

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
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Nunc Pro Tunc  
October 21, 2015

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STATE OF NEW JERSEY  
DEP'T OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION : ADMINISTRATIVE ACTION  
OR REVOCATION OF THE LICENSE OF

ANDREW MARON, D.D.S.  
License No. 22DI 01835900

CONSENT ORDER OF TEMPORARY  
SUSPENSION OF LICENSE

TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY :

This matter was presented to the State Board of Dentistry ("Board") by the Administrative Complaint, verified as to specified Counts, of John J. Hoffman, Acting Attorney General of New Jersey, filed September 2, 2015 by Joan D. Gelber, Senior Deputy Attorney General, seeking emergent temporary suspension of the license of Respondent to practice dentistry and for other relief pursuant to the authority conferred on the Board by N.J.S.A. 45:1-14 et seq. and related administrative regulations. The Complaint alleges that Respondent has committed serious violations of the professional practice act, N.J.S.A. 45:6-1 et seq. and of accepted standards of care, and engaged in misrepresentations and deceptions, gross and repeated

negligence, professional misconduct, lack of good character, and violation of numerous regulations of the Board, all in violation of N.J.S.A. 45:1-21 (b), (c), (d), (e), and (h) and of N.J.S.A. 45:6-3, and that continued practice would constitute an imminent danger to the health, safety and welfare of the public within the intendment of N.J.S.A. 45:1-22.

An Order to Show Cause was issued September 2, 2015 by the Board, returnable on September 16, 2015. Respondent was served with the Complaint and supporting documents and the Order to Show Cause.

Prior to the scheduled return date, Respondent, represented by Stephen H. Schechner, Esq., sought an adjournment to prepare or to discuss a global resolution of the matter. The Acting Attorney General ("Attorney General") opposed an adjournment, contending that continued practice by Respondent would continue to constitute an unwarranted risk to patients.

The parties agreed to enter into an Interim Consent Order, which was filed September 21, 2015. The Order directed Respondent to cease and desist from all practice, except for a sole specified exception, pending an adjourned hearing date of October 21, 2015. The limited exception to the Cease and Desist Order was never activated, as Respondent failed to comply with its requirements.

On October 1, 2015, Respondent filed an Answer to the Complaint, admitting certain allegations and denying others. On October 16, 2015, Respondent, solely through his attorney, requested another adjournment. Such additional adjournment was opposed by the Attorney General as being without good cause in the circumstances.

The Board President has considered the allegations of the Verified Complaint and supporting documents, the circumstances of the first adjournment, the limited and uncertified information submitted by the defense seeking the second adjournment and the Attorney General's opposition, and has determined to allow a second adjournment, solely on condition that Respondent immediately consent to an Order of Temporary Suspension to remain in effect until November 18, 2015 or further Order of the Board, when the Attorney General shall present evidence in support of emergent action and Respondent shall appear and make response thereto.

Respondent, having read the terms of the within Order and understanding their meaning and effect and consenting to be bound by same, and having availed himself of the advice of counsel, and wishing to enter into this agreement without making further admissions, and the Board making no findings other than a finding that the within disposition is appropriate and adequately protective of the health, safety and welfare of the public for the limited period stated in the Order,

IT IS, ON THIS 23<sup>rd</sup> DAY OF OCTOBER 2015,

ORDERED that:

1. Respondent shall immediately surrender his license to practice dentistry in the State of New Jersey, such surrender being deemed a temporary suspension of his license pending his appearance before the Board at 10 a.m. on Wednesday, November 18, 2015 or further order of the Board. Respondent's dental license and all registrations and permits shall be delivered to Jonathan Eisenmenger, Executive Director, New Jersey State Board of Dentistry, P.O. Box 45005, Newark, NJ 07101;

2. Respondent shall secure in a locked place all medications in each of his offices, including Controlled Drugs (CDS), and shall deliver to the custody of his attorney all prescription blanks printed in Respondent's name;

3. With the consent of the Director of the Division of Consumer Affairs, and pursuant to his authority under N.J.S.A. 24:21-9 et seq., Respondent's New Jersey CDS registration is temporarily 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 temporary suspension of Respondent's dental license is lifted by the Board, Respondent may seek an order from the Director lifting the temporary CDS suspension. The Director will consider the factors enumerated in N.J.S.A. 24:21-11 and determine, in his sole discretion, if, and under what circumstances, the temporary suspension of Respondent's State CDS Registration should be lifted;

4. Respondent shall immediately advise and provide a filed copy of this Order to the United States Drug Enforcement Administration;

5. Respondent shall comply with the Directives Regarding Licensees who have been disciplined, which is attached hereto and made a part hereof;

6. Respondent shall make arrangements to notify all current patients, pursuant to the requirements of N.J.A.C. 13:30-8.7(g), and shall make patient records available, if requested, to the patients' subsequent treating dentists;

7. The parties hereby stipulate that entry of this Order is without prejudice to further action by the Board, the Acting

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Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs, or other law enforcement entities resulting from Respondent's conduct preceding or subsequent to entry of this order and without prejudice to the further prosecution of the allegations contained in the verified Administrative Complaint filed with the Board of Dentistry on September 2, 2015.

**THIS ORDER IS EFFECTIVE IMMEDIATELY.**

NEW JERSEY STATE BOARD OF DENTISTRY

By: *Eric G. Cappetta*

Eric G. Cappetta, D.D.S.  
Board President

I have read and understood the within Order and agree to be bound by its terms.

*Andrew Haron*  
Andrew Haron, D.D.S.

Date: October     , 2015

Consent is hereby given as to form and entry of this Order.

*Stephen H. Schechter*  
Stephen H. Schechter, Esq.  
Counsel for Respondent

Date: October 23, 2015

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.

Dentistry Board Orders  
Directives (Rev. 12/6/00)

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.

Dentistry Board Orders  
Directives (Rev. 12/6/00)