



CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs

State Board of Dentistry

124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102

**VIA CERTIFIED (RRR) AND REGULAR MAIL**

November 20, 2012



JEFFREY S. CHIESA

Attorney General

ERIC T. KANEFSKY

Acting Director

Mehmet S. Dikengil, D.D.S.  
c/o W. Dana Venneman, Esq.  
200 Schulz Drive, Suite 405  
Red Bank, NJ 07701

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 3-11-13 DA

**Mailing Address:**

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

Re: Settlement Letter in Lieu of Formal  
Disciplinary Action  
Complaint #82016

Dear Dr. Dikengil:

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. A report of a Medical Malpractice Payment made to settle a dental malpractice claim made against you by a patient.
2. Your response through counsel to the complaint, including copies of the patient records, x-rays and financial information.
3. Other available information about the patient's oral condition(s).

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

1. **Fees and Billing** - You provided the Board with a "Detailed List of Fees" listing your normal fee for the services provided (please see copy attached). You also provided copies of the Pre-Certification page and the Explanation of Benefits for the services provided. When comparing these documents, the Board found that you billed insurance a much higher rate than the normal fee you provided to the Board.
2. **Execution of Complex Treatment Outside of Specialty** - You are an orthodontist and attempted to perform complex restorative dentistry which failed shortly after treatment; specifically, you attempted extensive restorative and endodontic treatment for an aggressively caries prone person, which failed. The Board finds that in current practice it is unusual for New Jersey orthodontists to attempt restorative treatment of this complexity and which produced such an untoward result.

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:

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1. Pay a penalty of \$5,000.00 for filing an insurance claim with inaccurate information, pursuant to N.J.A.C. 13:30-8.10(a).

2. Cease and desist from performing non-orthodontic procedures unless and until you complete a restorative skill assessment and/or complete a restorative dentistry intensive program. You should contact a university program (such as the University of Medicine and Dentistry, or New York University), or dental service organization (such as Oral Health Enrichment in Ohio, or the Assessment Service Program of the American Association of Dental Boards).

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 Swang Oo, 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

