

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 10-20-10 da.

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

By: Swang Oo, Deputy Attorney General  
Attorney for State Board of Dentistry  
(973) 648-3696

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

IN THE MATTER OF : Administrative Action  
:  
Raymond L. Pacholec, D.M.D. : CONSENT ORDER REINSTATING  
License No. 22DI00971200 : LICENSE WITH RESTRICTIONS  
:  
LICENSED TO PRACTICE DENTISTRY :  
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry upon the September 29, 2010 application of Raymond L. Pacholec, D.M.D. ("respondent"), seeking to reinstate his license to practice dentistry. Respondent voluntarily surrendered his license by order entered on May 1, 2009, after he was arrested on March 16, 2009 following discovery in his Bayville, New Jersey home of a marijuana growing facility and marijuana.

On September 15, 2010, respondent appeared at an investigative inquiry before the Board accompanied by Dr. Edward G. Reading of the Professional Assistance Program (PAP). At his appearance, respondent testified that he is currently being monitored by the Ocean County Drug Court since August 2009, and discussed about his plan to return practice and to start meeting his financial

obligations including paying child support. Respondent also provided a letter dated September 28, 2009 from his attorney, Ms. Agnes Rybar, Esq., stating that respondent has child support arrears and that "the suspension of his dental license has been the primary reason for the accumulation of support arrears." Respondent submitted proof of completion continuing education.

Dr. Reading submitted a report dated September 14, 2010, supporting respondent's reinstatement but advocating restrictions on his license. Dr. Reading testified that all of respondent's urine drug screens were reported as negative for any illegal or illicit drug use and his marijuana use disorder appears to be in remission. Dr. Reading also testified that respondent had been enrolled in the PAP since April 21, 2009, following his arrest with 18 months of documented recovery as of that time and had complied with the treatment plan that was established for him, including random, twice weekly urine monitoring; psychiatric evaluation; enrollment in group counseling; attendance at a minimum of three meetings of NA/AA; and routine follow up with a PAP representative.

In addition, Dr. Reading included a recent psychiatric evaluation submitted by Dr. James P. O'Neill, M.D., D.F.A.P.A., respondent's psychiatrist, who has been seeing respondent since June 22, 2009. Dr. O'Neill confirmed that respondent has been in complete compliance with therapy and supported respondent's reinstatement.

Having reviewed the entire record, including the testimony of respondent and Dr. Reading at the investigative inquiry, and statements of Dr. Reading and Dr. O'Neill, it appears to the Board that respondent has now demonstrated sufficient rehabilitation, fitness and ability to practice dentistry with restrictions and that he is likely to comply with the conditions set forth in this Order. Respondent has provided the Board with the required records, has obtained a positive evaluation from a mental health professional, and he continues to have negative drug screens for prohibited substances. The Board finds that the restrictions placed on respondent's practice by this Order are adequate to protect the health, safety and welfare of the public and that good cause exists for entry of this Order;

IT IS, THEREFORE, ON THIS 20<sup>th</sup> DAY OF October, 2010

HEREBY ORDERED AND AGREED THAT:

1. The license of Raymond L. Pacholec, D.M.D., to practice dentistry in this State is hereby reinstated, subject to the terms in this order. Respondent shall comply with all administrative issues related to reinstatement, including payment of applicable fees for his license and his CDS registration.

2. Respondent shall enroll in and participate with the Professional Assistance Program and shall comply with the recommendations for treatment, including but not limited to:

(a) monthly face-to-face meetings with representatives

from that program at least monthly for the first year of return to practice, and then for a period of at least three years at a frequency appropriate to his duration of recovery;

(b) participation in the Lighthouse IOP in Manahawkin;

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

(d) random urine monitoring monthly screens for the next two (2) years, then at a rate directed by the Executive Medical Director of the PAP; and

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

3. 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.

4. 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 her 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.

5. (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 frequency of testing or method of testing during the monitoring period.

6. 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 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.

7(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

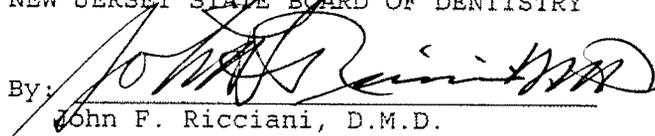
at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

8. 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.

9. 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:

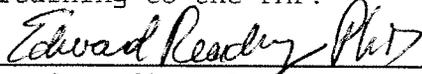
  
John F. Ricciani, D.M.D.  
President

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

  
Raymond L. Pacholec, D.M.D.

Date: 10/13/10

I have read the terms of this consent order and agree on behalf of the PAP to comply with its terms pertaining to the PAP.

  
Edward Reading, Ph.D., LCADC

Date: 10/13/10