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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

JACK MARTIN GELB, D.D.S.
License # 22DI 9612000

00961200

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

**CONSENT ORDER REINSTATING
LICENSE WITH RESTRICTIONS**

This matter is before the Board on the application of Jack Martin Gelb, D.D.S. ("Dr. Gelb" or "respondent") for reinstatement of his license to practice dentistry. By consent order dated December 18, 2014, respondent's license was suspended for four years, of which nine months was to be an active suspension. The consent order included an assessment of penalties of \$15,000 and costs of \$10,000, which were to be paid in equal

installments over a period of 39 months following the completion of the active suspension.¹

The consent order also listed conditions to be satisfied prior to reinstatement: completion of an ethics course; completion of a skills assessment in areas that respondent intends to practice; and an appearance before the Board to demonstrate that he has substantially complied with the consent order, that he is capable of discharging the functions of a licensee in a manner consistent with the public's public health, safety, and welfare; and to discuss his readiness to re-enter the practice of dentistry. Respondent contracted with another licensed dentist to cover his practice during the period of suspension.

Respondent appeared before the Board on September 2, 2015, accompanied by Anne Kiernan, Esq. Respondent submitted information that he had completed the skills assessment at NOVA Southeast School of Dental Medicine in Florida. That program reported that Dr. Gelb had passed the assessment in the areas of: diagnosis and treatment planning and radiological interpretation; fixed prosthodontics, cementation of crowns and bridge repair; removable prosthodontics, denture relines and repair; full denture; and operative dentistry. Respondent also submitted information that he taken an online ethics course offered by Kentucky Dental School. Under questioning by members of the Board, Dr. Gelb was unable to articulate the concepts covered in that ethics course or demonstrate an understanding of ethical concepts. During his testimony, respondent was asked about a discrepancy between the proposed consent order as drafted by the deputy attorney general

¹ The Board agreed to defer the start date for payments while Dr. Gelb's reinstatement application was pending.

and the consent order that was returned with his signature for filing.² After repeatedly being asked who had made the change to the text of the order by substituting the word “deemed” for “presumed,” he stated that he had. He provided that answer despite his earlier testimony that he could not type.

Subsequent to his appearance, Dr. Gelb retained Fred Gelb, Esq. Respondent, through counsel, submitted a letter from his physician that he had suffered from a medical episode that caused him to be confused during his appearance on September 2.³ He stated that he had attended additional ethics courses, including “Medical Ethics for Professionals” (course consisted of reading requirements prior to attending a one day live presentation, with reading and live activities totaling 15 credits) and a three credit course in Ethics and Recordkeeping. Finally, in addressing the question of the altered consent order, Dr. Gelb claimed that he had advised his then attorney that he had changed the wording of the consent order, and believed it was her responsibility to advise the deputy attorney general of the change.

Based on its review of the additional information, the Board scheduled Dr. Gelb for an inquiry on January 20, 2016. Dr. Gelb appeared with Mr. Gelb. As requested by the Board, respondent provided a letter from his physician stating that respondent was capable

² In paragraph 6 on page 4 of the December 2014 consent order, the language as prepared by the deputy attorney general read: “A passing score in the skills assessment shall be presumed that Respondent is competent to practice in that area.” The signed consent order was returned with the word “presumed” deleted and the word “deemed” typed in using the same font, without any indication, by initials or otherwise, that it had been changed. Only after the consent order was signed by the Board president and filed, was the change identified.

³ The Board notes that at that appearance, he was represented by counsel. He did not appear to be confused or in distress. He did not ask for a break; had he done so, one would have been provided.

of safely providing treatment to his patients. Dr. Gelb discussed insights gained from the additional ethics courses he had taken and discussed his desire to return to practice. He did not have any offers of employment at the time of his appearance.⁴

After fully reviewing all information and considering Dr. Gelb's testimony, the Board, though remaining concerned about his candor, finds that he has substantially complied with the terms of the December 18, 2014, consent order. The Board notes that Dr. Gelb has identified limited areas of practice in which he intends to engage, and that he has acknowledged that his medical condition, if not carefully monitored, may affect his ability to practice. The Board therefore finds that approving the reinstatement under the terms imposed by this order is both appropriate and consistent with the public health, safety, and welfare.

THEREFORE, IT IS ON THIS 4th DAY OF May, 2016,

ORDERED THAT:

1. The license of Jack Martin Gelb, D.D.S., to practice dentistry is reinstated subject to the terms of this order.

2. Dr. Gelb may not practice as a solo-practitioner and shall, at his sole expense, retain the services of a Board-approved monitor. The monitor must be approved by the Board in advance of Dr. Gelb's return to practice. Michael Davidson, D.M.D., License # 22DI 02419200 has been approved by the Board. Respondent may submit names of other proposed monitors to the Board.

⁴ Dr. Gelb alluded to a potential offer, and initially declined to identify the opportunity. Upon further questioning, it was learned that the dentist with whom he claimed to have discussed possible employment had surrendered his license to be deemed a temporary suspension in October 2015.

(a) Dr. Gelb shall notify the Board of all locations where he intends to practice and shall obtain branch licenses as appropriate. Any change in location(s) must be reported to the Board within three days of the change.

(b) The monitor shall be a licensed New Jersey dentist. The monitor's responsibilities include on-site observation of Dr. Gelb's practice at least once a week and regular review of patient records to determine appropriateness of treatment planned and rendered. The monitor shall notify the Board immediately if, in the monitor's opinion, Dr. Gelb has failed to provide treatment consistent with the standard of care for dentists in this State; if Dr. Gelb appears to be unable to practice with reasonable skill and safety; if Dr. Gelb's records do not conform to the patient record rule; and/or if Dr. Gelb appears to have violated the terms of this consent order. For purposes of this paragraph, immediately means within 72 hours of the monitor's observation. The monitor shall provide quarterly reports to the Board regarding the monitor's observations and Dr. Gelb's compliance with this consent order. Dr. Gelb shall cause the monitor to sign the Monitor Agreement attached to this consent order. By signing the agreement, the monitor agrees to the responsibilities set forth in this paragraph. The first quarterly report shall be due three months from the date the monitor signs the agreement.

3. Dr. Gelb shall limit the number of hours per week that he practices dentistry to thirty hours or fewer. His practice shall be limited to: diagnosis and treatment planning and radiological interpretation; fixed prosthodontics, cementation of crowns and bridge repair; removable prosthodontics, denture relines and repair; full denture; and operative dentistry.

4. Dr. Gelb shall fully comply with the Board's regulation on patient records, N.J.A.C. 13:30-8.7. In addition, all treatment plans must be in writing, which shall contain a diagnosis, material risks and clinically acceptable alternatives, and costs relative to the treatment that is recommended and/or to be rendered. The treatment plan must be signed by the patient or the patient's legal guardian and Dr. Gelb. If there is a change in the treatment plan, the patient or the patient's legal guardian shall sign and date the revised treatment plan. All patients or their legal guardians must sign and date an informed consent identifying the treatment to be rendered prior to initiation of treatment. Respondent need not obtain a separate informed consent for continuation of treatment for which a specific informed consent has been signed.

5. Dr. Gelb shall submit a report to the Board every six months outlining the nature and extent of his practice and listing any continuing education courses that he has taken during that period.

6. Dr. Gelb shall pay the penalty, costs, and fees totaling \$25,000 that were assessed under paragraph 9 of the December 18, 2014 consent order.

(a) The first payment of the thirty-nine equal monthly installments of \$641.03 shall be due on the first day of June 2016. The remaining 38 payments shall be due on the first day of each succeeding month until all payments have been made.

(b) Payment shall be made by bank check, money order, or wire transfer and sent to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101.

(c) If any payment is received later than the tenth day of the month in which it is due, the entire unpaid amount shall become immediately due and owing, and a Certificate of Debt for the unpaid amount will be filed.

(d) Respondent may petition the Board to terminate payment of unpaid penalties, fees, and costs upon a showing of total permanent disability that causes him to cease practicing dentistry and because of which he permanently retires or surrenders his license. If respondent files a petition certifying that: 1) he has stopped practicing dentistry and will not resume practice pending a decision on his petition to terminate his financial obligations under this consent order and to surrender or retire his license; 2) he is totally and permanently disabled, and 3) he is surrendering or retiring his license with prejudice, monthly payments due under this paragraph will be suspended until the Board rules on the petition. The Board reserves the right to have Dr. Gelb undergo an independent medical evaluation in connection with that petition. If the Board rejects the petition, payments shall resume and continue until all payments due under the terms of this consent order have been made. Respondent's estate may similarly petition the Board to terminate unpaid penalties, fees, and costs. If, due to late payment(s), a certificate of debt has been filed, the full amount of the obligation reflected in the certificate of debt, together with any interest due, will remain due; no application to terminate the debt will be considered.

7. Failure to comply with the terms of this order, including practicing outside the areas specifically permitted, shall result in an action on short notice to suspend respondent's license for the duration of the stayed suspension (which runs through December 17, 2018) in addition to any other sanction the Board deems appropriate,

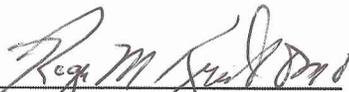
including but not limited to revocation, assessment of penalties, costs, attorney fees, and restitution if applicable.

8. 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 additional 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. Consistent with the provisions of Paragraph 11 of the December 18, 2014 Consent Order resolving all matters then pending before the Board, if the Board receives a complaint concerning treatment to patient(s) provided by respondent prior to December 18, 2014, "the Board reserves the right to evaluate the treatment rendered and, should the Board conclude the treatment rendered is not within the accepted standard of dentistry care, any action of the Board shall be limited to recommending restitution by Respondent to the patient. Respondent reserves all of his rights to defend said patient complaint or decision by the Board."

9. Respondent may move for relief from the terms of this consent order not sooner than two years from its entry, except that he may petition the Board to expand the areas of dentistry he may practice. Any expansion of practice areas will be considered after Dr. Gelb completes, at his expense, a pre-approved skills assessment and causes to be submitted to the Board a report from the assessing entity certifying that he is competent to practice in those areas. Any request for approval of a skills assessment program shall be made in writing to the Board and shall include the areas to be assessed, the professionals who will be performing the assessment, and the location of the program. Following submission of

proof of completing the assessment and certification of competency, respondent shall appear before the Board to discuss the expanded areas of practice and other matters as the Board may deem appropriate. A modification to this order expanding the areas in which respondent may practice is at the Board's discretion.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
~~Erin G. Cappetta, D.D.S.~~ Roger Kniete, DMD
Acting- Board President

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

Jack Martin Gelb, D.D.S.

Date

I consent to the form and entry of this order.

Fred J. Gelb, Esq.

Date

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

Jack M. Gelb
Jack Martin Gelb, D.D.S.

5-3-16
Date

I consent to the form and entry of this order.

Richard A. West
Fred J. Gelb, Esq. Richard A. West, Esq.

5-3-16
Date

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF

Administrative Action

JACK MARTIN GELB, D.D.S.
License # 22DI 9612000

Monitor Agreement

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

I, Michael D. Bond, D.M.D. have read the consent order reinstating the license of Jack Gelb, D.D.S., and agree to serve as his monitor under the terms of that order, including, on-site observation of Dr. Gelb's practice at least once a week and regular review of patient records to determine appropriateness of treatment planned and rendered. I agree to notify the Board immediately if, in the my opinion, Dr. Gelb has failed to provide treatment consistent with the standard of care for dentists in this State; if Dr. Gelb appears to be unable to practice with reasonable skill and safety; if Dr. Gelb's records do not conform to the patient record rule; and/or if Dr. Gelb appears to have violated the terms of this consent order. For purposes of this paragraph, immediately means within 72 hours of the monitor's observation. I agree to provide quarterly reports to the Board regarding my observations and Dr. Gelb's compliance with this consent order. The first quarterly report shall be due three months following the signing of this agreement, and will be mailed to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101.

Michael D. Bond, D.M.D.

[sign name]