



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Dentistry
124 Halsey Street, 6th Floor, Newark, NJ 07102

VIA CERTIFIED (RRR) AND REGULAR MAIL



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

May 11, 2015

Todd Gottlieb, D.M.D.
C/o Pamela Mandel, Esq.
Mandel & Mandel
45 Essex Street, Suite 200
Millburn, NJ 07041

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 6-3-15 DA

Mailing Address:
P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

Re: Settlement Letter in Lieu of Formal Disciplinary Proceedings in Complaints:
94574 - Patient J.D.

Dear Dr. Gottlieb:

The New Jersey State Board of Dentistry completed its review of information concerning the above captioned complainant. Specifically, the information reviewed included the patient's complaint and your response, including patient treatment and financial records, and other office records. Based upon its review it appears that you have not complied with the Board's statutes and regulation governing the use of injectable pharmacologics. More specifically, the patient record failed to contain an adequate dental diagnosis or rationale for the use of Juvederm and/or Botox to eliminate frown lines between and above the eyes. Additionally, the patient record does not have periodontal charting, or charting of the patient's dentition, or any other diagnostic information. Moreover, by administering Botox outside the peri-oral area (forehead area above and/or between the eyebrows) you have engaged in treatment outside the scope of practice of dentistry.

The Board is offering you an opportunity to settle this matter and to avoid the initiation of formal disciplinary proceedings if you agree to

1. Cease and desist from administering injectable pharmacologics outside the peri-oral area. Additionally, you agree to perform appropriate dental examinations for the diagnosis and treatment of each of your patients.
2. Pay a civil penalty in the amount of \$5,000 for violating the Board's regulations on injectable pharmacologics (N.J.A.C. 13:30-8.4A(c)). Of this penalty, \$2,500 is due upon signing of this agreement. The remaining \$2,500 of this penalty will be stayed and held in abeyance for five years, and be forgiven if you have not engaged in the administration of injectable pharmacologics outside the peri-oral area during that time.

If you are willing to settle this matter on these terms, please sign the acknowledgment at the bottom of this letter, and return it to the Board office. The penalty should be paid by a check

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Settlement Letter

May 11, 2015

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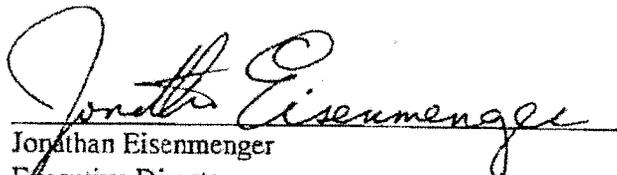
or money order payable to the "State of New Jersey." You should be aware that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those offered in settlement here, in addition to other sanctions, should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer, I suggest that you contact Deputy Attorney General Nancy Costello Miller, who may be reached at (973) 648-2500.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Sincerely,

NEW JERSEY STATE BOARD OF DENTISTRY


Jonathan Eisenmenger
Executive Director

cc: Nancy Costello Miller, Deputy Attorney General

MAY 29 2015

ACKNOWLEDGMENT: I, Todd M. Gottlieb, D.M.D., have read and reviewed the settlement proposal set forth in this settlement letter. I am aware that I have the right to dispute the charges, and to request a hearing. It is my desire to resolve this matter amicably, and without formal proceedings. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board is a matter of public record, and that this letter is a public document. I agree to:

1. Cease and desist from administering injectable pharmacologics outside the peri-oral area. Additionally, I agree to perform appropriate dental examinations for the diagnosis and treatment of each of my patients.
2. Pay a civil penalty in the amount of \$5,000 for violating the Board's regulations on injectable pharmacologics (N.J.A.C. 13:30-8.4A(c)). Of this penalty, \$2,500 is due upon signing of this agreement. The remaining \$2,500 of this penalty will be stayed and held in abeyance for five years, and be forgiven if you have not engaged in the administration of injectable pharmacologics outside the peri-oral area during that time.

5/27/15
Date


Todd M. Gottlieb, D.M.D.