

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 12-17-13 DA

JOHN J. HOFFMAN
ACTING 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) 648-4738

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

IN THE MATTER OF	:	
	:	Administrative Action
SUZAN GHATTAS, D.D.S.	:	
License No. 22DI002163700	:	
	:	CONSENT ORDER
	:	
LICENSED TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	

The New Jersey State Board of Dentistry ("Board") reviewed a patient complaint regarding Dr. Suzan Ghattas, D.D.S. ("Dr. Ghattas" or "respondent") and the office of Stenvall Ghattas Dental Group ("dental practice"), in particular the services rendered to patient L.H. and the charges submitted to the State of New Jersey Victims of Crime Compensation Office (VCCO) for reimbursement. Specifically, L.H. alleges that the treatment he received was not appropriate. On May 15, 2013, respondent appeared with counsel, Matt D. Mandel, Esq., at an investigative inquiry held by the Board.

Based on a review of the information provided and the testimony of Dr. Ghattas, it appears that L.H. suffered trauma to his teeth during an assault in 2011. On February

15, 2012, following referral for treatment for his injuries from the Victims of Crime Compensation Office (VCCO), L.H. sought treatment from the dental practice. (He had initially presented to the dental practice in February 2011 for treatment, but did not return again to the practice until February 2012). At that visit, Dr. Ghattas examined L.H. and recommended extraction of L.H.'s remaining teeth and fabrication of full upper and full lower dentures. On March 28, 2012, after taking only two periapical radiographs, Dr. Ghattas extracted seven teeth. At that visit she took impressions for complete upper and lower dentures. On April 25, 2012, she extracted six more teeth without taking any additional radiographs. On June 11, 2012, she extracted nine more teeth, again without taking any radiographs. At that visit, she inserted the immediate dentures. A week later, on June 18, 2012, L.H. returned for suture removal. The patient record for that date contains the notation that treatment was complete. During her testimony, respondent indicated that on various dates she also extracted an additional tooth, bringing the total number of extractions to 23, that she had performed alveoloplasty in four quadrants, that she performed a bite registration, and inserted the immediate dentures. Those treatments were not noted in the patient chart.

Review of the patient chart and respondent's testimony shows that Dr. Ghattas did not obtain adequate diagnostic records, including radiographs, for the treatment rendered; that she did not perform a complete assessment of the patient's presenting condition before determining the course of treatment; that, at least as evident from the written notations, she did not adequately review the patient's medical history; and that she failed to record pertinent findings in the record.

The patient record maintained for L.H. contained incomplete charting and confusing documents related to treatment plans and charges for services rendered. Respondent acknowledged during the inquiry that the document submitted to the VCCO for payment was not accurate as the services listed and the fees of \$8,376 submitted (which was to be discounted by 30%) did not reflect the actual services rendered or the amount to be charged for services rendered.¹ Dr. Ghattas acknowledged that the patient ledger listed several treatment items that were not performed and did not include all treatment that was performed. She testified that L.H.'s case was the first time the dental practice had worked with VCCO and that the staff in her office handled the submission.

VCCO paid Dr. Ghattas a total of \$6318.20, which included \$5863.20 (30% discount taken from the \$8376 submission) and a payment of \$455 for services rendered in February 2011. But it appears from the record, including the post-inquiry submission identifying treatment and fees, that the total amount for the services actually rendered to L.H. in 2012 was \$6,790. That total represents the sum of \$3450 (23 extractions at \$150 each) plus \$2800 (2 immediate dentures at \$1400 each) plus \$540 (4 alveolplasties at \$135 each). Because the VCCO took a 30% discount from the submitted treatment plan in fixing its reimbursement, the Board will similarly take a 30% discount from the actual treatment rendered to L.H. Therefore, the amount that Dr. Ghattas should have received for the 2012 treatment is \$4753 (\$6790 minus 30% discount). VCCO had paid \$455 for treatment rendered to L.H. in 2011. Adding those figures, it appears to the Board that the

¹ The dental practice's original submission also included a charge of \$491, the amount billed for services for L.H.'s original visit in February 2011. VCCO paid \$455 for that treatment.

total to which the office was entitled was \$5208. Respondent, therefore, shall make restitution to the VCCO in the amount of \$1110.20 (\$6318.20 (total paid by VCCO) minus \$5208 (the total allowed)).

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, it appears that in her treatment of L.H., Dr. Ghattas failed to obtain appropriate diagnostics prior to rendering treatment and/or failed to supervise her staff; overbilled the VCCO; and failed to comply with Board regulations regarding record keeping.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e) for engaging in professional misconduct in treating without appropriate diagnostics and over-billing to VCCO, and pursuant to N.J.S.A. 45:1-21(h) for violating or failing to comply with the provisions of any act or regulation administered by the board, specifically the patient record rule, N.J.A.C. 13:30-8.7. It appears that Dr. Ghattas desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 17th DAY OF December, 2013,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall successfully complete the following continuing education: seven (7) hours of continuing education in record keeping; seven (7) hours in diagnosis and treatment planning, including adequate pre-operative work-ups, radiographs, and medical history review; and seven (7) hours in fabrication of complete dentures. These courses shall be completed within six months of the entry of this Consent Order and shall be approved by the Board in writing prior to attendance. The remedial continuing education required by this consent order is in addition to the continuing education hours required to renew respondent's dental license. Respondent shall complete the attached

continuing education course approval form and shall provide proof of successful completion of the required course work. The attached form is made a part of this Consent Order. A separate form shall be used for each course.

2. Respondent shall, within six months of the entry of this order, fully attend, successfully complete, and pass the ProBE (Professional Problem Based Ethics) course offered by CPEP, the Center for Personalized Education for Physicians, 7351 Lowry Boulevard, Suite 100, Denver Colorado 80230 (303) 577-3232, ext. 207, www.cpepdoc.org (course is offered in New Jersey); or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, or another ethics course of similar content that is pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board within 21 days of completion of the course.

3. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22 totaling \$7,500, reflecting a penalty of \$5,000 for acts of professional misconduct (\$2,500 for treating without adequate diagnostics and \$2,500 for engaging in upcoding/overbilling), and \$2,500 for failure to create and maintain proper records. Payment for the civil penalties totaling \$7,500 shall be submitted by bank check or money order made payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey, 07101, not later no 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.

4. Respondent shall reimburse the VCCO the amount of \$1,110.20. Payment shall be made by bank check or money order payable to the VCCO and forwarded to the Board's executive director at the address in paragraph 3 above within 30 days of te entry of this order.

4. Failure to remit any payment required by this Order will result in the filing of a certificate of debt and other proceedings as permitted by law.

5. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Shirley Birenz, RDA
~~Sheila Dashkow, D.D.S. Board President~~ SHIRLEY BIRENZ, RDA
vice President

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

[Signature] 12-11-13
Suzan Ghattas, D.D.S. Date

I consent to the form and entry of this order.

[Signature] 12-12-13
Matt Mandel, Esq. Date
Attorney for Dr. Ghattas

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.

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 _____

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)

For Board use only

Date: _____ Reviewed by CE Committee _____

Approved _____ for _____ hours in _____

Denied _____ Reason for Denial: _____
