



CHRIS CHRISTIE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Dentistry
124 Halsey Street, 6th Floor, Newark, NJ 07102



PAULA T. DOW
Attorney General

KIM GUADAGNO
Lt. Governor

THOMAS R. CALCAGNI
Acting Director

CERTIFIED (RRR) AND REGULAR MAIL

May 17, 2011

Dr. David I. Kalter
490 New Road
Linwood, New Jersey 08221

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 6-16-11 DA

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

Re: Settlement Letter
Complaint No. 65385
Complainant: Gaetana Sclafani

Dear Dr. Kalter:

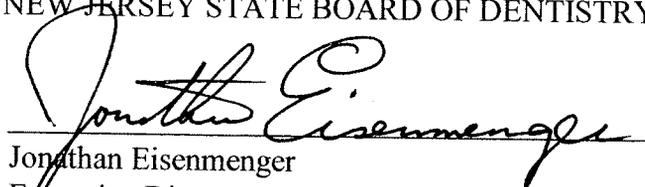
The New Jersey State Board of Dentistry (the "Board") has had an opportunity to review your March 6, 2011 letter of appeal of its offer of a Settlement Letter dated November 29, 2010.

The Board has determined that it is sustaining its findings and terms expressed in the original Settlement Letter offer. The Board sustains these findings because:

1. You initiated a significant dental treatment procedure without adequate diagnostic tools, i.e. diagnostic radiographs.
2. You initiated dental procedures without recognizing the presence of significant oral pathology.
3. You initiated this significant dental procedure without first addressing the patient's more pressing oral health condition.

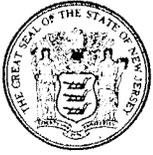
Therefore, please find a new copy of the Board's Settlement Letter attached and return a signed copy to the Board with the required restitution within fifteen (15) days of your receipt of this letter. In the event the Board receives no response within fifteen (15) days, the Board's offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Yours very truly,
NEW JERSEY STATE BOARD OF DENTISTRY


Jonathan Eisenmenger
Executive Director

cc: Nancy Costello Miller, Deputy Attorney General
Encl: Settlement Letter

JE/scb



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

May 17, 2011

David I. Kalter, D.M.D.
490 New Road
Linwood, NJ 08221

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

Re: Settlement Letter
Complaint #65385
Complainant: G.S.

Dear Dr. Kalter:

This letter is to advise you that the New Jersey State Board of Dentistry (the "Board") has had an opportunity to complete its review of information concerning the treatment of G.S. Specifically, the information reviewed included:

1. a copy of the patient complaint;
2. a copy of your written response;
3. a copy of the patient's treatment and financial records and x-rays; and,
4. other available information about the patient's dental health.

Based upon the review of this matter, it appears to the Board that there may have been repeated instances of negligence or malpractice in that:

1. You failed to utilize adequate diagnostic tools prior to treating the patient.
2. You initiated an improper sequence of treatment on a large radiolucent lesion.

These acts may be sufficient to initiate the filing of formal disciplinary proceedings. However, the Board has determined that it will first offer you an opportunity to settle this matter, through your agreement to the following:

1. Provide the patient with restitution in the amount of \$3,000, which represents one half (1/2) of the total fee for the crowns inserted on #6, 7, 8, 9, 10, and 11. Restitution should be made by check or money order made payable to the patient and submitted to the Board office with the signed acknowledgment at the end of this letter.
2. Successfully complete twenty-one (21) hours of remedial continuing education in oral pathology and oral radiology. The continuing education

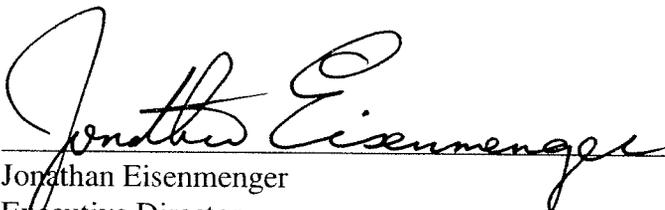
course(s) must be pre-approved by the Board prior to attendance. This continuing education requirement is in addition to the forty hours required to renew your license for the biennial period. You must send confirmation to the Board that these courses have been satisfactorily completed

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. You should be advised that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those offered in settlement here, should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs 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 elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Yours very truly,
NEW JERSEY STATE BOARD OF DENTISTRY


Jonathan Eisenmenger
Executive Director

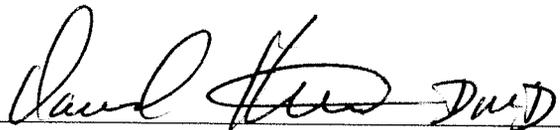
cc: Nancy Costello Miller, Deputy Attorney General

ACKNOWLEDGMENT: I, David I. Kalter, DMD, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to comply with the directives noted herein.

1. Provide the patient with restitution in the amount of \$3,000, which represents one half (1/2) of the total fee for the crowns inserted on #6, 7, 8, 9, 10, and 11. Restitution should be made by check or money order made payable to the patient and submitted to the Board office with the signed acknowledgment at the end of this letter.
2. Successfully complete twenty-one (21) hours of remedial continuing education in oral pathology and oral radiology. The continuing education course(s) must be pre-approved by the Board prior to attendance. This continuing education requirement is in addition to the forty hours required to renew your license for the biennial period. You must send confirmation to the Board that these courses have been satisfactorily completed

6/13/11

Date



David I. Kalter, DMD

JUN 16 2011