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N.J. BOARD OF DENTISTRY
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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

CLYDE A. MAXWELL, JR., D.D.S.
License No. 22DI 001826400

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

The New Jersey State Board of Dentistry ("Board") received a complaint alleging that Clyde Maxwell, Jr., D.D.S. ("respondent"), and another dentist in his practice failed to treat two patients within the standard of care in this State. Specifically, the complaint alleged that the bridge fabricated for B.F. was inadequate and that respondent's associate had failed to complete treatment for H.F., a minor patient. Respondent advised the Board that his associate discontinued treatment of the minor patient due to the child's behavior as the

dentist determined the child would be more appropriately treated by another practitioner. He claimed that the treatment rendered to B.F. was appropriate.

Respondent appeared with counsel, David M. Mayfield, Esq., at an investigative inquiry of the Board. Respondent reviewed with the Board the patient's history, record, and submissions to third party payors for treatment performed, his rationale for the treatment plan, and the execution of the restorative case. The patient record did not contain proper documentation, including periodontal and full mouth charting. Treatment of B.F. appears to not to have met the standard of care as respondent inadequately prepared teeth resulting in the bridge failing within three years; respondent failed to properly sequence treatment for anterior restorations, and failed to assess the patient's occlusion; and performed inadequate endodontic therapy on tooth #19. Further, respondent acknowledged that a claim for extraction of tooth #1 and a pulpotomy on tooth #30 were submitted to a third party payor for payment (treatment allegedly performed by his associate), but the treatment was not noted in the chart and, based on radiographs taken subsequent to the stated treatment date, that treatment was not performed.

Having reviewed the entire record, including respondent's testimony, it appears to the Board that these facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h) as respondent failed to comply with Board regulations related to submission of insurance claims that accurately reflect treatment rendered, and pursuant to N.J.S.A. 45:1-21(d) as respondent failed to treat B.F. within the standard of care for dentists in this State. It appearing that

respondent desires to resolve this matter without admissions or recourse to formal proceedings and for good cause shown;

IT IS ON THIS 6th DAY OF October, 2010,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall pay a civil penalty in the amount of \$1,500.00 pursuant to N.J.S.A. 45:1-22 for improper billing and/or billing for services not rendered. Payment of the civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101, upon the entry of this Consent Order.

2. Respondent shall fully attend and successfully complete the following continuing education: fourteen (14) hours in crown and bridge course work to include occlusion and post and core, and four (4) hours in record keeping. These courses, which are in addition to the continuing education required for renewal of license, shall be approved by the Board in writing prior to attendance, shall be completed within six (6) months of this Consent Order. Respondent shall complete the attached course approval form for each course and shall document full attendance and successful completion of the course work.

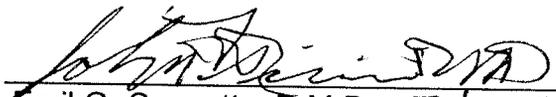
3. Respondent shall make restitution to Medicaid in the amount of \$1,719.00, the amount paid to respondent for the bridge and posts and cores for patient B.F. Payment of the restitution shall be submitted by check or money order made payable to Medicaid and shall be sent to Jonathan Eisenmenger,

Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101, upon the entry of this Consent Order.

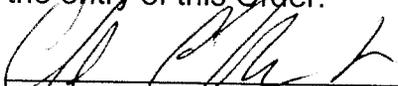
4. Failure to remit any payment required by this Consent Order will result in the filing of a certificate of debt.

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

NEW JERSEY STATE BOARD OF DENTISTRY

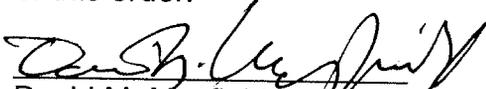
By 
~~Emil G. Cappotta, D.M.D.~~ John F. Ricciani, DMD
President

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


Clyde Maxwell, Jr., D.D.S.

8-22-10
Date

I consent to the form and entry of this order.


David M. Mayfield, Esq.

4/4/10
Date