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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  
  
CRAIG PUCHALSKY, D.D.S.  
License No. 22DI017059000  
  
LICENSED TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION  
  
CONSENT ORDER

The New Jersey State Board of Dentistry ("Board") reviewed information regarding Craig Puchalsky's ("Respondent's") treatment of patient R.R. for dental work performed on July 23, 2008, patient F.L. for dental work performed in June 2010, and patient J.D. for dental work performed between March and May of 2013. This matter was opened to the Board upon receipt of complaints filed by these patients pertaining to both the quality of dental care and service provided by Respondent. In addition, this matter was opened to the Board upon notice of the investigation by the Office of the Insurance Fraud Prosecutor and Respondent's entry into the Pre Trial Intervention Program (PTI) with payment of restitution in the amount of \$8,057.65.

On November 19, 2014, Respondent appeared, without counsel, at an investigative inquiry before the Board. Based upon a review of the three patient complaints, patient records (including x-rays) and Respondent's testimony, the Board finds that, with regard to patients J.D., R.R. and F.L., Respondent failed to maintain complete dental records and failed to cooperate with the Board in its multiple requests for information, including requests for transcription of Respondent's records. Also, as to patient F.L., Respondent accepted payment to place two permanent crowns not actually completed. In addition, as to patient R.R., Respondent provided treatment without a review of R.R.'s medical history.

These acts, taken cumulatively demonstrate conduct that deviates from the standard of care for dentists in this State. These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d) and (h), specifically N.J.A.C. 13:30-8.7.

Respondent being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to a hearing, and the Board finding the within disposition to be adequately protective of the public health, safety and welfare and for other good cause shown, and all parties agreeing to the terms of this order:

IT IS on this 28<sup>th</sup> day of March, 2016

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall complete the ProBe course, or other ethics course of similar content that is approved by the Board in writing prior to attendance. Documentation of successful completion of the course shall be provided to the Board within thirty (30) days of completion. "Successful completion" means that Respondent has attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass. The indicated coursework shall be in addition to Respondent's regularly required continuing education hours. Respondent shall be entirely responsible for any and all costs or expenses relating to the course.

2. Respondent shall provide restitution to patient F.L. for the two crowns he did not insert and the root canal he did not complete in the amount of \$1,275.00 by bank check or money order payable to the patient identified in this Consent Order by initials F.L. The restitution required herein shall be submitted to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 immediately.

3. Respondent shall successfully complete fourteen (14) hours of continuing education in physical diagnosis and treatment planning of medically compromised patients, seven (7) hours of continuing education in record keeping, and four (4) hours of continuing education in insurance coding. The coursework, which shall be in addition to Respondent's regularly required continuing

education hours, must be approved by the Board in writing prior to attendance. Respondent shall provide proof of successful completion of the courses within thirty (30) days of completion. "Successful completion" means that Respondent has attended all sessions of the course, fully participated, and received a final evaluation of an unconditional pass. Respondent shall be entirely responsible for any and all costs or expenses relating to the courses.

4. Respondent shall complete all coursework and continuing education specified in this Order within six months of the filing of this Order.

5. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-25, in the amount of \$3,000.00 for repeated acts of negligence and failure to cooperate with Board requests for information in violation of N.J.S.A. 45:1-21(d) and (h) and N.J.S.A. 45:1-18 and \$2,000 for poor record keeping in violation of N.J.A.C. 13:30-8.7 and N.J.S.A. 45:1-21(h).

6. Respondent is assessed investigative costs of \$1,892.11 for this investigation.

7. Total payment of the civil penalties and costs (\$6,892.11) shall be submitted over the course of ninety days from the entry date of this Order. Two payments of \$2,300.00 each shall be made thirty days and sixty days from the filing of this Order with the balance of \$2,292.11 to be paid within ninety days

of the filing of this Order. Payments shall be made by wire transfer, bank check, money order or certified check made payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. Any payment in a form other than those noted above will be rejected and returned. Subsequent violations of Board statutes, regulations, or orders, including this Consent Order, will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

8. Respondent shall provide proof of compliance with continuing dental education requirements, as per N.J.A.C. 13:30-5.1, no later than thirty (30) days from the entry of this Consent Order.

9. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt and such other proceedings as permitted by law.

10. The parties hereby stipulate that entry of this Consent Order is without prejudice to further action, investigation, or prosecution by this Board, the Acting Attorney General, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order.

11. Failure to timely comply with any terms of this Consent Order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Emil G. Cappetta  
Emil G. Cappetta, D.B.S.  
Board President

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

Craig Puchalsky D.D.S.  
Craig Puchalsky, D.M.D.

Date: 3/23/2016

Consented as to form:

Jim T. Ojserkis  
By Jim T. Ojserkis, Esq.  
Cooper Levenson, P.A.  
Attorney for Respondent  
Craig Puchalsky, D.M.D.

Date: 3/23/2016