

Respondent sought reinstatement of his license in 2009 and appeared before the Board on June 10, 2009, in support of his application. Subsequent to his appearance, Respondent advised the Board that he had no immediate plans to return to practice in New Jersey and requested that upon reinstatement, his license be placed on inactive status. On July 7, 2010, an Order was filed granting Respondent an inactive license. The Order further specified that his license would remain inactive until further application by Respondent to activate his license. Upon such application, Respondent must provide the Board with a current report from a psychiatrist or psychologist attesting to his ability to practice dentistry with reasonable skill and safety. The Board also reserved the right to request Respondent to submit to an independent medical and psychological examination, to appear before the Board, and to impose any restrictions on Respondent's practice, including, but not limited to participation with the Professional Assistance Program.

In support of his recent application to activate his license to practice dentistry, Respondent appeared before a Committee of the Board on January 20, 2016, without counsel. He was accompanied by Dr. Louis Baxter, Sr., M.D., Executive Medical Director from the Professional Assistance Program ("PAP"). At his appearance, Respondent testified that while he is currently being monitored by the PAP and has been since April 2015; he has been in recovery for ten years having completed the New York Professional Assistance Program.

Respondent testified that he holds an active unrestricted license in New York since 2009 and has been practicing in New York since that time. Respondent also

testified about his proposed plan to return to practice in New Jersey, which includes only practicing in a group practice.

In support of his application, Respondent provided a report from a psychiatrist dated December 17, 2015, who opined that he was fit to practice dentistry. He also provided a January 20, 2016, report from Dr. Baxter. According to Dr. Baxter, Respondent has been in sustained, documented recovery since April 8, 2015, and strongly supports his return to practice with conditions including absolute abstinence from all psychoactive substances, random twice-weekly urine monitoring, regular attendance at Alcoholic Anonymous or Narcotics Anonymous meetings, and monthly meetings with a PAP representative.

Based upon the record and his testimony, the Board has determined that Respondent's return to practice with conditions is appropriate at this time. The terms imposed by this Order are designed to ensure that as he re-enters practice in this State, Respondent's practice is consistent with the public health, safety and welfare. Respondent waiving any right to a hearing in this matter and voluntarily entering into this Order;

IT IS, therefore, on this 17th day of February, 2016,

HEREBY ORDERED AND AGREED THAT:

1. The license of Judd Garson, D.D.S., to practice dentistry in this State is hereby activated, subject to the terms in this Order. Respondent shall comply with all administrative issues related to the activation of his license, including payment of applicable fees.

2. Respondent shall remain enrolled in and participate with the PAP, at his own expense, and shall comply with recommendations for treatment, including but not limited to:

(a) monthly face-to-face meetings with representatives from that program for the first year of return to practice, followed by visits at a minimum of every two months for the subsequent year, then at a frequency to be determined by the PAP, consistent with his duration in recovery;

(b) regular attendance at support groups, NA or AA, at a minimum of three times per week;

(c) random, minimum of twice-weekly urine screens for the first year of return to practice, followed by a minimum of weekly screens for the subsequent year. Thereafter, Respondent shall be screened on a random basis at a frequency to be determined by the Executive Director of the PAP, consistent with his duration of recovery; and

(d) continued treatment by his currently approved psychiatrist, or any successive mental health professional pre-approved by the Board, until such time as the mental health professional, in consultation with the Executive Director of the PAP, agrees that it is no longer required.

3. Respondent shall abstain from the use of alcohol and psychoactive substances, unless prescribed by a treating physician or dentist for a documented medical or dental condition with prior notification to the Executive Medical Director of

the Professional Assistance Program of the diagnosis and prescribed medications. In addition, Respondent shall advise any and all treating physicians and/or dentists of his history of alcohol and substance abuse.

4. The Professional Assistance Program shall submit quarterly reports, including urine results, to the Board regarding Respondent's participation and compliance with all requirements of the PAP and this order. If Respondent has a positive urine, misses an appointment without consent, has a lapse or slip in his recovery, terminates treatment with his psychiatrist or therapist, or his participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

5. (a) Any failure by Respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event Respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Professional Assistance Program. Respondent shall notify the Professional Assistance Program if she will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed

positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize herself with all foods, food additives, or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The Professional Assistance Program may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period.

7. 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 in order that all reports, records, and other pertinent information may 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 his license.

8. Respondent shall be subject to an Order of Automatic Suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that Respondent has failed to comply with any of the conditions set forth in this Consent Order, including but not limited to a report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

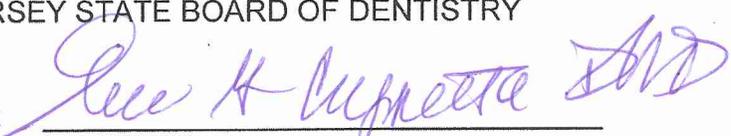
9. Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days' notice to the Board and Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effectively immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

10. Nothing in this Order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted or from imposing restrictions or conditions on Respondent's license should the Board determine that such restrictions or conditions are appropriate to protect the public health, safety, and welfare.

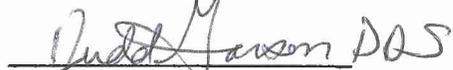
11. Respondent may seek modification of the terms of this Order not sooner than six (6) months from the date of its entry. The Board reserves the right to require Respondent's appearance prior to any modification or removal of conditions set forth in this Consent Order.

NEW JERSEY STATE BOARD OF DENTISTRY

By:


Emil Cappetta, D.D.S.
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order. I am aware that this Order has serious legal consequences and I have decided to enter into the Order without Counsel.



Judd Garson, D.D.S.



Date

I have read the terms of this order and agree on behalf of the Professional Assistance Program to comply with the terms pertaining to the PAP.



Louis E. Baxter, Sr., M.D.
Executive Medical Director
Professional Assistance Program



Date