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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 1-16-13 DA

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

IN THE MATTER OF

ALAN SCHWARTZ, D.M.D.
License # 22DI01881800

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

**ORDER REINSTATING
LICENSE WITH
RESTRICTIONS**

This matter is before the Board on the application of Alan Schwartz, D.M.D. ("Dr. Schwartz" or "respondent") for reinstatement of his license to practice dentistry. Respondent surrendered his license by order dated May 20, 2011, following his arrest for obtaining CDS by fraud. At that time, Dr. Schwartz was practicing under an interim consent order entered by the Board on August 5, 2009. The 2009 order was based, in part, on respondent's conduct in writing prescriptions for himself and for family members.

Dr. Schwartz appeared before the Board on January 2, 2013, accompanied by Edward Reading, Ph.D., LCADC, Assistant Director of the Professional Assistance Program. Respondent discussed his ongoing recovery, his participation with the PAP, his attendance at AA meetings, his ongoing therapy, and the hardships encountered during his period of surrender, including an arrest in August 2012 for shoplifting. He is in the Pre-Trial Intervention Program based on the May 2011 arrest. His urine screens have been consistently negative for non-prescribed medications. Respondent, through the PAP, submitted reports from a psychiatrist and a psychologist who have participated in respondent's treatment. The Board is satisfied that Dr. Schwartz has progressed sufficiently in his recovery and his understanding of the circumstances that contributed to the arrest and use of controlled dangerous substances that caused the need for Board action. The Board notes, however, that Dr. Schwartz's recent actions indicate that he remains vulnerable to the stresses in his life and therefore will require that he not practice independently and that he fully comply with the terms of this order. The Board finds that his return to practice under the conditions imposed by this order is sufficiently protective of the public health, safety, and welfare.

THEREFORE, IT IS ON THIS 16th DAY OF January, 2013,

ORDERED THAT:

1. The license of Alan Schwartz, D.M.D., to practice dentistry is reinstated subject to the terms of this order.
2. Dr. Schwartz shall practice dentistry only in an office with another licensed dentist who is familiar with the terms of this order and who acknowledges the terms by signing a

copy of the order and returning it to the Board Office, Att: Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101.

(a) Respondent shall notify the Board of each location at which he is practicing;

(b) Respondent shall practice only when another licensed dentist is physically present in the office;

(c) Respondent shall not prescribe any medication for himself or family members;

(d) Respondent shall cause each dentist with whom he is practicing to submit a copy of this order signed by the licensee to the Board within three (3) days of his beginning practice at the location indicating that he or she is aware of the restrictions on Dr. Schwartz and that he or she agrees to report any use or suspicion of use of a controlled dangerous substance by him to the Board of Dentistry immediately but in no event more than twenty-four (24) hours following the conduct.

(e) Each dentist with whom respondent practices agrees to immediately report to the Board any conduct that the dentist reasonably believes shows that respondent is violating any terms of this order.

3. Respondent shall be permitted to prescribe only for patients as required in connection with dental treatment or to administer medication to patients in the course of dental treatment, in accordance with the following terms and conditions:

(a) Respondent may prescribe or dispense prescription legend drugs and controlled dangerous substances.

(b) Respondent shall use sequentially numbered, triplicate prescription pads for all prescriptions. If respondent wishes to electronically or telephonically transmit

prescriptions, he shall first submit a plan to the Board for approval for the tracking and logging of all such prescriptions.

©) Respondent shall continue to provide the original prescription to the patient, attach one copy of the prescription to the patient record, and submit the third copy to the Board, attention: Jonathan Eisenmenger, Executive Director, on a monthly basis. For purposes of this paragraph, patient record shall mean the treatment record for the date on which the patient was treated an/or on which the medication was prescribed, as well as a copy of the patient's medical history, including updates.

(d) Respondent shall be required to account for each consecutively numbered prescription, regardless of whether the particular prescription was voided or not used for any purpose whatsoever.

(e) Respondent shall comply with all State and federal laws and regulations governing the purchase, storage, use, and dispensing of controlled dangerous substances.

(i) If respondent administers or dispenses CDS to a patient, he shall maintain a log for each administration or dispensing event, which log shall include the patient name, date, name of medication, dosage, and units administered or dispensed.

(ii) Respondent shall submit a true copy of the log to the executive director along with a copy of the patient record for each patient listed on a monthly basis.

(f) If he has not already done so, respondent shall relinquish all current prescription pads bearing respondent's name to Jonathan Eisenmenger, Executive Director, within ten

days from the entry date of this order. Respondent shall not use or possess any prescription blanks except triplicate prescription blanks until further order of the Board.

4. Pending further order of the Board, respondent shall continue his participation with the Professional Assistance Program and shall comply with the recommendations for treatment, including but not limited to:

(a) monthly face-to-face contact with representatives from that program;

(b) attendance at support groups, including NA or AA at a minimum of three times per week;

(c) urine monitoring not less than twice a week for the first six months of return to practice followed by weekly screens for at least a year, then screens as determined at the discretion of the Medical Director of the PAP; and

(d) continued participation in therapy with a psychiatrist and/or other mental health provider, who shall provide reports to the PAP and to the Board on a quarterly basis regarding medication compliance and progress in therapy. Those providers shall immediately notify the PAP of non-compliance or more than two unexcused missed appointments.

If respondent discontinues participation with the Professional Assistance Program or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the Professional Assistance Program, he shall be deemed in violation of this Order.

5. Respondent shall abstain from the use of all psychoactive substances, unless prescribed by a treating physician for a documented medical condition with prior notification to the Executive Medical Director of the Professional Assistance Program of the diagnosis

and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

6. The Professional Assistance Program shall submit quarterly reports, including urine results, to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a positive urine, misses an appointment without consent, or has a lapse or slip in his recovery, or if respondent terminates treatment with his psychiatrist or his participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

7. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Professional Assistance Program. Respondent shall notify the Professional Assistance Program if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of

such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The Professional Assistance Program may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period

8. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to his license.

9. (a) Respondent shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

(b.) Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effective immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

11. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted or from imposing restrictions or conditions on respondent's license should the Board determine that such restrictions or conditions are appropriate to protect the public health, safety, and welfare.

12. Respondent shall not move for modification of the terms of this order until he has successfully completed Pre Trial Intervention for all charges pending. Any request for modification shall be accompanied by the recommendations for the PAP regarding the request.

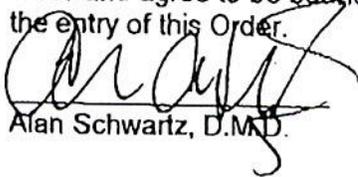
NEW JERSEY STATE BOARD OF DENTISTRY

By



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

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.



Alan Schwartz, D.M.D.

1/7/13
Date

I have read the terms of this order and agree on behalf of the Professional Assistance Program to comply with its terms pertaining to the PAP.



Louis E. Baxter, Sr., M.D.
Executive Medical Director
Professional Assistance Program

1/14/13
Date