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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 VALERIO, D.M.D.
License No. 22DI01156600

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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The New Jersey State Board of Dentistry (" Board") received a patient complaint alleging that Michael Valerio, D.M.D. ("respondent") failed to treat her within the standard of care and information regarding a civil action initiated by Horizon Blue Cross Blue Shield alleging respondent had submitted false and/or inaccurate claims for payment. Specifically, C.S. alleged that respondent's treatment related to bridges and restoration of implants failed and required re-treatment. Additionally, review of records for five patients (N.A., P.F., F.A., J.V., and M.M.) related to the Horizon complaint and insurance claims for those patients revealed that dates of service did not match dates on submissions for payment.

Those records also raised issues related to whether respondent had obtained adequate diagnostic information prior to treatment.

Respondent appeared with counsel, Howard Brownstein, Esq., at an investigative inquiry into the matter held by the Board. Having reviewed the entire record, including the patient records of C.S., N.A., P.F., F.A., J.V., and M.M., and the testimony of respondent at the investigative inquiry, it appears to the Board that respondent, on multiple occasions failed to obtain adequate diagnostics prior to initiating treatment; repeatedly submitted claims to an insurance company which misrepresented the dates of services; failed to charge co-payments; billed an insurance company for services in excess of that charged to patient; failed to maintain appropriate patient records, including failing to chart the periodontal and other conditions of the patients' mouths, failing to include a treatment plan, and having multiple charts for one patient; failed to maintain a contemporaneous patient chart; failed to provide appropriate treatment for C.S.; and failed to provide complete documents to the Board in response to an administrative subpoena. These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d) for repeated acts of negligence; N.J.S.A. 45:1-21(e) for professional misconduct regarding false and/or inaccurate insurance submissions; N.J.S.A. 45:1-21(h) for violating a regulation administered by the Board, specifically, failing to maintain proper patient records, N.J.A.C. 13:30-8.7, and for failing to cooperate by not providing complete records in response to a Board subpoena, N.J.A.C. 13:45C-1.1 et seq.

It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 20th DAY OF October, 2010,

HEREBY ORDERED AND AGREED THAT:

1. Michael Valerio, D.M.D., is reprimanded for the conduct outlined in this consent order.

2. Respondent shall reimburse the patient identified in this order as C.S. in the amount of \$5,289. The balance of \$2,711 remaining on C.S.'s account shall be forgiven and no collection action will be pursued. A bank check or money order made payable to C.S. in the amount of \$5,289 shall be sent within twenty-one days of the entry date of this Consent Order to Jonathan Eisenmenger, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

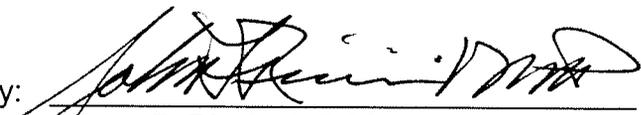
3. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22 in the amount of ~~\$15,000~~^{12,500}, which sum represents \$2,500 for record keeping violations, \$5,000 for multiple submissions of false and/or inaccurate insurance claim forms, \$2,500 for repeated acts of negligence in failing to obtain adequate diagnostics prior to developing treatment plans and initiating treatment, \$1,500 for failing to maintain a contemporaneous patient record and submitting a rewritten chart as the patient record, and \$1,000 for failing to provide complete charts to the Board in response to an administrative subpoena. Respondent shall pay the civil penalty of \$12,500 in twelve monthly payments, the first totaling \$1,500 and the eleven remaining payments of \$1,000 per payment. The first payment shall be due by November 1, 2010 and subsequent payments shall continue to be due by the first of each month until all twelve payments are completed. In the event that respondent does not make a timely payment, the full balance will immediately become due. Payments shall be submitted by certified check or money order made payable to the State

of New Jersey to Jonathan Eisenmenger, at the address in paragraph 2. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

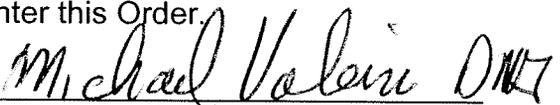
4. Respondent is assessed the costs of the investigation to the State in this matter in the amount of \$ 473. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty days from the entry of this Consent Order. Payment shall be sent to Mr. Eisenmenger at the address described in paragraph #2.

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

NEW JERSEY STATE BOARD OF DENTISTRY

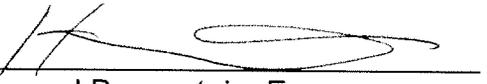
By: 
John F. Ricciani, D.M.D.
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Michael Valerio, D.M.D.

10/7/10
Date

I consent to the form and entry of this order.


Howard Brownstein, Esq.

10/7/10
Date