

paid at time of sentencing. The U.S. Attorney recommended the sentence of probation and a monetary penalty given mitigating factors, including: 1) respondent reported and paid taxes on a significant portion of his income, diverting and omitting payment of taxes on only a smaller portion; 2) the diverted funds came from respondent's orthodontic practice and not another illegitimate or illegal source; and 3) respondent did not take steps to hide the income or his failure to pay taxes on it. In the sentencing recommendation, the U.S. Attorney also acknowledged that respondent serves a traditionally under-served or uninsured population. The Court also considered thirty-four (34) letters from family, friends, colleagues, and patients attesting to respondent's good character, charitable works, and dedication to the dental profession.

On July 11, 2014, the Board, having reviewed the materials submitted by respondent through his attorney Robert Kipnees, Esq., filed a Provisional Order of Discipline preliminarily finding that respondent's conviction warranted suspension of respondent's license for a period of one (1) year, of which 90 days was to be served as a period of active suspension, and the remainder to be stayed and served as a period of probation.

Following receipt of the Provisional Order of Discipline, respondent, through his counsel, asked the Board to consider the materials previously presented and reduce the provisional sanction.

Having reviewed the entire record, including the sentencing memoranda, letters of reference, and arguments of respondent's counsel, it appears to the Board that respondent has produced sufficient mitigation to warrant a modification to the provisional sanction. Respondent has demonstrated remorse for the conduct that resulted in his conviction. Moreover, as an orthodontist, an active period of suspension affects his patients in a significant way. Nonetheless, the Board finds that a significant sanction is warranted based on respondent's conviction, which provides grounds for discipline pursuant to N.J.S.A. 45:1-21 (f), as the crime was one of moral turpitude or one that relates adversely to the practice of dentistry. The Board, therefore, will resolve this matter by imposing a one year suspension, of which sixty days are to be served as a period of active suspension. As requested by respondent to ameliorate disruption in his patients' treatment, the sixty day active suspension will be served in two thirty day periods.

It appearing that respondent desires to resolve the Provisional Order of Discipline through this consent order, without recourse to formal proceedings, and for good cause shown;

IT IS ON THIS 9th DAY OF DECEMBER, 2014,

HEREBY ORDERED AND AGREED THAT:

1. The license of Nickolas Romanides, D.M.D., to practice dentistry shall be suspended for a period of one (1) year, of which

sixty days is to be served as a period of active suspension, and the remainder is to be stayed and served as a period of probation. To accommodate the needs of respondent's orthodontic patients, the active period of suspension shall be served in two (2), thirty day (30) periods. The first period of active suspension shall run from December 20, 2014 through January 19, 2015, and the second period of active suspension shall run from July 1, 2015 through July 30, 2015. Respondent shall comply with the Directives for a licensee who has been suspended, which Directives are appended to this consent order.

2. Respondent shall pay a civil penalty of \$10,000.00 for the violations of Board statutes and regulations detailed above. The penalty shall be paid in two installments with the first payment of \$5,000.00 submitted by March 1, 2015 and the second payment of \$5,000.00 submitted by April 1, 2015. Payment of \$10,000.00 shall be made by credit card, wire transfer, bank check, money order, or by 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.

3. Failure to comply with any of the terms of this consent order may result in the activation of the stayed period of suspension and further disciplinary action.

4. This consent order resolves the Provisional Order of Discipline entered on July 11, 2014, In the Matter of Nickolas Romanides, D.M.D.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Shirley Birenz, R.D.H. M.S.
Shirley Birenz, R.D.H. M.S.
President

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

Nickolas Romanides, D.M.D.
Nickolas Romanides, D.M.D.

12/4/14
Date

I consent to the form and entry of this Consent Order.

Robert J. Kipnes
Robert J. Kipnes, Esq.
Attorney for Respondent

12/5/14
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.