



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Dentistry

124 Halsey Street, 6th Floor, Newark, NJ 07102

VIA CERTIFIED (RRR) AND REGULAR MAIL



PAULA T. DOW
Attorney General

THOMAS R. CALCAGNI
Acting Director

April 8, 2011

Nicholas J. Tria, D.M.D.
c/o Pamela Mandel, Esq.
45 Essex Street, Suite 200
Millburn, NJ 07041

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 4-19-11 DA

Mailing Address:
P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

Re: Settlement Letter in Lieu of Formal Disciplinary Proceedings in Complaint # 66181
Patient: L.K.

Dear Dr. Tria:

The New Jersey State Board of Dentistry has reviewed information concerning patient L.K.'s. complaint. Specifically :

1. The patient's complaint;
2. Your response to the complaint with copies of your treatment records, x-rays, financial records, and insurance claim forms and payment vouchers;
3. Copies of reports and records from subsequent treating dentists;
4. Report from the examining Board consultant; and,
5. Information you submitted through counsel subsequent to the issuance of a settlement letter dated June 9, 2010.

Based upon the Board's review of this matter, it appears to the Board that in your treatment of patient L.K.:

1. You initiated restorative treatment prior to performing periodontal treatment, including taking impressions before performing a scaling;
2. You fabricated a full upper and partial lower prosthesis that failed;
3. You failed to retain radiographs (submitted the originals to the insurance company without retaining copies); and,
4. You charged the patient for a lower cast partial, but inserted an acrylic partial.

If proven, this conduct would constitute repeated acts of negligence and professional misconduct, and may be sufficient to initiate the filing of formal disciplinary proceedings, pursuant to N.J.S.A. 45:1-21(d) and (e). However, the Board has determined that it will first offer you an opportunity to settle this matter, through your agreement to the following:

1. Pay a penalty of \$2,500.00 for repeated acts of negligence.

2. In lieu of restitution directly to the patient, return \$855.20 to Cigna, the amount paid by Cigna for the full upper and partial lower dentures, so treatment may be redone.
3. Reduce patient L.K.'s balance due to \$315.20, which reflects her portion of fees for eleven (11) extractions and periodontal scaling/root planing.
4. Satisfactorily complete and pass twenty-one (21) hours of remedial continuing education, to include seven (7) hours in hands-on periodontics, seven (7) hours in diagnosis and treatment planning, and seven (7) hours in the design and construction of removable prostheses.
5. Satisfactorily complete an ethics course (online or live).

The ethics course and the continuing education courses must be pre-approved by the Board prior to attendance. These courses are in addition to the forty hours required to renew your license for the biennial period. These courses must be completed within six (6) months of your receipt of this letter, and proof of completion must be sent to the Board .

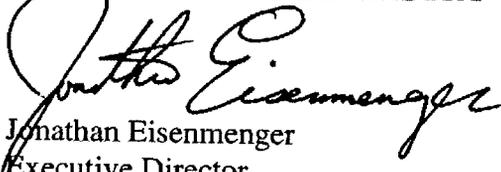
If you are willing to settle this matter on these terms, please sign the acknowledgment, and return it to the Board office along with your checks. The penalty check shall be payable to the "State of New Jersey - Board of Dentistry." Restitution in this matter is payable to Cigna in the amount of \$855.20, with a notation that it is a return of monies received on behalf of patient L.K. for the full upper and partial lower prostheses. Note: upon receipt of your signed acknowledgment, this letter will be a matter of public record.

If you will not settle on the offered terms, the matter will be referred to the Attorney General's office for action. You will be given an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing or refer the matter to the Office of Administrative Law. Should the charges be proven, the Board may assess civil penalties and restitution in an amount greater than those offered in settlement here, and the Board may, if the facts are found to so warrant, enter an order requiring you to pay the additional costs and attorney's fees incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Nancy Costello Miller, who may be reached at (973) 648-2500.

If you are settling, please sign the acknowledgment at the bottom of this letter and return it with payment for penalty and restitution by April 21, 2011. If the matter is not concluded by that date, the settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office.

Sincerely,

STATE BOARD OF DENTISTRY



Jonathan Eisenmenger
Executive Director

ACKNOWLEDGMENT: I, Dr. Nicholas Tria, have read and reviewed the settlement proposal in this letter. I neither admit nor deny the allegations. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges at an administrative hearing. I am also aware that the action taken against me by the Board is a matter of public record, and that this letter is a public document. I agree to:

1. Pay a penalty of \$2,500.00 for repeated acts of negligence.
2. In lieu of restitution directly to the patient, return \$855.20 to Cigna, the amount paid by Cigna for the full upper and partial lower dentures, so treatment may be redone
3. Reduce patient L.K.'s balance due to \$315.20, the amount which reflects her portion of fees for eleven (11) extractions and periodontal scaling/root planing.
4. Satisfactorily complete and pass twenty-one (21) hours of continuing education, to include seven (7) hours in hands-on periodontics, seven (7) hours in diagnosis and treatment planning, and seven (7) hours in the design and construction of removable prostheses.
5. Satisfactorily complete an ethics course (online or live).

4/12/11

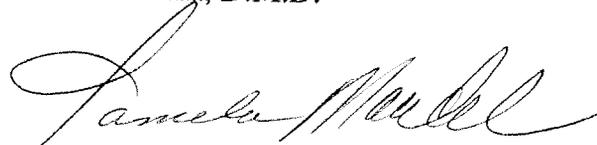
Date

April 14, 2011

Date



Nicholas Tria, D.M.D.



Pamela Mandel, Esq.