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ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
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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  
: :  
: IRA M. KLEMONS, D.D.S. : FINAL CONSENT ORDER  
: LICENSE NO. 22D11204 :  
: :  
: TO PRACTICE DENTISTRY IN :  
: THE STATE OF NEW JERSEY :  
: \_\_\_\_\_ :

The New Jersey State Board of Dentistry ("the "Board") received complaints from insurance companies against Ira M. Klemons, D.D.S. ("Respondent") alleging overtreatment, excessive charges and unnecessary treatment of temporal mandibular joint dysfunction ("TMD") and/or craniofacial pain.

Patient records and billing records for Respondent's patients over the period 1995-2009, focusing on his care and treatment of patients with TMD and/or craniofacial pain and sleep apnea, were obtained as part of the Board's investigation.

The investigation confirmed that Respondent owned and operated The Center for Head and Facial Pain ("CHFP") at TOR Plaza 35, 2045 Route 35 South, South Amboy, New Jersey. The investigation further found that Respondent owned and operated the Center for Sleep Apnea as a division of CHFP.

The Attorney General filed an administrative complaint alleging Respondent deviated from the standard of care in the evaluation, diagnosis and treatment of patients with TMJ dysfunction and/or craniofacial pain. The Attorney General further alleged that Respondent deviated from the standard of care by embarking upon evaluation of patients with snoring/sleep apnea without direct communication with patients' diagnostician. Respondent also allegedly deviated from the standard of care in the treatment of patients with snoring/sleep apnea with such negligent treatment putting patients at risk. The Complaint further alleged that Respondent engaged in fraudulent billing as well as deceptive recordkeeping that failed to meet the standards set forth in N.J.A.C. 13:30-8.7. Finally, it was alleged that Respondent advertised misleading and exaggerated credentials both on his website and in his printed advertisements. On the basis of these allegations, the Attorney General asserted that Respondent's conduct demonstrated acts contrary to N.J.S.A. 45:1-21(b) dishonesty; N.J.S.A. 45:1-21(c) gross negligence, gross malpractice, gross incompetence;

N.J.S.A. 45:1-21(d) repeated acts of negligence, malpractice or incompetence; N.J.S.A. 45:1-21(e) professional or occupational misconduct as may be determined by the Board; N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:30-8.7, failure to comply with the provisions of any act or regulation administered by the Board; and N.J.S.A. 45:1-21(o) advertised fraudulently in any manner. Respondent denied those allegations.

On March 13, 2014, Respondent filed his Answer in which he denied all allegations. The contested matter was transferred to the Office of Administrative Law and assigned to Administrative Law Judge Jesse H. Strauss.

Prior to the hearing, Respondent Klemons, D.D.S., and the Board entered into a settlement memorialized in this Consent Order.

Respondent, Ira M. Klemons, D.D.S., without making any admissions to the above conduct, but being desirous of resolving this matter without the necessity of further formal proceedings at this time and agreeing to waive any right to same, is entering into this Consent Order.

While having concerns regarding Respondent's conduct as alleged in the Complaint, in light of changes to the practice and the fact that Respondent, Ira M. Klemons, D.D.S. agrees to the permanent voluntary surrender of his license to practice dentistry in the State of New Jersey, the Board finds that and

this Consent Order resolves all issues alleged in the Complaint BDS 05680-2014N and is adequately protective of the public health, safety and welfare. For this and other good cause shown;

IT IS ON THIS 4<sup>th</sup> DAY OF MARCH May, 2015

ORDERED:

1. Respondent Ira M. Klemons, D.D.S., hereby voluntarily surrenders his license to practice dentistry in the State of New Jersey, which surrender is to be deemed a permanent surrender of his license. Such surrender shall be with prejudice and Dr. Klemons shall not apply for reinstatement of his license.

2. Respondent's surrender of license shall take effect by April 15, 2015. The period from the filing of this Consent Order until April 15, 2015 shall be deemed a stayed suspension of licensure, to be served as a period of probation, to permit the orderly wind down of his practices.

3. During the stayed suspension, and wind down period, Respondent shall not accept new patients. Respondent shall make immediate arrangements for the orderly transfer of current patients. Respondent shall comply with the requirements of N.J.A.C. 13:30-8.7(g) regarding patient records.

4. At the conclusion of the wind down period, Respondent shall have surrendered his federal Drug Enforcement

Administration registration and his State Controlled Drug Registration, and shall have made arrangements with those agencies for the lawful disposal of all controlled drugs in his possession or under his control and the destruction of all prescription blanks bearing his name; and shall arrange for the lawful disposal of all non-CDS medications. Respondent shall notify the Board of the date of surrender of licensure and the manner in which the controlled drugs were disposed of.

5. No later than April 15, 2015, Respondent shall assure the Board that he has made safe and appropriate disposition of all non CDS medications and all dental equipment.

6. No later than April 15, 2015, Respondent shall assure the Board that all office letterhead of the professional corporation Ira Klemons, D.D.S., Ph.D. P.C. and Center for Head of Facial Pain P.C. has been destroyed.

7. Respondent shall engage an outside independent entity such as an accountant or attorney to collect Accounts Receivable. Upon the filing of this Consent Order, Respondent shall provide a copy of the contract that engages said entity. Nothing shall prevent Respondent from receiving funds for treatment rendered prior to surrender of his license.

8. Six months from the filing of this Consent Order, and again one year from the filing of this Consent Order, the accountant or attorney retained to collect Accounts Receivable

shall provide a certified statement to the Board that Account Receivable, pending and/or paid, are comprised solely of Accounts Receivable due for treatment or services rendered prior to April 15, 2015. Consistent with and limited to the above, additional reports shall be at the discretion of the Board.

9. As of April 15, 2015, Respondent shall permanently be barred from managing, owning, operating or conducting a dental practice.

10. Respondent shall divest himself of his interest in each professional corporation for which the holding of a license issued by the Board is a prerequisite pursuant to N.J.A.C. 13:30-8.21. Said divestiture shall take effect no later than April 15, 2015.

11. Respondent is assessed costs in the amount of \$180,000, including Complainant's investigative costs, expert fees, and attorney's fees incurred by the State, as provided by N.J.S.A. 45:1-25(d). Said costs shall be submitted by bank check, certified check, wire transfer or money order made payable to the State of New Jersey and forwarded to the Board of Dentistry c/o Jonathan Eisenmenger, Executive Director, State Board of Dentistry, 124 Halsey Street 6<sup>th</sup> floor, P.O. Box 45005, Newark, New Jersey 07101. Any form of payment other than those specified will be rejected and will be returned to the party making payment.

12. Any payment that is not paid in full within ten (10) days of the entry of this Order shall be included in a Certificate of Debt to be filed pursuant to N.J.S.A. 45:1-24.

13. The entry of this Order shall not limit the authority of the Attorney General or of any other person to initiate any further action permitted by law, whether administrative, civil or criminal in any court or other forum of competent jurisdiction in connection with any matters coming within that jurisdiction. Respondent does not waive and reserves any and all rights and defenses that he may have in law or in equity with regard to any action or claims that may be brought against him subsequent to this action. Notwithstanding, the Attorney General reserves this right to enforce this Consent Order.

14. Respondent Ira M. Klemons, D.D.S. shall fully comply with the Directives for Disciplined Licensees attached to this Consent Order.

NEW JERSEY STATE BOARD OF DENTISTRY

By: \_\_\_\_\_  
Shirley Birenz, M.S.  
President

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

Ira M. Klemons, D.D.S.  
Ira M. Klemons, D.D.S.

Dated:

April 24, 2015

12. Any payment that is not paid in full within ten (10) days of the entry of this Order shall be included in a Certificate of Debt to be filed pursuant to N.J.S.A. 45:1-24.

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14. Respondent Ira M. Klemons, D.D.S. shall fully comply with the Directives for Disciplined Licensees attached to this Consent Order.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Shirley Birenz, RAN, MS  
Shirley Birenz, M.S.  
President

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

Ira Klemons, D.D.S., P.S.  
Ira M. Klemons, D.D.S.

Dated:

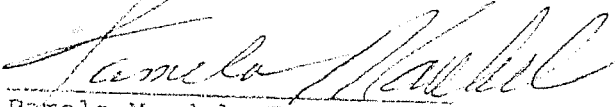
April 24, 2015



We hereby consent to the form  
and entry of this Order.

Mandel and Mandel  
Attorney for Dr. Klemons

By:


  
Pamela Mandel, Esq.

Dated: *April 27, 2015*

We hereby consent to the form  
and entry of this Order.

Greenberg Dauber Epstein  
and Tucker  
Attorney for Dr. Klemons

By:

  
Edward Dauber, Esq.

Dated: *4/13/15*

3/22/15

**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.