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

IN THE MATTER OF : Administrative Action  
:   
Han J. Kang, D.D.S. :   
License No. 22DI02113000 :   
:   
LICENSED TO PRACTICE DENTISTRY :   
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a complaint against Han J. Kang, D.D.S. ("respondent") alleging respondent aided and abetted the unlicensed practice of dentistry and failed to maintain his professional practice in a safe and sanitary condition. On March 10, 2010, two investigators of the Enforcement Bureau, Division of Consumer Affairs, conducted an inspection of the office of respondent, Hana Dental, located at 777 Broad Avenue, Ridgefield, NJ. The inspection revealed the presence of outdated, expired labeled medications as well as unlabeled capsules of different colors in a clear plastic bag on which was written in black marker, "Amoxicillin".

On January 18, 2012, respondent appeared before the Board with counsel, Thomas Licata, Esq. and David Kuk, Esq., at an investigative inquiry. During the inquiry, respondent admitted that he allowed

unauthorized, unlicensed, untrained individual and assistants employed by him to perform acts including taking x-rays for which a license or certificate of registration is required by law. Lastly, with regard to his instrument sterilization techniques, respondent testified that hand pieces are either wiped down or sterilized overnight with cold sterilization.

Having reviewed the entire record, including the report of investigation pertaining to the March 10, 2010 inspection and the testimony of respondent at the investigative inquiry, the Board finds that respondent allowed unauthorized, unlicensed, untrained individual and assistants employed by him to perform acts including taking x-rays for which a license or certificate of registration is required by law, and failed to maintain his professional practice in a safe and sanitary condition. These facts establish the basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (e) and (n) in that respondent has engaged in professional misconduct and has permitted an unlicensed person to perform acts for which a license or certificate of registration is required by law and aided and abetted unlicensed practice.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings, and for good cause shown;

IT IS ON THIS 20<sup>th</sup> DAY OF June, 2012

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall cease and desist permitting unlicensed persons to perform dentistry tasks for which a license or registration is required.

2. Respondent shall fully attend, successfully complete, and pass an infection control course in Occupational Safety and Health Administration (OSHA) compliance, presented by Howard J. Pactovis, D.M.D. (including assessment of office compliance and establishment of an office manual) or another course of similar content that is pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board within 10 days following completion. "Successful completion" means that respondent has attended all sessions of the course, fully participated, and received a final evaluation of an unconditional pass. Respondent shall be entirely responsible for any and all costs or expenses relating to the course.

3. Respondent shall demonstrate compliance with Occupational Safety and Health Administration (OSHA) regulations in the provision of dental services and the Center for Disease Control and Prevention (CDC) guidelines for sterilization and the disposal of medical waste. Specifically, respondent must demonstrate that the office and his practice conform with the following requirements:

a) Sterilization unit is subject to appropriate sterilization monitoring. Contract with a sterilization service or demonstrate the receipt or purchase of in-office equipment to conduct appropriate sterilization monitoring.

b) Properly and timely dispose of all regulated medical waste including obtaining a medical waste registration number with the Department of Environmental Protection. Maintain a contract with a proper medical waste disposer and maintain all records pertaining to the

disposal of medical waste including, but not limited to, medical waste tracking sheets.

c) Maintain an ultra-sonic cleaner and treat all instruments with appropriate materials such as enzymatic solution.

d) Maintain an autoclave and demonstrate that it is subject to sterilization monitoring. All hand pieces and critical patient instruments must be bagged and autoclaved. Contract with a sterilization monitoring service and maintain a log of when test strips are submitted and the test reports of the monitoring service.

e) Properly store all patient records and charts in order to maintain patient confidentiality and the integrity of radiographs.

f) Place all instruments in sterile containers, cassettes or bags, in order to prevent the open-air contamination of instruments.

g) Dispose of non-heat stable items, such as plastic impression trays, that cannot be autoclaved after single use. Use heat stable materials that can be properly sterilized or demonstrate appropriate cold sterilization techniques for these items.

h) Utilize appropriate barrier techniques in all treatment rooms.

i) Clean all surfaces that may have been in contact with blood borne pathogens or saliva with Environmental Protection Agency registered intermediate level disinfectant with tuberculocidal claim.

4. Quarterly provide the Board with a copy of his recent, up-to-date records pertaining to disposal of medical waste.

5. Immediately provide the Board with a copy of the current medical history form that he used for the patients in the practice.

6. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22 in the amount of \$12,500.00 for professional misconduct and aiding and abetting unlicensed practice.

7. Respondent is assessed transcription costs of \$190.25 and investigation costs of \$5,544.75 in this matter.

8. Payment of civil penalties and costs in the total amount of \$18,235.00 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Mr. Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 no later than 30 days from the entry of this Consent Order. In the alternative, respondent shall pay \$5,000.00 upon the entry of this Consent Order and thereafter, respondent shall make six (6) monthly payments of \$2,200.00 per payment with the first payment due by the first of the following month and subsequent payments to continue to be made by the first of each month thereafter until all six (6) payments are completed with the final payment of \$2,235.00. In the event that respondent does not make a timely payment, the full balance will immediately become due.

9. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt, shall constitute a violation of this Order, and may result in further disciplinary action.

10. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

11. Failure to comply with any of the terms of this Consent Order may result in further disciplinary action and any additional relief determined by the Board to be appropriate based on the conduct found.

12. Respondent may apply for modification of the terms and conditions of the within Order no sooner than one (1) year from the entry date herein.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Herbert B. Dolinsky, D.D.S.  
Herbert B. Dolinsky, D.D.S.  
Board 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.

Han J. Kang  
Han J. Kang, D.D.S.  
Date: \_\_\_\_\_

I consent to the form and entry of this Order.

David Kuk  
David Kuk, Esq.  
Attorney for Han J. Kang, D.D.S.  
Date: June 4, 2012