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N.J. BOARD OF DENTISTRY  
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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 THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF : Administrative Action  
: :  
**Paresh R. Patel, D.M.D.** : CONSENT ORDER  
**License No. 22DI02138700** : OF SUSPENSION  
: :  
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 information that Dr. Paresh R. Patel falsified dental records he maintained in an attempt to bill Medicaid for services not actually rendered. Authorities discovered Dr. Patel's conduct after three minor patients whose records he falsified were killed in a February 2012 house fire in South Plainfield, New Jersey. Dr. Patel's falsification delayed the medical examiner's identification and release of the children's bodies. Based on this conduct, Dr. Patel was charged

by Middlesex County prosecutors with obstructing the administration of law or other government function in violation of N.J.S.A. 2C:29-1(a); falsifying or tampering with records in violation of N.J.S.A. 2C:21-4; health care claims fraud in violation of N.J.S.A. 2C:21-4.3; and insurance fraud in violation of N.J.S.A. 2C:21-4.6. In October 2013, Dr. Patel pleaded guilty to one count of obstructing the administration of law or other government function in violation of N.J.S.A. 2C:19-1(a) and three counts of insurance fraud in violation of N.J.S.A. 2C:21-4.6. He was sentenced to two years' probation. Additionally, after reviewing a selection of additional patient records maintained by Dr. Patel, the Board identified various deviations from the standard of care in Dr. Patel's treatment. The areas of deviation included diagnostics, endodontics, periodontics, performance of restorations, record keeping, billing, and coding.

The Board finds that by falsifying records and billing Medicaid for treatments that were never performed, Dr. Patel engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in violation of N.J.S.A. 45:1-21(b); engaged in professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e); was convicted of, or engaged in acts constituting, a crime or offense involving moral turpitude or relating adversely to the

activity regulated by the Board in violation of N.J.S.A. 45:1-21(f); and violated or failed to comply with the provisions of certain laws and regulations administered by the Board in violation of N.J.S.A. 45:1-21(h), namely N.J.S.A. 45:6-3, which requires licensees to be of good moral character, and N.J.A.C. 13:30-8.7, which requires maintenance of accurate treatment and billing records.

The Board also finds that by deviating from the standard of dental care in his treatment of various patients, as described above, Dr. Patel engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of his patients in violation of N.J.S.A. 45:1-21(c); and has engaged in repeated acts of negligence, malpractice, or incompetence in violation of N.J.S.A. 45:1-21(d).

Dr. Patel now waiving any right he may have to a hearing, and it appearing that Dr. Patel has read the terms of the within Consent Order of Suspension and understands their meaning and effect and consents to be bound by them, and it appearing that there is good cause for the entry of this Order, which the Board finds adequately protective of the public safety and welfare, and Dr. Patel and the Board agreeing to entry of this Order,

IT IS, therefore, on this 6<sup>th</sup> day of August,  
2014,

ORDERED BY THE BOARD THAT:

1. Dr. Patel's license to practice dentistry in the State of New Jersey is hereby suspended for a period of three years. The first two years shall be served as active suspension while the remaining year will be stayed and served as a period of probation.

2. Dr. Patel shall immediately cease and desist from the practice of dentistry in the State of New Jersey.

3. Dr. Patel shall, within three days of the entry of this Order, return his original New Jersey license to practice dentistry and current biennial registration to the New Jersey State Board of Dentistry, Post Office Box 45005, Newark, NJ 07101.

4. Dr. Patel shall, within three days of the entry of this Order, return his original Controlled Dangerous Substances registration (#D07944900) to the New Jersey State Board of Dentistry, Post Office Box 45005, Newark, New Jersey, 07101.

5. Dr. Patel shall immediately advise the Drug Enforcement Agency ("DEA") of this Order and shall, within three days of the entry of this Order, return his DEA registration(s) to the DEA.

6. Dr. Patel shall pay a civil penalty of \$22,500 for the violations of Board statutes and regulations detailed above. The penalty shall be paid not later than ten days after the entry of this Order. The total payment of \$22,500.00 shall be made by credit card, wire transfer, or by bank check, money order, or certified check made payable to the State of New Jersey and sent to Jonathan Eisenmenger, Executive Director, New Jersey State Board of Dentistry, Post Office Box 45005, Newark, New Jersey 07101. Any payment in a form other than those noted above will be rejected and returned. Subsequent violations of Board statutes, regulations, or orders, including this Order, will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

7. Dr. Patel shall reimburse the Board the funds spent investigating this matter, including \$5,398.24 in attorney's fees and \$5,025.00 in costs, which includes expert's fees. The reimbursement shall be paid not later than ten days after the entry of this Order. The total payment of \$10,423.24 shall be made by credit card, wire transfer, or by bank check, money order, or certified check made payable to the State of New Jersey and sent to Jonathan Eisenmenger, Executive Director, New Jersey State Board of Dentistry, Post Office Box 45005, Newark, New Jersey 07101. Any payment in a form other than those noted above will be rejected and returned.

8. Dr. Patel shall retain a Board-approved billing monitor who will review a random selection of Dr. Patel's records no less than once every three months for the entire period of his stayed suspension. The monitor shall provide to the Board a report of findings after each such review.

9. Dr. Patel shall, during the entire suspension period, comply with the continuing education requirements applicable to Board licensees. As part of this requirement, Dr. Patel shall complete 14 hours of "hands-on" continuing education in the area of endodontics.

10. Dr. Patel shall complete a ProBE or PRIM-E ethics course before concluding the active portion of his suspension.

11. Dr. Patel shall comply with the attached Directives Applicable to any Dentistry Board Licensee who is Suspended, Revoked, or Whose Surrender of Licensure has Been Accepted by the Board. The Directives are incorporated herein by reference.

12. If Dr. Patel engages in the practice of dentistry in any other jurisdiction, state, or country during the period of active suspension, an amount of time equivalent to the duration of such practice shall be added to the length of the active suspension in New Jersey.

13. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation or restrictions upon any reinstatement, by this Board, the Attorney

General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Dr. Patel's conduct prior or subsequent to entry of this Order.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Shirley Birenz, R.D.H. MS.  
~~Herbert B. Dolinsky, D.D.S.~~ SHIRLEY BIRENZ, R.D.H. MS.  
Board President

I have read this Consent Order of Suspension. I further understand that this Order has serious legal consequences and have decided to enter into this agreement with the Board. I understand the meaning, terms, and conditions of this Order and agree to be bound by them. I hereby consent to the entry of this Order.

  
Parash R. Patel D.M.D.

7-21-14  
Date

I am Dr. Patel's attorney. I have reviewed the Consent Order of Suspension with him and I consent to the form and entry of such Order.

  
Lawrence Bitterman, Esq.

  
Date

**DIRECTIVES APPLICABLE TO ANY DENTISTRY BOARD LICENSEE  
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license has been accepted by the Board, shall conduct him/herself as follows:

**1. Document Return and Agency Notification**

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate, and if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances Registration. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of dentistry in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee of this Board provides health care services. Unless otherwise ordered by the Board, the disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from all prescription blanks and pads, professional listings, telephone directories, professional stationery, or billings. If the licensee's name

is utilized in a group practice title, it shall be deleted.

Prescription pads bearing the licensee's name shall be destroyed. A destruction report form shall be obtained from the Office of Drug Control (973-504-6558) and filed with that office. If no other licensee is providing services at the practice location, all medications must be removed and returned to the manufacturer (if possible), or destroyed or safeguarded. In situations where the licensee has been suspended for a period of less than one year, prescription pads and medications must be secured in a locked place for safekeeping.

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice, and shall be required to comply with the requirements to divest him/herself of all financial interest in the professional practice pursuant to Board regulations contained in N.J.A.C. 13:30-8.21. Such divestiture shall occur within 90 days following the entry of the Board Order. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the New Jersey Department of Treasury, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Patient Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to patient records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her patient record or asks that the record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

### **5. Probation/Monitoring Conditions**

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

#### **6. Reports of Reimbursement**

A disciplined practitioner shall promptly report to the Board his/her compliance with each directive requiring monies to be reimbursed to patients to other parties or third party payors or to any Court.

#### **7. Report of Changes of Address**

A disciplined practitioner shall notify the Board office in writing within ten (10) days of change of address.

**NOTICE OF REPORTING PRACTICES OF BOARD  
REGARDING DISCIPLINARY ACTIONS**

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Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Dentistry are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a dentist:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the American Association of Dental Examiners, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board. In addition, the same description may appear on the Internet Website of the Division of Consumer Affairs.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.