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

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF	
JOHN VECCHIONE, D.D.S. **LICENSE NO. 22DI02217300**	Administrative Action **INTERIM CONSENT ORDER**
TO PRACTICE DENTISTRY IN THE STATE OF NEW JERSEY	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the filing of a Verified Complaint and Order to Show

Cause on August 24, 2016 with a return date of August 31, 2016. The Verified Complaint was filed following an inspection of Respondent's practice, North Jersey Oral Maxillofacial & Reconstruction Surgery, LLC, 98 Route 46, Budd Lake, NJ 07828, by the Enforcement Bureau, Division of Consumer Affairs, on August 19, 2016.

The Verified Complaint alleges that the deficiencies still present in Respondent's practice after multiple prior inspections and the issuance of a Department of Health report demonstrate a lack of judgment and insight into the affect that breaches can have on the safety of the treatment environment. The Verified Complaint alleges that those deficiencies combined with Respondent's failure to comply with a Board Order requiring him to provide a reporting to the Board, support findings of gross and repeated negligence, professional misconduct and violations of Board regulations, specifically N.J.A.C. 13:30-8.5. The Verified Complaint alleges that these findings would evidence that Respondent is not practicing dentistry in a manner consistent with the public's health, safety and welfare, and thus form a basis pursuant to N.J.S.A. 45:1-21(c), (d), (e), and (h) to suspend his license. As such, the Verified Complaint alleges that Respondent presents a clear and imminent danger to the public, warranting a temporary suspension of his license to practice dentistry, pursuant to N.J.S.A. 45:1-22.

Respondent denies any and all allegations of wrongdoing as alleged in Verified Complaint and supporting documentation and contends that he has made diligent efforts to implement the remedial measures that were recommended following prior inspections of his office. He has requested additional time to prepare his defense and file an Answer and, in exchange, has agreed to a temporary suspension of his license until the Attorney General's application is considered by the Board at its October 19, 2016 meeting or another date mutually agreed upon by the parties or ordered by the Board, not to exceed a period of 30 days from the October 19, 2016 hearing date. The entering of this Order is without prejudice to the ability of Dr. Vecchione to contest the allegations in the Verified Complaint and supporting documents, and present evidence on his behalf at the subsequently scheduled Summary Suspension Hearing.

The parties being desirous of entering into an interim resolution of this matter, which alleges a palpable demonstration of an imminent danger to the public, and it appearing that Respondent has read the terms of the within Order and understands their meaning and effect and consents to be bound by same, notwithstanding respondent's denial of all of the allegations of wrongdoing in the Verified Complaint, the Board finds that the within disposition is adequately protective of the public health, safety and welfare, and

for good cause shown,

IT IS ON THIS 6th DAY OF October, 2016

ORDERED THAT:

1. Respondent, John Vecchione, agrees to the temporary suspension of his license to practice dentistry in all jurisdictions, first made effective by the August 31, 2016 Consent Order, and continued as of the date this Order is signed until the temporary suspension application is considered by the Board at its October 19, 2016 scheduled meeting or another date mutually agreed upon by the parties or ordered by the Board, not to exceed a period of 30 days from the October 19, 2016 hearing date. Effective immediately, Respondent shall not accept any new patients to his practice nor shall he make any appointments with current patients.

2. This Interim Consent Order is without any admissions of liability or wrongdoing by Respondent and without prejudice to any response or defense Respondent may raise to the Attorney General's application.

3. During the time Respondent's license is temporarily suspended, he shall cease and desist all patient contact at any location and the rendering of dental care, including the issuance of any prescriptions for, or dispensation of, medications of any kind,

including but not limited to Controlled Dangerous Substances.

4. During the time Respondent's license is temporary suspended he shall not enter the premises of his dental practices during business hours when patients may be present, except for the purpose of the ongoing implementation of the remedial practice recommendations recommended by both the Dental Board and the Department of Health. There will be no patient contact, and no patient treatment.

5. During the time Respondent's license is temporarily suspended, he shall not charge, receive or share in any fee for professional services rendered by him or others while barred from engaging in the professional practice of dentistry. Respondent shall be permitted to collect account receivables with respect to professional services that he rendered prior to the date of the filing of this Order.

6. Respondent shall return his original New Jersey dental license and CDS registration to the New Jersey State Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101 on or before August 31, 2016.

7. Respondent shall immediately advise the Drug Enforcement Agency ("DEA") of this Order, and provide the Board within five days of proof of said notification to the DEA.

8. Respondent shall comply with the Directives Regarding Licensees who have been disciplined, which is attached hereto and

made a part hereof.

9. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation, and prosecution by this Board, Attorney General, the Drug Control Unit, 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. Nothing in this Order shall limit the prosecution of the Verified Complaint filed on August 14, 2016.

10. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By: _____
Richard Riva, D.D.S.
President

I have read and understood the within Order and agree to be bound by its terms.

_____ 10/4/16 4:15PM
John Vecchione, D.D.S. Date
Respondent

Consent if hereby given as to the form and entry of this Order.

	10/4/96
Michael Keating, Esq. Counsel for Respondent	Date

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 patientl 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.