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JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

By: Nancy Costello Miller
Deputy Attorney General
Attorney for State Board of Dentistry
(973) 648-4735

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

<u>IN THE MATTER OF</u>	:	Administrative Action
	:	
RICHARD J. MERCURIO, D.D.S.	:	INTERIM CONSENT ORDER
License No. 22DI 01142300	:	
	:	
LICENSED TO PRACTICE DENTISTRY	:	
<u>IN THE STATE OF NEW JERSEY</u>	:	

The New Jersey State Board of Dentistry ("Board") reviewed information regarding the dental practice of Richard J. Mercurio, D.D.S. (" Dr. Mercurio" or "respondent"), and in particular the treatment of patient P.D. on February 2, 2012. Respondent provided an incident report as required by N.J.A.C. 13:30-8.8, in which he described his treatment of the patient, a 72 year old man, under enteral sedation, and the adverse events that followed the administration of sedation and dental treatment. Based on its review of the materials provided, it appears to the Board that respondent has demonstrated a profound deficiency of knowledge in basic dental concepts and practices, including issues related to patient assessment, pharmacology, treatment of medically compromised patients, and emergency protocols.

Having reviewed the record created to date, it appears to the Board that respondent's use of enteral sedation in his practice and/or his treatment of patients under sedation (enteral, parenteral conscious sedation or general anesthesia), even when another licensed health care provider is administering the sedation, is not consistent with

the public health, safety, and welfare at this time. The Board reserves its right to bring any action it deems appropriate based on respondent's conduct now known or hereafter developed. Respondent, without making any admissions and reserving his ability to defend against any action that may be brought, has agreed to the entry of this order. The Board finds the entry of the interim consent order to be adequately protective of the public health, safety, and welfare.

THEREFORE, IT IS ON THIS ^{21st} DAY OF *MARCH*, 2012,
HEREBY ORDERED AND AGREED THAT:

1. Richard J. Mercurio, D.D.S., agrees to an immediate cessation of use of enteral sedation in his practice and agrees that he will not treat any patient receiving enteral sedation, parenteral conscious sedation, or general anesthesia until further order of the Board. Dr. Mercurio shall forward his enteral sedation permit to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101, within three days of the entry of this order.

2. Respondent shall not prescribe controlled dangerous substances, including Valium, for anxiolysis until further order of the Board. —

3. Failure to comply with any of the terms of this interim consent order may result in immediate disciplinary action, including an application for suspension of license on short notice.

NEW JERSEY STATE BOARD OF DENTISTRY

By:

Peter L. DeSciscio
Herbert B. Dolinsky, D.D.S. *Peter L. DeSciscio, D.D.S.*
Vice ~~Board~~ President

I have read and understand this
Interim Consent Order and agree to be
bound by its terms. I consent to the entry of this Order.

Richard J. Mercurio
Richard J. Mercurio, D.D.S.

3/19/12
Date