CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Dentistry
124 Halsey Street, 6th Floor, Newark, NJ 07102

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***VIA CERTIFIED (RRR) AND REGULAR MAIL***

December 4, 2015

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 12-17-15 DA

Jeffrey Buchmann, D.M.D.
12-51 River Road
Fair Lawn, NJ 07410-1812

Re: Settlement Letter in Lieu of Formal Disciplinary Proceedings:

Dear Dr. Buchmann:

The New Jersey State Board of Dentistry completed its review of information regarding your response to the Board's inquiry regarding injectable pharmacologics, and other office records. Based upon its review, it appears that you have not complied with the Board's regulations governing the use of injectable pharmacologics. More specifically, the patient record failed to contain an adequate dental diagnosis or rationale for the use of Juviderm and/or Botox. Additionally, the patient record does not have periodontal charting, or charting of the patient's dentition, or any other diagnostic information. Moreover, by administering Botox outside the peri-oral area, you have engaged in treatment outside the scope of practice of dentistry. Finally, it appears that you administered injectable phamacologics prior to the completion of a Board-approved course in these techniques. You have submitted proof of completing a Board-approved course in June 2014, subsequent to the Board's inquiry into this aspect of your practice.

The Board is offering you an opportunity to settle this matter and to avoid the initiation of formal disciplinary proceedings if you agree to:

1. Cease and desist from administering injectable pharmacologics outside the peri-oral area for cosmetic purposes.

2. Pay a civil penalty in the amount of $2,500 for administering injectable pharmacologics without first completing the appropriate course work (**N.J.A.C.** 13:30-8.4A(d) and (k)), and administering injectable pharmacologics outside the peri-oral area for cosmetic purposes (**N.J.A.C.** 13:30-8.4A(c)).

If you are willing to settle this matter on these terms, please sign the acknowledgment at the bottom of this letter, and return it to the Board office. The penalty should be paid by a check or money order payable to the "State of New Jersey." You should be aware that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

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In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those offered in settlement here, in addition to other sanctions, should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer, I suggest that you contact Deputy Attorney General Nancy Costello Miller, who may be reached at (973) 648-2500.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Please note that dentists are permitted to administer injectable pharmacologics for cosmetic or functional enhancement of peri-oral tissue (see **N.J.A.C.** 13:30-8.4A(c). According to **N.J.A.C.** 13:30-8.4A(a), the perio-oral area is defined as "gums, cheeks, jaws, lips and oral cavity and associated tissues. As such, the use of injectable pharmacologics for areas outside the peri-oral area, such as cosmetic enhancement for forehead lines or crow's feet, is not within the scope of practice of dentistry. Practice outside the scope of your license may result in sanctions.

Sincerely,
NEW JERSEY STATE BOARD OF DENTISTRY

Jonathan Eisenmenger
Executive Director

cc: Nancy Costello Miller, Deputy Attorney General

**ACKNOWLEDGMENT:** I, Jeffrey Buchmann, D.M.D., have read and reviewed the settlement proposal set forth in this settlement letter. I am aware that I have the right to dispute the charges, and to request a hearing. It is my desire to resolve this matter amicably, and without formal proceedings. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board is a matter of public record, and that this letter is a public document. I agree to:

1. Cease and desist from administering injectable pharmacologics outside the peri-oral area for cosmetic purposes.

2. Pay a civil penalty in the amount of $2,500 for administering injectable pharmacologics without first completing the appropriate course work (**N.J.A.C.** 13:30-8.4A(d) and (k)), and administering injectable pharmacologics outside the peri-oral area (**N.J.A.C.** 13:30-8.4A(c)).

12/15/15
Date

Jeffrey Buchmann, D.M.D.