



CHRIS CHRISTIE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Dentistry
124 Halsey Street, 6th Floor, Newark, NJ 07102



JEFFREY S. CHIESA
Attorney General

KIM GUADAGUZZI **VIA CERTIFIED (RRR) AND REGULAR MAIL**
Lt. Governor

ERIC T. KANEFSKY
Acting Director

June 28, 2012

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 8-13-12 DA

Mailing Address:
P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

Dwight E. Garcia, D.M.D.
C/o Pamela Mandel, Esq.
45 Essex Street, Suite 200
Millburn, NJ 07041

Re: Settlement Letter in Lieu of Formal
Disciplinary Action
Complaints #74834

Dear Dr. Garcia:

This letter is to advise you that the New Jersey State Board of Dentistry (the "Board") has had an opportunity to complete its review of information concerning the above captioned complaints. The information reviewed includes:

1. The complaint(s) from a consumer.
2. Your response through counsel to the complaint.
3. A Report of Investigation dated November 9, 2011 by the Division of Consumer Affairs Enforcement Bureau.
4. Your response dated March 1, 2012 to the Board's letter dated January 23, 2012, including the attached certification of D. D.

Based upon the review of this matter, it appears to the Board that:

1. You prescribed Ambien for an individual who is not a patient of record in your dental office, and for whom no record was kept, in violation of N.J.A.C. 13:30-8.7.

These acts may be sufficient to initiate the filing of formal disciplinary proceedings. However, the Board has determined that it will first offer you an opportunity to settle this matter, through your agreement to the following:

1. Pay a penalty of \$2,500.00 for prescribing to a patient not of record and failing to maintain contemporaneous patient records. This penalty may be paid at the rate of \$500 per month.

2. Make assurance that you will cease and desist from prescribing medication for individuals who are not your dental patients, and that in the future you will maintain complete and accurate patient records, to include all prescriptions written.

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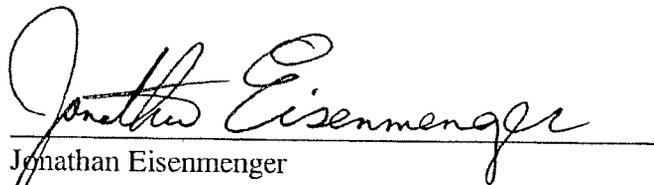
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If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. The penalty may be paid by a check or money order made payable to the "State of New Jersey - Board of Dentistry" and should be submitted to the Board office. You should be advised that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those offered in settlement here, should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Nancy Costello Miller, who may be reached at (973) 648-2500.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Yours very truly,
NEW JERSEY STATE BOARD OF DENTISTRY


Jonathan Eisenmenger
Executive Director

cc: Nancy Costello Miller, Deputy Attorney General

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ACKNOWLEDGMENT: I, Dr. Dwight E. Garcia, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to comply with the directives noted herein. Specifically, I will:

1. Pay a penalty of \$2,500.00 for prescribing to a patient not of record and failing to maintain contemporaneous patient records. This penalty will be paid at the rate of \$500 per month, with the first payment provided with this signed acknowledgment.
2. Make assurance that I will cease and desist from prescribing medication for individuals who are not your dental patients, and that in the future I will maintain complete and accurate patient records, to include all prescriptions written.

7/6/12
Date


Dr. Dwight E. Garcia