

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 3-7-12 DA

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 :
 :
Paul Tran, D.D.S. :
License No. 22DI 01926800 : FINAL ORDER
 : RESCINDING PROVISIONAL
 : ORDER OF DISCIPLINE
TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

The New Jersey State Board of Dentistry issued a Provisional Order of Discipline on September 6, 2007, relating to Dr. Tran's failure to maintain complete and accurate patient records and failure to submit accurate claims to insurance companies. Dr. Tran responded to the Provisional Order by letter dated October 1, 2007, addressing each of the allegations underlying the basis of the Provisional Order. In particular, Dr. Tran stated that the matter involved a clerical error and contradicting benefit coverage from the insurance company which is no longer in business. The Board, after fully considering the explanations provided and noting that there have been no further issues related to Dr. Tran's practice, is persuaded that the Provisional Order should be dismissed.

ACCORDINGLY, IT IS on this 7th day of March, 2012,

ORDERED that the Provisional Order of Discipline filed on September 6, 2007 is hereby dismissed.

NEW JERSEY STATE BOARD OF DENTISTRY

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

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 9-6-07 cm

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for State Board of Dentistry

By: Nancy Costello Miller
Deputy Attorney General
(973) 648-4735

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

IN THE MATTER OF

PAUL TRAN, D.D.S
License No. DI 01926800

TO PRACTICE DENTISTRY IN THE
STATE OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DISCIPLINE

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

FINDINGS OF FACT

1. Paul Tran, D.D.S. (respondent), is a dentist licensed in the State of New Jersey and has been licensed at all times relevant to this order.

2. On November 7, 1998, respondent treated patient W.P. by placing crowns on teeth numbers 12 and 14. On that same date, respondent further inserted the two crowns with Durelon, a permanent cement substance.

3. On May 17, 2000, respondent appeared with counsel Alan Baratz, Esq. at an investigative inquiry into the matter held by the Board. Respondent confirmed that his treatment records for the patient reflect that the two crowns (for teeth 12 and 14) were permanently cemented with Durelon on November 7, 1998. (Exhibit A, Transcript, p.12, lines 19-23; p.20, lines 11-14).

4. At the investigative inquiry, respondent further confirmed that an insurance submission signed March 31, 1999, was submitted to Guardian indicating that the date of service for the crown placement was January 22, 1999. (Exhibit A, Transcript p.12, lines 24-25; p.13, lines 1-24; p.14, lines 1-3).

5. Respondent, in his testimony, explained this inconsistency as being caused by an error on the part of his office manager who submitted the insurance claims for his practice. (Exhibit A, Transcript p.14, lines 4-10).

6. Respondent further explained and acknowledged that his office procedure was to sign the insurance claim forms filled out by his office manager without actually checking the accuracy of the information on those forms; it would take too much time to check every date. (Exhibit A, Transcript p.14, lines 4 - 25).

7. Respondent, in his testimony, acknowledged and verified that he did not address this date discrepancy with Guardian, nor has he been asked for or given any money back to the insurance company based on the date of billing. (Exhibit A, Transcript p. 20, lines 7-17).

8. Respondent testified that the claim for insurance should have been submitted as the date of treatment, that is, November 7, 1998. (Exhibit A, Transcript p.20, lines 11-18).

9. Respondent further testified that there was a second dental claim form submitted to New England, a second insurance carrier. This claim was submitted on February 15, 1999, and reflected a date of service of January 22, 1999 for this same dental treatment that had, in fact, been rendered on November 7, 1998. (Exhibit A, Transcript p. 22, lines 8-11).

10. Respondent received payment for those services from both Guardian and New England. (Exhibit A, Transcript p. 22, lines 22-25).

11. Pursuant to N.J.A.C. 13:30-8.10(d)2, it shall not be a defense to an allegation of a violation of the Board's regulations that the claim was completed or submitted by an agent of the licensee.

CONCLUSIONS OF LAW

1. Respondent's conduct in failing to maintain complete and accurate patient records and failing to submit accurate insurance claims provide grounds to discipline respondent pursuant to N.J.S.A. 45:1-21(b) in that respondent engaged in the use of dishonesty, fraud, deception or misrepresentation; and N.J.S.A. 45:1-21(h) in that respondent violated or failed to comply with the following provisions of regulations administered by the Board:

- N.J.A.C. 13:30-8.10(a): no licensee shall submit any claim to a third party payor for dental services rendered to any patient which involves dishonesty, fraud, deception or misrepresentation;
- N.J.A.C. 13:30-8.10(b)1: no licensee shall submit to a third party payor any claim which contains any treatment date which does not accurately reflect the date when the service and procedures were actually completed; and

- N.J.A.C. 13:30-8.7(a)5: all treatment records, bills and claim forms shall accurately reflect the treatment or services rendered and that such records shall include, at a minimum, the dates of each patient visit and a description of the treatment or services rendered at each visit.

ACCORDINGLY, IT IS ON THIS 5th DAY OF SEPTEMBER, 2007,

PROVISIONALLY ORDERED:

1. Respondent is reprimanded for conduct related to engaging in acts of misrepresentation and for submission of inaccurate claims to insurance companies.
2. Respondent is assessed civil penalties pursuant to N.J.S.A. 45:1-22 in the amount of \$2,500.00 with respect to conduct in violation of N.J.S.A. 45:1-21 (b) and (h). Payment for the civil penalties totaling \$2,500.00 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to the Executive Director, State Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101, no later than thirty (30) days from the entry of a Final Order in this matter. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.
3. Respondent is assessed costs of the investigation to the State in this matter in the amount of \$110.42. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days from the entry of this Provisional Order. Payment shall be sent to the executive director, State Board of Dentistry, at the address set forth in paragraph #2.
4. Respondent is hereby provisionally subject, at his own expense, to random audits for a period of one year to ensure compliance with Board regulations regarding patient records and submissions to third party payors.

5. Failure to remit any payment required by this Order will result in the filing of a certificate of debt.

6. Failure to comply with any of the terms of this Order may result in further disciplinary action.

7. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following its entry unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to the Executive Director, State Board of Dentistry, P.O.B. 45005, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why the findings and conclusions should be modified or dismissed.

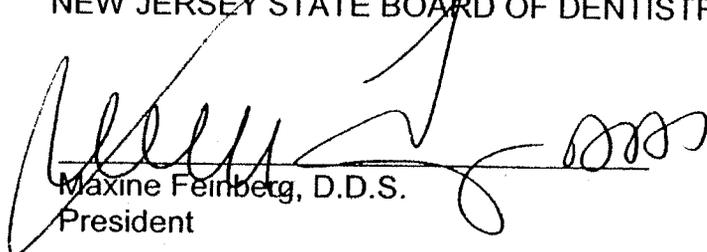
c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons offered in mitigation of the penalty.

8. Any submissions will be reviewed by the Board, and the Board will determine whether further proceedings are necessary. If no material discrepancies are raised through the supplemental submissions during the thirty (30) day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

9. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained in this order shall serve as notice of the factual and legal allegations in such proceedings. Further, in the event a hearing is held, upon review of the

record, the Board shall not be limited to the findings, conclusions, and sanctions set forth in this order and may, if the factual and legal allegations have been proven, order such sanctions or other remedies as it may deem appropriate, including costs.

NEW JERSEY STATE BOARD OF DENTISTRY



Maxine Feinberg, D.D.S.
President