '02, you had knowledge that records were being tampered with United Dental using your name, correct?

A: Yes. Yes.

Q: And you had knowledge that the individual - at least one individual in that practice was doing so and practicing dentistry without a license, correct?

A: Yes.

Q: And you know about that, correct?

A: Yes.

Q: And you knew that it continued to go on.

A: Yes.

Q: And you did nothing to stop it.

A: I did nothing.

Q: And you allowed those fraudulent records to be submitted to the insurance company (indiscernible).

A: Yes. [T25:20-T26:12].

6. Respondent was aware that an unlicensed individual was practicing dentistry at United Dental [T 25:20-23].

7. Respondent allowed fraudulent records to be submitted to an insurance company [T26:10-12].

8. Respondent allowed his name, authorization, and license to be used and be affiliated with United Dental Center [T21:18-21].

9. On January 9, 2009, the State of New Jersey, Office of the Insurance Fraud Prosecutor, obtained summary judgment on its complaint against Dr. Matriss, United Dental Center, Inc., and another defendant.

10. Respondent was ordered to pay a fine of \$15,000 for violation of N.J.S.A. 17:33A-1.

CONCLUSIONS OF LAW

Respondent's conviction for tampering with records in violation of N.J.S.A. 2C:21-4 ((Falsifying or Tampering with Records) and N.J.S.A. 2C:22-6 (Liability for conduct of another; complicity) provides the basis for disciplinary action in this State pursuant to N.J.S.A. 45:1-21(f) as respondent has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board; respondent's conduct as set forth in the preliminary Findings of Fact also provides a basis for discipline 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 and N.J.S.A. 1-21(e) as respondent has engaged in professional misconduct as determined by the Board. The order of Summary Judgment entered against respondent for violation of N.J.S.A. 17:33A-1 et seq., provides a basis for discipline pursuant to N.J.S.A. 45:1-21(k) as respondent

was subject to a civil order imposing penalties under the New Jersey Insurance Fraud Prevention Act.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was filed on April 26, 2010. The POD 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 May 24, 2010, respondent, through his counsel, requested that the Board modify the penalty sought in the POD. Specifically, respondent asked that the Board accept a voluntary surrender as of January 1, 2011 in lieu of a five year suspension of his dental license since he does not anticipate respondent "continuing in his dental career beyond the year 2010." In the alternative, he requested a hearing before the Board regarding penalty. Respondent asserts that a surrender "would cause no harm or prejudice to any party". He also claims that due

to his age (nearly 90 years old), "serious health concerns" and no prior disciplinary history a suspension should not be imposed.

The Board deliberated and gave consideration to respondent's submission and determined that he did not raise any material dispute regarding the findings of fact or conclusion of law which would necessitate a hearing. Indeed Respondent acknowledged the conviction yet now asserts, without providing anything to refute the findings made by the Board, that respondent did not engage in any "culpable conduct." The Board finds that he was aware that his name and license number were being used to submit fraudulent claims to insurance companies and he did nothing to stop it. Respondent cannot now be permitted to go behind the conviction. The Board relied on respondent's own sworn plea allocution whereby he admitted under oath that the conduct which gave rise to the convictions, -Falsifying or Tampering with Records, Liability for Conduct of another and Complicity- clearly involves moral turpitude and relates directly and adversely to the practice of dentistry. Therefore, if respondent were allowed to surrender thereby averting discipline, the public trust would be fundamentally shattered. The public and the profession rely on the Board to impose discipline when a licensee engages in conduct such as insurance fraud which is adverse and directly related to the profession.

The Board also considered the circumstances under which respondent committed his numerous offenses. He was nearly 90 years

old and in poor health yet has not provided to the Board a certified statement if he were permitted to practice how he would prevent the future submission of fraudulent claims to the insurance company using his name and license number by unlicensed individuals. For all these reasons, the Board finds that a five year suspension, two (2) of which shall be served as an active suspension and the remainder served as a period of probation is the appropriate penalty for the serious offenses that respondent has committed. The Board also finds that respondent has not submitted any mitigating information to cause the Board to modify the penalty. Accordingly, it is determined that further proceedings were not necessary and that the Provisional Order of Discipline should be made final.

ACCORDINGLY, IT IS ON THIS 1st DAY OF September, 2010,

ORDERED that:

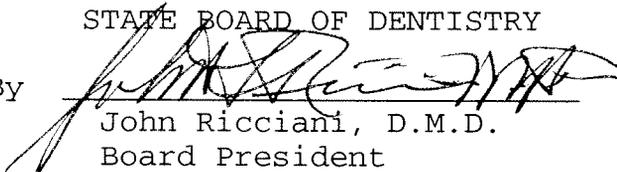
1. The license of Joseph Matriss, D.D.S., to practice dentistry in this State is suspended for a period of five (5) years, two (2) of which shall be served as an active suspension and the remainder served as a period of probation. The active suspension shall commence 30 days following the entry of a Final Order in this matter.

2. Respondent shall be assessed and ordered to pay a civil penalty of \$2,500.00. A certified check or money order made payable to the State Board of Dentistry shall be sent within 30

days of the entry of a final order in this matter and sent to Jonathan Eisenmenger, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

STATE BOARD OF DENTISTRY

By

A handwritten signature in black ink, appearing to read "John Ricciani", is written over a horizontal line. The signature is stylized and somewhat cursive.

John Ricciani, D.M.D.
Board President