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

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE LICENSE OF :
 :
HEIDI GLICK STARR, D.M.D. : FINAL ORDER OF DISCIPLINE
License No. 22 DI01619800 :
 :
TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDING OF FACT

1. Dr. Heidi Glick Starr ("respondent") is the holder of license number 22 DI01619800 and was originally licensed to practice dentistry in the State of New Jersey on September 1, 1987. Respondent failed to renew her license prior to its expiration on October 31, 2007 and she has failed to renew her license since that date. As a result, respondent's license has been and is currently suspended, without a hearing, by application of N.J.S.A. 45:1-7.1(b).

2. The Board received a complaint from patient K.P. alleging that respondent improperly performed two root canals, which ultimately resulted in the decay and removal of both teeth. K.P.

also alleged that respondent improperly performed a filling on a small cavity, which ultimately needed to be redone and eventually replaced with a root canal. Additionally, K.P. alleges that respondent improperly rebuilt a molar, which eventually needed to be removed, and failed to notice two cavities on the x-rays.

3. The Board sent respondent a letter dated July 8, 2008, via regular mail, to her address of record. The letter requested that additional information be provided to the Board based on K.P.'s complaint. The letter requested a response within twenty (20) days.

4. The July 8, 2008 letter sent to respondent's address of record, via regular mail, was not returned to the Board office. Respondent failed to provide the requested information pertaining to K.P.'s complaint.

5. On September 4, 2008, the Board re-sent the July 8, 2008 letter to respondent, via regular and certified mail. Again, the letter requested that information be provided to the Board in response to K.P.'s complaint. The letter also cited to respondent's failure to provide the requested information as a result of the July 8, 2008 mailing that was sent to respondent. The September 4, 2008 letter requested that respondent provide the information to the Board within ten (10) days.

6. The certified mail containing the September 4, 2008 letter was received by respondent on September 6, 2008 as evidenced by her signature on the return receipt card. The regular mailing was not returned to the Board office. Respondent failed to provide the

requested information pertaining to K.P.'s complaint.

7. Respondent, to date, has failed to provide the Board with the requested information regarding the complaint received from patient K.P.

CONCLUSIONS OF LAW

Respondent's failure to provide information in response to the Board's investigation concerning K.P.'s complaint constitutes professional misconduct, pursuant to N.J.S.A. 45:1-21(e), in that respondent failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:45C-1.3 (a)(4) & (5). Furthermore, respondent's failure to provide the requested information constitutes a failure to comply with the provisions of an act administered by the Board, pursuant to N.J.S.A. 45:1-21(h), in that she failed to cooperate in an investigation administered by the Board in contravention of N.J.A.C. 13:45C-1.2.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was filed on September 3, 2009. The POD was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence

supporting respondent's request for consideration and reasons therefor.

Dr. Starr, in an undated letter, responded to the POD by admitting that "there is no excuse in my failing to respond to the Board inquiries." Respondent attributed her failure to respond to the Board's investigation in a timely manner and to her failure to renew her license for the 2007-2009 biennial period on a confluence of events. The stated events are: (1) being called to serve as a juror for 3-1/2 months, (2) the dissolution of her marriage and (3) the emotional stress associated with the divorce which affected her practice and earnings. Additionally, respondent claims that she did not respond to the Board's first mailing, regarding a patient complaint against her because she believed that her former husband either manipulated the patient into filing the complaint or might have written the entire complaint and "made it seem it was from the Board of Dentistry."

While respondent admitted that she has an obligation to the Board to respond in a timely manner, the Board finds that respondent was disingenuous in that it took the filing of the POD seeking to suspend her license as a disciplinary action, to impose a fine, and to issue a reprimand before a response was received from her. While the Board is sympathetic to respondent's personal challenges, the Board finds that imposition of a civil penalty and a reprimand are warranted because she improperly relied on her own assumption, without first calling the Board office regarding the

legitimacy of the Board's letters dated July 8 and September 4, 2008. Further, while respondent has provided an explanation for her oversight, the Board finds that her explanation, some thirteen (13) months later, was unsubstantiated by dates or documents or other written evidence.

However, since respondent has now provided a response to the patient complaint, the suspension of her dental license is withdrawn. In view of her stated financial difficulties and that she ceased practicing when her license was automatically suspended without a hearing, pursuant to N.J.S.A. 45:1-7.1(b), the Board has reduced the amount of the overall civil penalty. Respondent has since successfully reinstated her license to practice in February 2010.

ACCORDINGLY, IT IS, on this *10th* day of *August*, 2011

HEREBY ORDERED THAT:

1. Respondent is hereby reprimanded for the conduct outlined above in violation of N.J.S.A. 45:1-21(e) and N.J.S.A. 45:1-21(h).

2. Respondent shall be assessed a civil penalty in the aggregate amount of two thousand and five hundred dollars (\$2,500) for the two violations of failing to cooperate with the Board's requests for patient records resulting in the filing of a Provisional Order of Discipline. The penalty shall be paid by money order or certified check made out to the State of New Jersey and delivered to the Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, no later than 15 days after

the entry of any Final Order of Discipline in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed and or the Board may institute such other collection procedures.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Herbert B. Dolinsky, D.D.S.
Herbert Dolinsky, D.D.S.
Acting President