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

IN THE MATTER OF THE LICENSURE OF : Administrative Action
: :
Richard S. Bradway, D.D.S. : **CONSENT ORDER OF**
License No. 22DI00920900 : **REINSTATEMENT**
: :
TO PRACTICE AS A LICENSED DENTIST :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the application of Richard S. Bradway, D.D.S. ("respondent"), seeking to reinstate his license to practice application, respondent admitted that he practiced dentistry for seven (7) years from October 31, 2003 through the present, a period during which his license was expired. Respondent's failure to renew his license for the biennial registration period November 1, 2003 through October 31, 2005, resulted in a lapsed license status. Respondent's license to practice dentistry in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:1-7.1(b) without a hearing by an Order filed March 16, 2011.

On October 20, 2010, respondent appeared without counsel at an investigative inquiry before the Board. Respondent admitted to

practicing dentistry with an expired license from October 31, 2003 through September 30, 2010. At the inquiry, respondent testified that he has a history of delinquency since the 1970s in renewing his driver's license, car registration and inspection stickers, auto insurance, malpractice insurance, and federal tax returns, resulting in the termination of his daughter's scholarship. Respondent also failed to provide proof of completion of a minimum of 80 credit hours of continuing dental education (CE) necessary for reinstatement. When asked about his compliance with the Centers for Disease Control and Prevention guidelines for sterilization and sanitation including the disposal of medical waste pursuant to N.J.A.C. 13:30-8.5, respondent testified that he did not have a medical waste contract.

Respondent's office was inspected on November 24, 2010. He provided proof of a recent medical waste pick up, a State of New Jersey, Department of Environment Registration (NJDEP) dated November 5, 2010 and a NJDEP, Bureau of Radiological Health Registration Application dated January 26, 2010. The office was found to be in compliance with CDC guidelines on sanitation and sterilization.

On February 16, 2011, respondent petitioned the Board to accept 64 CE credits he had taken and to accept 73 as the passing score for the Diagnostic Skills Examination (DSE) portion of the North East Regional Board of Dental Examination (NERB). The Board accepted the 64 CE credits, but rejected respondent's request to

accept 73 as a passing score for DSE. Thereafter, on April 20, 2011, respondent submitted proof of passing the NERB examination. The Board then accepted respondent's preparation for the DSE as a reasonable substitute for the sixteen (16) remaining continuing education credits.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, it appears to the Board that respondent has now demonstrated fitness and ability to practice dentistry and that he is likely to comply with the conditions set forth in this Order. The Board is keenly aware of respondent's history of delinquent behavior and will not tolerate any deviation from the terms of this Order. 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;

ACCORDINGLY, IT IS on this 18th day of May, 2011,

ORDERED THAT:

1. Respondent's license to practice dentistry is hereby suspended for six (6) months, effective NUNC PRO TUNC, October 1, 2010 through April 30, 2011.

2. Respondent shall pay a civil penalty, pursuant to N.J.S.A. 45:1-25, in the amount of thirty thousand dollars (\$30,000), for practicing dentistry with an expired license from October 31, 2003 through the present. Fifteen thousand dollars (\$15,000) of the penalty shall be stayed on condition that respondent complies with

this Order. Payment of the \$15,000 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, 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.

3. In the event respondent requests a payment plan, he shall be permitted to pay \$15,000.00 of the civil penalty pursuant to the plan set forth in this paragraph. The first payment of twenty-four payments of \$625.00 shall be due on or before June 1, 2011 and each subsequent payment shall be due on or before the 1st of the month thereafter, until the payments are complete. Each payment shall be made by certified check or money order payable to the State of New Jersey by certified check or money order to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. If respondent fails to make any payment by the 10th of the month in which it is due, the stayed portion of the penalty shall be activated, the full amount of \$30,000.00 shall immediately become due and owing and the Board may bring such other proceedings as authorized by law.

4. Respondent shall obey all of the statutes and regulations governing the practice of dentistry in New Jersey.

5. Failure to remit any payment as required by this Order will result in the activation of the stayed portion of the penalty provided in paragraph #2 above, filing of a certificate of debt,

and shall constitute a violation of this Consent Order.

6. Any violation of this Order will subject respondent to activation of the stayed penalty, enhanced penalties, 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, DDS
Herbert B. 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.

Richard S. Bradway, DDS
Richard S. Bradway, DDS
Date: 5-17-2011