

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 4-6-11 *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 AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF : Administrative Action  
: :  
MAHMOUD AMR HELAL, D.M.D. : CONSENT ORDER  
License No. 22DI02236600 : :  
: :  
LICENSED TO PRACTICE DENTISTRY : :  
IN THE STATE OF NEW JERSEY : :

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a patient complaint against Mahmoud Amr Helal, D.M.D. ("respondent") alleging that respondent deviated from the standard of care and professionalism for dentists licensed to practice in this State. On April 7, 2010, respondent appeared without counsel at an investigative inquiry into the matter held by the Board.

A review of the complaint, patient records, and respondent's testimony show that as to patient C.L., a senior citizen on a fixed income, respondent did not adequately address the patient's dental or medical conditions or needs, did not follow-up on known medical conditions, proceeded with restorations in the presence of

pathology, did not maintain adequate patient records; and encouraged the patient to obtain credit for dental treatment without allowing the patient adequate time to review and understand the financial consequences, given his limited resources.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, it appears to the Board that as to patient C. L., respondent: failed to properly sequence treatment; performed an excessive amount of treatment in the initial visit; performed dental work in the presence of periodontal disease; failed to consult the patient's medical physician in light of the patient's medical history; failed to adequately address the patient's dental condition; failed to give the patient sufficient time to understand his treatment options and the financial ramifications of obtaining a loan through Care Credit, and failed to maintain records consistent with N.J.A.C. 13:30-8.7.

These facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (d), (e) and (h) in that respondent engaged in repeated acts of incompetence, engaged in professional misconduct, and failed to comply with the Board's record keeping rule. It appearing that the respondent desires to resolve this matter without admissions and without recourse to formal proceedings, and the respondent waiving any right to a hearing, and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

IT IS ON THIS 6<sup>th</sup> DAY OF April, 2011

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice dentistry shall be suspended for a period of six months, one week of which shall be served as a period of active suspension, the remainder of which shall be stayed and served as a period of probation. The suspension shall commence thirty (30) days following entry of this Consent Order. Respondent shall comply with the attached Directives for licensees whose licenses have been suspended, revoked or surrendered.
2. Respondent is hereby reprimanded by the State Board of Dentistry.
3. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22, totaling \$10,000 for professional misconduct and for repeated acts of negligence. Payment of the civil penalties totaling \$10,000.00 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, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 no later than thirty (30) days from the entry of this Consent Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.
4. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt and shall

constitute a violation of this consent order.

5. Respondent shall fully attend, successfully complete, and pass an ethics course. Respondent shall complete the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, or other ethics course of similar content that is pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board.

6. Respondent shall successfully complete seven (7) hours of continuing education in medically compromised patients to include the geriatric population; four (4) hours of continuing education in record keeping; seven (7) hours of continuing education in periodontics to include treatment plan and sequence of treatment; and fourteen (14) hours in implant dentistry, within six months of the entry of this Consent Order. The course work, which shall be in addition to respondent's regularly required continuing education hours, must be approved by the Board in writing prior to attendance. Respondent shall complete the attached continuing education course approval form. Respondent shall provide proof of successful completion of the course within thirty days of

completion.

7. Failure to comply with any of the terms of this Consent Order may result in further disciplinary action, including activation of the stayed suspension and any additional relief determined by the Board to be appropriate based on the conduct found.

NEW JERSEY STATE BOARD OF DENTISTRY

By:

Herbert B. Dolinsky D.D.S.  
Herbert Dolinsky, D.D.S.  
Acting 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.

Mahmoud Amr Helal  
Mahmoud Amr Helal, D.M.D.  
Date

I consent to the form and entry of this order.

Peter A. Greene, Esq.  
Date: Peter A. Greene

**DIRECTIVES APPLICABLE TO ANY DENTISTRY BOARD LICENSEE  
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license has been accepted by the Board, shall conduct him/herself as follows:

**1. Document Return and Agency Notification**

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate, and if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances Registration. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of dentistry in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee of this Board provides health care services. Unless otherwise ordered by the Board, the disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from all prescription blanks and pads, professional listings, telephone directories, professional stationery, or billings. If the licensee's name

is utilized in a group practice title, it shall be deleted.

Prescription pads bearing the licensee's name shall be destroyed. A destruction report form shall be obtained from the Office of Drug Control (973-504-6558) and filed with that office. If no other licensee is providing services at the practice location, all medications must be removed and returned to the manufacturer (if possible), or destroyed or safeguarded. In situations where the licensee has been suspended for a period of less than one year, prescription pads and medications must be secured in a locked place for safekeeping.

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice, and shall be required to comply with the requirements to divest him/herself of all financial interest in the professional practice pursuant to Board regulations contained in N.J.A.C. 13:30-8.21. Such divestiture shall occur within 90 days following the entry of the Board Order. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the New Jersey Department of Treasury, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Patient Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to patient records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her patient record or asks that the record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

## **5. Probation/Monitoring Conditions**

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

## **6. Reports of Reimbursement**

A disciplined practitioner shall promptly report to the Board his/her compliance with each directive requiring monies to be reimbursed to patients to other parties or third party payors or to any Court.

## **7. Report of Changes of Address**

A disciplined practitioner shall notify the Board office in writing within ten (10) days of change of address.

**NOTICE OF REPORTING PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Dentistry are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a dentist:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the American Association of Dental Examiners, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board. In addition, the same description may appear on the Internet Website of the Division of Consumer Affairs.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.