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

IN THE MATTER OF : Administrative Action  
: :  
DANIEL H. MARKHAM, D.M.D. : CONSENT ORDER  
License No. 22DI00916200 :  
: :  
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 complaints from seven patients, J.K., R.W., H.S., G.W., M.P., S.S., and more recently B.B. alleging that Daniel H. Markham, D.M.D. ("respondent") provided substandard patient management, engaged in improper billing practices and/or charged excessive fees, failed to maintain accurate and adequate patient records and deviated from the standard of care and professionalism for dentists licensed to practice in this State.

Respondent has appeared at repeated investigative inquiries regarding many of the above patients most recently, on June 20, 2012, when he appeared without counsel, regarding B.B. and indicated he no longer was represented as to any of the patient

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matters.

Following review of the complaints, testimony and patient records, the J.K. matter involved allegations that respondent failed to take x-rays to properly diagnose the cause of dental pain, did not maintain adequate patient records, and withheld adequate dental treatment to which the patient appeared entitled by a capitation plan. The patient R.W. matter alleged respondent failed to correct an occlusion, provided poor fitting margins on the patient's bridge necessitating repeated re-cementing, and utilized all acrylic partial dentures causing the upper partial to fracture on two occasions. Regarding patient H.S., it was alleged that respondent failed to take adequate x-rays, did not obtain or maintain adequate records, and failed to fabricate, trial fit or properly place crowns, resulting in considerable tooth, soft tissue and occlusal damage and requiring nineteen (19) crown units to be redone. As to patient G.W., it was alleged that respondent improperly performed endodontic therapy on two teeth thereby requiring both root canal procedures to be redone. Regarding patient M.P., it was alleged that respondent failed to treat the patient's periodontal disease prior to starting extensive fixed bridge work, poorly executed the fixed bridge work procedures, took final impressions only six days after tooth extraction(s), and cemented the eleven (11) unit bridge with poor abutment crown margins. As to patient S.S., it was alleged that respondent did not

document diagnostic tools utilized in making a diagnosis, utilized inadequate pre-treatment x-rays, performed no pre-treatment periodontal charting, offered no alternate treatment options, and, through radiographic evidence, appears to have placed the eight (8) unit bridge on short abutment teeth with inadequate crown lengthening. Regarding B.B., it was alleged that respondent did not document diagnostic tools utilized in making a diagnosis, performed no pre-treatment periodontal charting, offered no alternate treatment options, developed a treatment plan in less than 30 minutes, performed four quadrants of periodontal deep scaling when there was no documentation to support the need for these procedures; and failed to specify tooth numbers or quadrant specifications on the patient's chart for scaling and root planing performed, inconsistent with N.J.A.C. 13:30-8.7.

These facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d), (e) and (h) and N.J.A.C. 13:30-8.10, in that respondent engaged in repeated acts of negligence, billing discrepancies and inappropriate billing practices and failed to comply with the Board's record keeping rule. It appearing that respondent desires to resolve this matter and for good cause shown:

IT IS ON THIS 5<sup>th</sup> DAY OF December, 2012,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall cease and desist providing any periodontal

care including prophylaxis unless and until he completes seven (7) hours of continuing education pre-approved by the Board in diagnosis and treatment planning of periodontal conditions, seven (7) hours in hands-on periodontal therapy, and four (4) hours in record keeping. Completion of such course work shall be documented to the Board and permission sought in writing to re-engage in periodontal care. Approval shall not be unreasonably withheld. These courses are in addition to the regularly required continuing education hours. Respondent shall complete the attached continuing education Report and Proof of Attendance as proof of successful completion of the required course work. The attached forms are made a part of this Consent Order, and a separate form is to be used for each course.

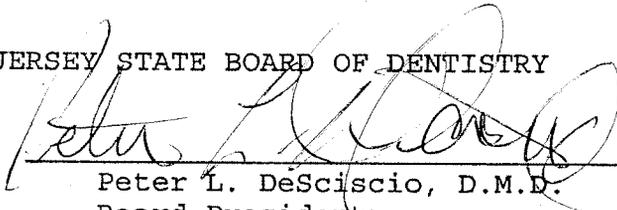
2. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22 in the total amount of \$5,000 for repeated acts of negligence and repeated acts of billing discrepancies and inappropriate billing practices. Payment of the civil penalties of \$5,000 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to 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. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25. In the alternative, respondent shall pay \$1,000.00 upon the entry of

this Consent Order and thereafter, respondent shall make four(4) monthly payments of \$1,000.00 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 four (4) payments are completed with the final payment of \$1,000.00. In the event, that respondent does not make a timely payment, the full balance will immediately become due.

3. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt and such other proceeding as permitting by law.

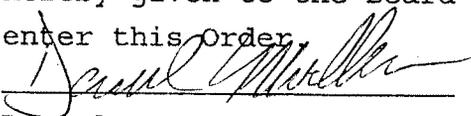
4. The failure to timely comply with any of the terms of this Consent Order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 

Peter L. DeSciscio, D.M.D.  
Board President

I have read and understand this Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

  
Daniel H. Markham, D.M.D.

11-14-2012  
Date:

New Jersey State Board of Dentistry  
Application for Course Approval  
(Please Type or Print Legibly)



124 Halsey Street . 6th Floor . Newark, NJ . 07101  
phone: 973.504.6405  
fax: 973.273.8075

The Board cannot assure approval for courses provided. Applications must be submitted at least 30 days prior to the course date.

**A separate form is to be used for each course.** A copy will be returned to you after approval or denial by the Board.

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Dentist name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

The following course is designed to fulfill a part \_\_\_\_\_ / or all \_\_\_\_\_ of \_\_\_\_\_ hours required for:

a. incomplete general CE requirements \_\_\_\_\_ b. remediation CE in \_\_\_\_\_

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Number of credit hours requested for this particular course: \_\_\_\_\_

Course Title: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Sponsor Phone Number: \_\_\_\_\_

Date(s) you will be attending course: \_\_\_\_\_

Time course begins and ends: \_\_\_\_\_

**Please attach a course brochure. (Required)**

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**For Board use only**

Date: \_\_\_\_\_ Reviewed by CE Committee \_\_\_\_\_

Approved \_\_\_\_\_ for \_\_\_\_\_ hours in \_\_\_\_\_

Denied \_\_\_\_\_ Reason for Denial: \_\_\_\_\_

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