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N.J. BOARD OF DENTISTRY
ON 4-4-12 DA

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

IN THE MATTER OF THE

EWA BAGINSKI, D.D.S.
License # 22DI02301400

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY,

and

PIOTR BAGINSKI,

AN UNLICENSED INDIVIDUAL,

Respondents

Administrative Action

CONSENT ORDER

The Attorney General of New Jersey filed an administrative complaint on November 4, 2010, alleging that Piotr Baginski ("Mr. Baginski") had engaged in the unlicensed practice of dentistry and that Ewa Baginski, D.D.S. (Dr. Baginski"), violated the law and regulations governing the practice of dentistry by permitting Mr. Baginski (her husband) to perform acts for which a license is required. The administrative complaint included information that Dr. Baginski had been arrested on June 30, 2010, in the City of Linden, New Jersey, and charged under N.J.S.A. 2C:5-2 with conspiracy in connection with the unlicensed practice of dentistry by Piotr Baginski, her husband ("Mr. Baginski"), who was charged with the unlicensed practice of dentistry under N.J.S.A. 2C:21-30. Mr. Baginski, through Joseph W. Spagnoli, Esq., filed an answer to the complaint on November 24,

2010. Dr. Baginski, through Joseph J. Benedict, Esq., filed her answer on December 13, 2010.

On January 5, 2011, the Board deemed the matter a contested case and retained it for hearing. In the interim, the charges against Dr. Baginski were dismissed on the prosecutor's motion and Mr. Baginski was admitted into the Pre-Trial Intervention program. He was required to pay a fine of \$125 and perform 50 hours of community service. The charges were then dismissed.

The Board conducted the hearing on November 2, 2011. After hearing testimony from the State's witnesses in support of the allegations of the complaint, as well as respondents' witnesses, including Dr. Baginski and Mr. Baginski, and reviewing evidence presented and arguments of counsel, the Board found that the proofs demonstrated by a preponderance of the evidence that Mr. Baginski, in his interaction with the State's undercover investigator, did engage in the unlicensed practice of dentistry as he offered a diagnosis regarding cavities and used a mirror to examine an tooth. The Board further found that Dr. Baginski had engaged in professional misconduct in that she had failed to establish clear boundaries for actions undertaken by Mr. Baginski in her office. Having found a basis to impose discipline on Dr. Baginski and to sanction Mr. Baginski, the Board indicated it would schedule a mitigation hearing.

Following the November 2, 2011, hearing, and prior to the mitigation hearing, the parties engaged in settlement discussions. The Board has now accepted the proposed resolution, finding it to be reasonable and consistent with the public health, safety, and welfare.

IT IS, therefore, on this 4th day of April, 2012,

CONSENTED TO AND ORDERED THAT:

1. Respondent Ewa Baginski, D.D.S., is reprimanded for failing to properly supervise Piotr Baginski, an employee of her dental practice, in violation of N.J.S.A. 45:1-21(e).
2. Dr. Baginski shall fully attend, successfully complete, and pass an ethics course approved by the Board within six months of the entry of this order. Respondent shall complete 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 UMDNJ-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. Dr. Baginski shall pay a civil penalty of \$ 2,500, and costs of \$2460.80, pursuant to N.J.S.A. 45:1-25(a) and (d). Payment shall be made by check or money order and forwarded to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005. Newark. New Jersey 07101. Payment may be made in 5 installments The first payment of \$1000 shall be due April 1, 2012, with the remaining four payments of \$990.20 due on the first of each successive month until payments are completed. In the event a

payment is not received within five days of its due date, the entire amount shall immediately become due and payable. In such event, Dr. Baginski agrees to the filing of a certificate of debt upon the affidavit of the Board's executive director or his designee, and such other proceedings as may be permitted by law.

4. Respondent Piotr Baginski shall cease and desist from engaging in acts that are part of the practice of dentistry as defined by N.J.S.A. 45:6-19. Mr. Baginski shall not be employed in Dr. Baginski's practice for a period of three months following entry of this consent order.

5. Respondent Piotr Baginski shall pay a civil penalty of \$5,000 pursuant to N.J.S.A. 45:1-18.2(b). Payment of the penalty shall be made by check or money order, payable to the State of New Jersey and forwarded to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101. Payment may be made in 5 installments. The first payment of \$1000 shall be due April 1, 2012, with the remaining four payments of \$1000 due on the first of each successive month until payments are completed. In the event a payment is not received within five days of its due date, the entire amount shall immediately become due and payable. In such event, Mr. Baginski agrees to the filing of a certificate of debt upon the affidavit of the Board's executive director or his designee, and such other proceedings as may be permitted by law.

5. A violation of the terms of this consent order or of the statutes and regulations administered by the Board shall be deemed a second offense pursuant to N.J.S.A. 45:1-25 for both Dr. Baginski and Mr. Baginski.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Herbert B. Dolinsky D.D.S.
Herbert B. Dolinsky, D.D.S.
President

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

Ewa Baginski 3/28/12
Ewa Baginski, D.D.S. Date

I consent to the form and entry of this order.

Joseph J. Benedict 3/14/12
Joseph J. Benedict, Esq. Date
Counsel for Dr. Ewa Baginski

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

Piotr Baginski 3/20/12
Piotr Baginski Date

I consent to the form and entry of this order.

Joseph W. Spagnoli 3/28/12
Joseph W. Spagnoli, Esq. Date
Counsel for Piotr Baginski

I consent to the form and entry of this order.

Meaghan Goulding 4/3/12
Meaghan Goulding, DAG Date