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N.J. BOARD OF DENTISTRY
ON 6-20-12 DA

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

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE LICENSE OF :
 :
Marianna M. Weiner, D.M.D. : FINAL ORDER OF DISCIPLINE
License No. 22DI02247600 :
 :
TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry upon receipt of information concerning Marianna M. Weiner, D.M.D. ("respondent"), which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is licensed to practice dentistry in the State of New Jersey, and has placed her license on an inactive status at all times relevant hereto.

2. On January 11, 2011, before the New York State Education Department, Office of Professional Discipline, State Board of Dentistry, respondent admitted guilt to three (3) charges of professional misconduct: following a conviction of Offering a False Instrument for Filing in the Second Degree, practicing the profession of dentistry with incompetence on more than one

occasion, and failing to maintain a record which accurately reflected a patient's evaluation and treatment.

2. Respondent's license to practice in the State of New York was suspended for a period of two (2) years with the last (22) months of said suspension to be stayed and three (3) years of probation. Within the first six (6) months of probation, respondent shall successfully complete a Board approved course in oral diagnosis, periodontics and treatment planning and during the period of probation, respondent shall complete a course approved by the Commission on Dental Accreditation (CODA) in the area of orthodontics. Additionally, respondent is required to pay a civil penalty in the amount of \$5,000.00.

CONCLUSIONS OF LAW

Respondent's admission that she engaged in acts that constitute a crime in violation of N.J.S.A. 45:1-21(f), and her suspension by the New York State Education Department, in violation of N.J.S.A. 45:1-21(g) as respondent has had her license suspended by another state, in addition to her engaging in professional misconduct pursuant to N.J.S.A. 45:1-21(e) provide grounds for disciplinary action in this State.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was filed on March 7, 2009. The Provisional Order 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.

The POD was mailed to the respondent on March 12, 2012 by regular and certified mail with return receipt requested #7006 0100 0002 5236 9834 to respondent's address of record at 543 Gorge Road, Cliffside Park, New Jersey 07010. The regular mail was not returned to the Board office, however, the certified mail was returned as "unclaimed". On March 21, 2012, the POD was mailed by regular and certified mail with return receipt requested #7006 0100 0002 5236 9858 to respondent's mailing address at 2660 Batchelder Street, Brooklyn, New York 11235. The regular mail was not returned to the Board office and the certified mail green card was signed for on March 26, 2012.

Respondent called the Board office on May 8, 2012 to say that she would not be submitting a response to the POD. She stated that she understands the Board will make a decision without her submission. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final without modification.

ACCORDINGLY, IT IS on this 20th day of June, 2012,

ORDERED that:

1. The license of Marianna M. Weiner, D.M.D., to practice dentistry in this State is suspended for a period of two (2) years, all of which shall be served as a period of probation. Such suspension to commence 30 days after the entry of a final order in this matter.

2. The Board reserves the right to impose any conditions on respondent's return to practice that the Board believes are necessary to protect the public health, safety, and welfare.

NEW JERSEY STATE BOARD OF DENTISTRY

By

Herbert B. Dolinsky, D.D.S.
Herbert B. Dolinsky, D.D.S.
Board President