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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
OAL DOCKET NO. BDS-12805-2014N

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE LICENSE OF :
EDMUND CARUSO, D.M.D. : FINAL CONSENT ORDER
LICENSE NO. 22DI01569800 :
TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :
:

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "the Board") regarding allegations of improper conduct in the treatment of multiple patients. Such improper treatment included Respondent ordering incomplete sets of x rays; failing to chart periodontal pocket depths, recession or condition; having completed eight fillings on a single day for patient J.V., with many

of the fillings not being needed; inadequately completing endodontic therapy, post, cores and full crowns (in one instance for patient D.L. placing a post, core and full crown over a tooth with gingival abcess); performing crown and bridge on teeth in spite of bone loss and poor prognosis and failing to make appropriate referrals.

Edmund Caruso, D.M.D. ("Respondent") is licensed to practice dentistry in the State of New Jersey holding license DI 01569800. He maintains an office for the practice of dentistry, Boulevard Dental Associates, at 2275 Kennedy Boulevard, Jersey City, New Jersey.

On January 27, 2014, the Acting Attorney General ("Attorney General") filed an administrative complaint alleging that Respondent deviated from the standard of care in the evaluation, diagnosis and treatment of multiple dental patients. On the basis of these allegations, the Attorney General asserted that Respondent's conduct demonstrated acts contrary to N.J.S.A. 45:1-21(b) dishonesty; N.J.S.A. 45:1-21(c) gross negligence, gross malpractice, gross incompetence; N.J.S.A. 45:1-21(d) repeated acts of negligence, malpractice or incompetence; N.J.S.A. 45:1-21(e) professional misconduct as may be determined by the Board; and N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:30-8.7.

On April 7, 2014, Respondent filed his Answer in which he denied

all the allegations. The contested matter was transferred to the Office of Administrative Law and assigned to Administrative Law Judge Gail Cookson.

Prior to the hearing, Edmund Caruso, D.M.D. and the Board entered into a settlement memorialized in this Consent Order. Respondent Edmund Caruso D.M.D., denying all of the Board's allegations, but being desirous of resolving this matter without the necessity of further formal proceedings before the Board at this time, and agreeing to waive any right to same, is entering into this Consent Order.

The Board having determined that the within disposition is adequately protective of the public health, safety and welfare, and for good cause shown:

IT IS ON THIS 12th DAY OF April, 2016

ORDERED:

1. Respondent Edmund Caruso D.M.D. shall be reprimanded for the gross and repeated negligence emanating from his repeated deviations from the standard of care in the evaluation, diagnosis and treatment of his patients, as set forth above.

2. Respondent shall undergo an evaluation at the American Association of Dental Boards ("AADB"), 211 East Chicago Avenue, Suite 760, Chicago, Illinois 60611. Respondent agrees to contact AADB within thirty (30) days to schedule the evaluation. Respondent shall

provide the Board and the Attorney General, through Deputy Attorney General Kathy Stroh Mendoza, with documentation confirming the scheduling of this evaluation. Respondent shall complete his evaluation with AADB within three (3) months of the scheduled appointment, subject to the ability of AADB to meet such a timeframe.

3. Respondent will fully and satisfactorily complete the entirety of any recommendations AADB may make with regard to practice restrictions, monitoring, and/or educational programs. For purposes of this Consent Order, full and satisfactory completion shall mean that Respondent has fully complied with all of the requirements of the evaluation, as well as any recommendations made by AADB following the evaluation.

4. The Board and the Attorney General will have full and complete access to any communications between Respondent and AADB, and will have full and complete access to any reports, recommendations or evaluation issued by AADB or by any consultant that AADB recommends, including but not limited to the release of the assessment and evaluation report. Respondent hereby authorizes AADB to provide copies of any recommendations, evaluation or reports to the Board and to the Attorney General simultaneously with their provision to Respondent. In addition, the Board, its agents and employees, including the President of the Board, may communicate directly with AADB with regard to Respondent's participation in any

evaluation or assessment, monitoring plan or educational program.

5. Respondent specifically acknowledges that that Board may seek to introduce any recommendations, evaluations, or reports issued by AADB as evidence during the course of any future disciplinary proceedings.

6. The Attorney General and the Board may provide to AADB and to Respondent simultaneously such information they may possess with regard to Respondent. Such submissions may include dental records of Respondent. Said release of documents shall not entitle any member of the public to a copy of said documents to the extent these are confidential.

7. Respondent shall be solely responsible for whatever costs are associated with his participation in any evaluation by AADB and his compliance with any recommendations or requirements set forth by AADB.

8. The Board reserves the right to place restrictions on Dr. Caruso's dental license should the results of the assessment signal a need for remediation.

9. Respondent shall pay restitution in the amount of \$15,205 to the patients who are included in the filed Administrative Complaint for poor quality of care as follows:

Patient J.V.	\$7,218
Patient D.L.	2,000
<u>Patient R.W.</u>	<u>5,807</u>

Total Restitution Due \$15,205

No restitution shall be due to patients V.H., A.L. or K.B.

Said payment shall be submitted by bank check or money order made payable to each individual patient identified in this Consent Order by the initials J.V., D.L., and R.W. and forwarded to the Board of Dentistry c/o Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, 124 Halsey Street, 6th floor, Newark, New Jersey 07101. Any form of payment other than those specified will be rejected and will be returned to the party making payment.

10. Payment of restitution is due and owing twenty one (21) days following the filing of this Consent Order. Any payment of restitution that is not paid in full within thirty one (31) days of the entry of this Order shall be included in a Certificate of Debt to be filed pursuant to N.J.S.A. 45:1-24.

11. Respondent is assessed a civil penalty and costs totaling \$15,000.00. The installment payment schedule for payment of the civil penalty and costs shall be as follows:

Ten (10) days following the signing of this Order, Respondent shall submit a bank check, certified check, wire transfer or money order in the amount of \$3,000.00 made payable to the State of New Jersey and forwarded to the Board of Dentistry c/o Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box

45005, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101.

On the first of every month following the filing of this Consent Order for four years Respondent shall submit a bank check, certified check, wire transfer or money order in the amount of \$250.00 made payable to the State of New Jersey and forwarded to the Board of Dentistry c/o Jonathan Eisenmenger, Executive Director, State Board of Dentistry, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101.

In the event that any payment is not received on the date(s) set forth above, the Board may require that the outstanding balance be due and payable forthwith, or, in the alternative, the Board reserves the right to file a Certificate of Debt pursuant to N.J.S.A. 45:1-24 for any outstanding amounts.

12. The entry of this Order shall not limit the authority of the Attorney General or of any other person to initiate any further action permitted by law, whether administrative, civil or criminal in any court or other forum of competent jurisdiction in connection with any matters coming within that jurisdiction. Respondent does not waive and reserves any and all defenses that he may have in law or in equity with regard to any action or claims that may be brought against him subsequent to this action.

13. Respondent shall fully comply with the Directives for Disciplined Licensees attached hereto as Exhibit A and made a part

as well as any action that was known to the Board at the time of the filing Complaint.

hereof.

14. This Final Consent Order shall be a full and final disposition of the Administrative matter docketed as BDS-12805-2014N. The Board shall retain jurisdiction to enforce the terms of this Order.

NEW JERSEY STATE BOARD OF DENTISTRY

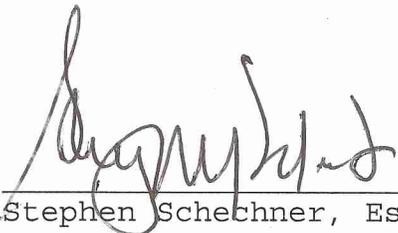
By: _____
Emil Capetta, D.D.S.
President

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

Edmund Caruso, D.D.S.

Dated:

We hereby consent to the form and entry of this Order.

By: 

Stephen Schechner, Esq.
Schechner Marcus LLP

Dated: 4/11/16

as well as any action that was known to the Board at the time of the filing Complaint Form 8

disposition of the Administrative matter docketed as BDS-12805-2014N. The Board shall retain jurisdiction to enforce the terms of this Order.

NEW JERSEY STATE BOARD OF DENTISTRY

By: [Signature]
Emil Capetta, D.D.S.
President

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

[Signature]
Edmund Caruso, D.D.S.

Dated:

We hereby consent to the form and entry of this Order.

By: [Signature]
Stephen Schachner, Esq.
Schachner Marcus LLP
Attorney for Dr. Caruso

Dated: 4/11/16

**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.

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.