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N.J. BOARD OF DENTISTRY
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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
JAMES MANWARING, D.M.D. **License No. 22DI01423900**	:	**FINAL ORDER OF DISCIPLINE**
TO PRACTICE DENTISTRY IN THE STATE OF NEW JERSEY	:	

The New Jersey State Board of Dentistry ("Board") received information that revealed that James Manwaring, D.M.D. ("Dr. Manwaring" or "respondent") had been disciplined by the Maryland State Board of Dental Examiners in June 2012, providing a basis for discipline under N.J.S.A. 45:1-21(g). The Board entered a Provisional Order of Discipline on November 20, 2013, citing the Maryland action and listing other preliminary findings related to respondent's past substance use and misrepresentations on renewal application. The Provisional Order directed that any request seeking modification or dismissal of the Provisional Order was to be made to the Board within 30 days of its entry. Dr. Manwaring did not submit a response.

The Board again reviewed the materials underlying the preliminary findings of fact and conclusions of law at its

meeting on March 5, 2014. At that time, the Board determined that the documentation supported entry of a final order related to the Maryland Dental Board action, but did not support the preliminary findings and conclusions that Dr. Manwaring had a current impairment that would affect his ability to practice or that he had made misrepresentations on his biennial renewal. As such, the Board will finalize the Provisional Order with modifications.

FINDINGS OF FACT

1. James Manwaring, D.M.D., is the holder of License No. 22DI01423900 and was licensed to practice as a dentist in the State of New Jersey effective August 8, 1983. Respondent's license has been in an "inactive" status since October 31, 2003.

2. Respondent entered into a Consent Order filed June 6, 2012, with the Maryland State Board of Dental Examiners. The Maryland Board ordered the respondent's license to be suspended for six (6) months and to be placed on probation for four (4) years, effective April 2, 2012, in connection with repeated substance abuse violations including using his license as a dentist to obtain narcotics, and a conviction for driving under the influence of alcohol. Pursuant to the Consent Order, respondent was to successfully complete, and pass approved continuing education courses and to pay civil penalties and

costs. Respondent acknowledged that failure to comply with any of the terms of the Consent Order could result in further disciplinary action by the Board. Respondent acknowledged he had the opportunity to consult with counsel before signing the Consent Order.

CONCLUSION OF LAW

Respondent's suspension to practice dentistry in the State of Maryland is tantamount to a suspension of licensure that would give rise to disciplinary action in this State in that his authority to engage in the activity regulated by the Board has been revoked or suspended in violation of N.J.S.A. 45:1-21(g).

ACCORDINGLY, IT IS on this 6th **day of January, 2016,**

ORDERED that:

1. Respondent's license to practice dentistry in the State of New Jersey is hereby suspended for six (6) months and is to be placed on probation for four (4) years effective April 2, 2012.

2. Prior to the Board's consideration of any application of reactivation of his license in this State, respondent shall:

a) Provide the Board with evidence that he has successfully complied with the terms of the Maryland Consent Order filed June 6, 2012 effective April 2, 2012;

b) Provide the Board with a full account of his conduct during the intervening period of time from his entry into this order until his appearance pursuant to this order;

c) Appear before the Board or a committee thereof to discuss his readiness to reenter practice as a dentist. At that time respondent shall be prepared to propose his plans for future practice in New Jersey.

d) Provide the Board with evidence that he is capable of discharging the functions of a license holder in a manner consistent with the public's health, safety and welfare.

NEW JERSEY STATE BOARD OF DENTISTRY

By _____
Emil G. Cappetta, D.D.S.
Board President

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 patientl 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.