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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
STATE BOARD OF DENTISTRY
OAL DOCKET NO.: BDS 761-16

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Randee L. Gevertz, D.M.D.
License No. 22DI01314400

TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") by Christopher S. Porrino¹, Acting Attorney General of New Jersey ("Attorney General"), on September 10, 2015 by the filing of an Administrative Complaint seeking the revocation or suspension of the license of Randee L. Gevertz, D.M.D. ("Respondent") to practice dentistry in the State of New Jersey and other relief. The Complaint alleged that Respondent's treatment of J.K., a patient, amounted to gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, or safety of a person in violation of N.J.S.A. 45:1-21(c); repeated acts of negligence,

¹ This action was originally commenced by former Acting Attorney General Robert Lougy. In accordance with R. 4:34-4, the caption has been revised to reflect the current Acting Attorney General, Christopher S. Porrino.

malpractice or incompetence in violation of N.J.S.A. 45:1-21(d); and professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e).

On September 25, 2015, Respondent filed an Answer to the Attorney General's Complaint, generally denying all substantive allegations.

On December 21, 2015, the matter was transferred to the Newark Office of Administrative Law as a contested case before the Honorable Joseph F. Martone, A.L.J. (retired and temporarily assigned on recall). A status conference was held on April 19, 2016.

The Attorney General's complaint alleges that Respondent failed to conform to the standard of care for dental practice in the State of New Jersey. The complaint alleged, among other things, that Respondent charged J.K. approximately fifteen thousand dollars (\$15,000) "up front" for bridge and crown work that was hastily conducted, resulting in significant discomfort and requiring the subsequent extraction of some of J.K.'s teeth.

Based on the record reviewed, including the patient file; Respondent's testimony in a July 20, 2011 Investigate Inquiry; and the denial of the Attorney General's allegations, the Board finds that Respondent engaged in repeated acts of negligence, malpractice or incompetence in violation of N.J.S.A. 45:1-21(d) and violated or failed to comply with the provisions of an act or regulation administered by the Board (namely, failure to include notations as to J.K.'s vital signs during the administration of and recovery from enteral sedation in violation of N.J.A.C. 13:30-8.4(l); failure to include material treatment risks and clinically acceptable alternatives in J.K.'s patient record in violation of N.J.A.C. 13:30-8.7(a)(4); failure to maintain study models in J.K.'s patient record in violation of N.J.A.C. 13:30-8.7 (a)(6); failure to cross out and initial incorrect information in the patient record in violation of N.J.A.C. 13:30-8.7(a)(14); failure to include a record of recommendations or referrals for treatment or consultation by a specialist in J.K.'s patient chart in

violation of N.J.A.C. 13:30-8.7(12); and failure to include required information when dictating written charts to a computer service in violation of N.J.A.C. 13:30-8.7 in violation of N.J.S.A. 45:1-21(h). These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21 et seq.

Respondent now seeks leave to voluntarily retire from the practice of dentistry to fully resolve all outstanding inquiries, and the Board finding that the within disposition is adequately protective of the health, safety, and welfare of the public, and for other good cause having been shown:

IT IS, therefore, on this 23rd day of August, 2016,

ORDERED that:

1. Respondent is hereby granted leave to and shall immediately relinquish her license to practice dentistry in the State of New Jersey, with such relinquishment to be deemed a retirement.
2. With the consent of the Director of the Division of Consumer Affairs ("Director"), and pursuant to his authority under N.J.S.A. 24:21-9 et. seq., Respondent is hereby granted leave to relinquish and tender her New Jersey Controlled Dangerous Substance ("CDS") Registration, with such relinquishment to be deemed a retirement.
3. Respondent shall immediately return her current biennial registration and New Jersey CDS registration to Jonathan Eisenmenger, Executive Director, New Jersey State Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101.
4. Respondent shall make restitution in the amount of fifteen thousand dollars (\$15,000.00) to patient J.K.
5. Payment of restitution shall be made within thirty (30) days of the filing of this Order by certified check or money order payable to patient J.K. and submitted to Jonathan Eisenmenger,

Executive Director, New Jersey State Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101.

6. Respondent is hereby assessed civil penalties in the amount of one thousand dollars (\$1,000) pursuant to N.J.S.A. 45:1-22.

7. Respondent is hereby assessed costs and fees in the amount of nine hundred and twenty-two dollars (\$922) pursuant to N.J.S.A. 45:1-25.

8. Payment of civil penalties and costs totaling \$1,922 shall be made within thirty (30) days of the filing of this Order by wire transfer, bank check, money order, or certified check made payable to the "State of New Jersey" and sent to Jonathan Eisenmenger, Executive Director, New Jersey State Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101. Any payment in a form other than those noted in this paragraph will be rejected.

9. Failure to make timely payment shall result in the filing of a Certificate of Debt pursuant to N.J.S.A. 45:1-24 for the total amount due and owing at the time the Certificate of Debt is filed.

10. Should Respondent reapply for a New Jersey dental license or seek a CDS registration in New Jersey in the future, Respondent shall submit along with her application(s) documented verification that she attended and successfully completed the Center for Personalized Education for Physicians ("CPEP") "ProBE" ethics and boundaries program. For purposes of this Consent Order, successful completion shall mean:

- a. Respondent has fully complied with all of the requirements of this program as well as any recommendations made by CPEP/ProBE following the program;
- b. Respondent has successfully completed all phases, assignments, and/or sessions of the ProBE ethics and boundaries program;

- c. CPEP/ProBE has unconditionally stated in a writing delivered to the Attorney General and to the Board that Respondent has satisfactorily and fully completed the ProBE course and passed unconditionally; and
- d. CPEP/ProBE has unconditionally stated in a writing delivered to the Attorney General and to the Board that Respondent has complied with any recommendations it made with regard to practice restrictions, monitoring, and/or educational programs (if applicable).

11. If Respondent fails to substantially comply with the CPEP/ProBE's recommendation, requirements, practice restrictions, and/or educational programs (if applicable), such conduct may be deemed to constitute professional misconduct in violation of N.J.S.A. 45:1-21(e). In that event, the Attorney General or the Board may commence a disciplinary proceeding seeking, among other things, the suspension or revocation of Respondent's license to practice dentistry.

12. The Board and the Attorney General will have complete access to any communications between Respondent and CPEP/ProBE and will have complete access to any reports, recommendations or evaluations issued by CPEP/ProBE or by any consultant that CPEP/ProBE recommends, including but not limited to the release of the assessment and evaluation report and, if recommended by the vendor, any medical and/or neuropsychological evaluations. Respondent hereby authorizes CPEP/ProBE to provide copies of any recommendations, evaluations or reports to the Board and the Attorney General simultaneously with their provision to Respondent. In addition, the Board and its agents and employees may communicate directly with CPEP/ProBE regarding Respondent's participation in any evaluation or assessment, educational program or monitoring plan.

13. Respondent specifically acknowledges that any recommendations, results, evaluations, or reports issued by CPEP/ProBE may be introduced as evidence during the course of any future disciplinary proceedings.

14. The Attorney General and the Board may provide to CPEP/ProBE information they may possess with regard to Respondent, including but not limited to Respondent's Board file.

15. Respondent shall be solely responsible for all costs associated with her participation in any evaluation, assessment or program conducted or administered by CPEP/ProBE and her compliance with any recommendations or requirements set forth thereby.

16. In any future reapplication for a New Jersey dental license or CDS registration, Respondent shall also submit along with her application(s) documented verification that she attended and successfully completed seven (7) hours of courses in record keeping; seven (7) hours of courses in removable prosthesis; seven (7) hours of courses in diagnosis and treatment planning; and seven (7) hours of courses in crown and bridge. Respondent shall ensure that any vendor providing or administering such courses is pre-approved in writing by the Board. Successful completion means that all sessions were attended, all assignments were appropriately completed and an unconditional passing grade was achieved.

17. Prior to Respondent's resumption of her practice of dentistry, Respondent shall appear before the Board or a Committee thereof to demonstrate at a minimum her compliance with all of the terms contained herein. Following such an appearance, the Board reserves the right to require an assessment of Respondent's skills and/or competence and import other applicable restrictions to her practice of dentistry.

18. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of

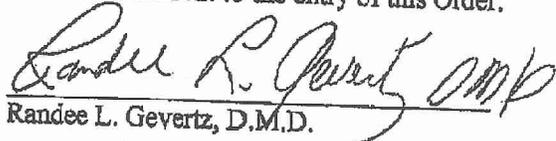
Consumer Affairs or any other law enforcement entity resulting from Respondent's conduct reported to the Board subsequent to entry of this Order.

19. This Consent Order shall be a final disposition of the Administrative Complaint filed in this matter and docketed by the Office of Administrative Law as BDS 06720-15. The Board shall retain jurisdiction to enforce the terms of this Order.

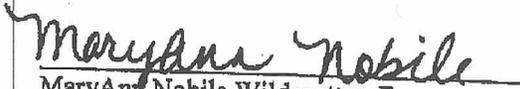
NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Emil G. Cappetta, D.D.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.

 Date: 8/17/16
Rande L. Gevertz, D.M.D.

Consent as to form and entry only:

 Date: 8/12/16
MaryAnn Nobile Wilderotter, Esq.
Ronan, Tuzzio & Giannone
Attorney for Respondent