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

IN THE MATTER OF THE TEMPORARY  
SUSPENSION OF THE LICENSE OF

**Jennifer Lamphier, D.M.D.**  
**License No. 22DI02074100**

Administrative Action

**FINAL CONSENT ORDER**

This matter was opened to the New Jersey State Board of Dentistry (the "Board") on March 19, 2014, upon the filing of a Verified Complaint and Order to Show Cause by the Acting Attorney General ("Attorney General") seeking the temporary suspension of Jennifer Lamphier's, D.M.D., ("Respondent") license to practice dentistry in New Jersey. The Attorney General's Verified Complaint was based on allegations that Respondent was arrested and charged with multiple counts of forgery in violation of N.J.S.A. 2C:21-1A(2), obtaining controlled dangerous substances ("CDS") by fraud in violation of N.J.S.A. 2C:35-15, possession of drug paraphernalia in violation of N.J.S.A. 2C:36-2, and wrongful impersonation in violation of N.J.S.A. 2C:21-17A(1).

The Complaint further alleged that Respondent obtained ("CDS") by fraud by writing said prescriptions in a friend/patient's name and then retrieving the filled prescriptions from a pharmacy for Respondent's own use in violation of N.J.S.A. 45:1-21(b), (e), (f), and (m).

The Verified Complaint also alleged that Respondent used a colleague's DEA number to call in CDS prescriptions for herself. Respondent was also allegedly receiving large quantities of prescription medications in varying amounts from a number of sources, including her own personal doctors.

Respondent voluntarily surrendered her Drug Enforcement Agency ("DEA") Registration on February 11, 2014. Respondent also voluntarily surrendered her New Jersey Controlled Dangerous Substance ("CDS") Registration on February 11, 2014.

On April 2, 2014, Respondent signed a Consent Order, which was filed by the Board, whereby she agreed to the voluntary surrender of her dental license to be deemed a temporary suspension.

On October 1, 2014, Respondent entered into Pre-Trial Intervention ("PTI") in Morris County, New Jersey in an effort to resolve the criminal charges. The PTI allows for the postponement of the criminal charges, until October 1, 2017, and then dismissal if she completes certain conditions, including community service, medical/psychological testing and counseling, and payment of fines. As part of the PTI agreement, Respondent agreed to forfeit her dental license for the period of her PTI probation. The PTI probation further allowed for her to seek early termination from PTI after two years if she is in complete compliance with the terms of the PTI.

Respondent, through her counsel, has admitted that she 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 misconduct in violation of N.J.S.A. 45:1-21 (e); engaged in acts that constitute 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); prescribed or dispensed controlled dangerous substances indiscriminately or without good cause, knowing that the substances were to be used for unauthorized consumption in violation of N.J.S.A. 45:1-21(m); and engaged in drug or alcohol use which impaired her ability to practice dentistry with reasonable skill and safety in violation of N.J.S.A. 45:1-21(l).

Respondent being desirous of resolving this matter without the necessity of further formal proceedings before the Board at this time, and agreeing to waive any right to same, and the Board, finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown,

IT IS, therefore, on this 23<sup>rd</sup> day of March, 2015,

ORDERED THAT:

1. Respondent's license to practice dentistry shall remain suspended for a period of time commensurate with the terms of the PTI agreement she has already entered into with Morris County. Following her successful completion and discharge from PTI, Respondent may apply to the Board for reinstatement of her dental license. Respondent shall comply with the attached directives regarding licensees whose license has been suspended by the Board.

2. Prior to the reactivation of her dental license, Respondent shall appear before the Board to demonstrate her fitness to resume the practice of dentistry, and at a minimum her compliance with all terms contained herein or subsequently ordered as a condition of her reactivation. At that time, Respondent shall:

a. Be prepared to propose her plans for future practice in New Jersey;

- b. Demonstrate to the satisfaction of the Board that she is physically and psychologically fit and capable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare and that she is not suffering from any impairment or limitation resulting from the use of or in possession of any controlled dangerous substance, whether legal or illegal, which could affect her practice;
- c. Provide the Board with reports from each and every mental health professional, including but not limited to: psychologists, counselors, therapists, psychiatrists, who have participated in respondent's care and/or treatment for the condition in this matter during the period of time from her entry into treatment to her appearance;
- d. Provide the Board with a report from the Professional Assistance Program detailing the nature and extent of her involvement with that entity, including a full accounting of all urine monitoring;
- e. Affirmatively establish her fitness, competence, and capacity to re-enter the active practice of dentistry within New Jersey, including an accounting of all continuing education courses completed while her license was suspended;
- f. Provide the Board with a full account of conduct during the intervening period of time from April 2, 2014, to her appearance before the Board and/or Committee pursuant to this Order.

3. Following review of all relevant documents submitted and Respondent's testimony, if any, the Board, in its sole discretion, will determine whether and under what conditions Respondent may return to practice. The Board may require Respondent to submit to an independent evaluation prior to rendering its decision.

4. With the consent of the Acting Director of the Division of Consumer Affairs ("Director"), and pursuant to his authority under N.J.S.A. 24:21-9 et. seq., Respondent's New Jersey CDS registration, No. 22DI02074100, is suspended pending further order of the Director. This CDS prescribing restriction is independent of any action taken by the State Board of Dentistry, Drug Enforcement Administration or any other licensing authority. If the suspension of Respondent's dental license is lifted by the Board, she may apply for an order from the Director lifting the CDS suspension. The Director will consider the factors enumerated in N.J.S.A. 24:22-11 and determine, in his sole discretion, if, and under what circumstances, the suspension of Respondent's CDS Registration should be lifted.

5. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required so that all reports, records, and other pertinent information be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to her license.

6. The parties hereby stipulate that entry of this Order is without prejudice to further investigation and/or action by the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct.

7. This Order shall remain in effect until specifically modified by the Board through the entry of a subsequent order(s).

NEW JERSEY STATE BOARD OF DENTISTRY

By: Shirley Biretz, R.D.H. MS  
Shirley Biretz, R.D.H., MS  
President

I have read the within Order, understand its terms and agree to be bound by them. I consent to entry of the Order by the State Board of Dentistry.

Jennifer Lamphier  
Jennifer Lamphier, D.M.D.  
2/13/15  
Dated

I consent to form and entry of the Order.

Keith McDonald  
Keith McDonald, Esq.  
2/20/2015  
Dated

**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**

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.