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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
BOARD OF DENTISTRY
OAL DOCKET #: BDS 17934-16N

IN THE MATTER OF THE SUSPENSION OR :
REVOCAION OF THE LICENSE OF: : Administrative Action
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 John V. Vecchione, D.D.S. : FINAL CONSENT ORDER
 License No. 22DI02217300 :
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 :
 :
 TO PRACTICE DENTISTRY IN THE :
 STATE OF NEW JERSEY :
 :

This matter was brought before the New Jersey State Board of Dentistry ("Board") upon receipt of information regarding the dental practices of John Vecchione, D.D.S. ("Respondent").

To investigate the matter further, the Board authorized two inspections of Respondent's Budd Lake practice in order to ensure proper adherence to the appropriate procedures, protocols and standards of infection control in dental office settings. On November 14, 2014, Enforcement Bureau ("EB") investigators and

Department of Health ("DOH") officials performed an inspection of Respondent's Budd Lake office. The DOH identified certain deficiencies pursuant to CDC Guidelines for Dental Office Settings and Dental Board regulations. Respondent was allowed to continue to practice.

On January 13, 2015, the EB, DOH officials and experts in oral surgery and infectious disease performed a second inspection of Respondent's Budd Lake office. The DOH concluded that Respondent had cooperated and had corrected many of the deficiencies that were identified by DOH at the time of the first inspection, but that there were still additional deficiencies that DOH wanted Respondent to address. Respondent was allowed to continue to practice.

On July 7, 2016, Respondent, without admitting any wrongdoing, entered into a Consent Order with the Board agreeing to maintain enhanced infection control protocols pursuant to CDC Guidelines, undergo infection control consultations and submit monthly reports for the next 12 months to the Board regarding his adherence to the terms of the consent order. The Consent Order acknowledged that Respondent had cooperated and corrected a number of deficiencies that had been previously identified by DOH as a result of the two prior inspections. It further noted that there had been no causal link established between Respondent's office

and the three initial cases of bacterial endocarditis.

On July 20, 2016, the DOH issued its final public health report regarding its review and its reported findings of Respondent's infection control practices and protocols for an outpatient dental office setting. The report detailed the office inspections, identified fifteen former patients over an approximate two year period that were ultimately diagnosed with bacterial endocarditis after undergoing dental procedures by Respondent, delineated breaches from infection control practices, and made recommendations for corrective action.

On August 19, 2016, a third inspection was conducted of Respondent's Budd Lake Office, which revealed continued deficiencies in infection control practices and protocol pursuant to CDC Guidelines as well as violations of the July 7, 2016 Consent Order. On August 24, 2016, the Attorney General filed a Verified Complaint and Order to Show Cause seeking the temporary suspension of Respondent's license to practice dentistry. The Respondent filed an Answer denying all allegations of wrongdoing.

On August 31, 2016, Respondent and the Board agreed to the temporary suspension of Respondent's license in order to adjourn the hearing date, which was ultimately rescheduled to November 16, 2016. Such voluntary agreement was without prejudice to Respondent's legal status and did not contain an admission or

finding of wrongdoing. Prior to the hearing on November 16, 2016, Respondent and the Board agreed to the temporary suspension of Respondent's license pending disposition of a plenary hearing. There was no admission or finding of wrongdoing.

The matter was then transferred to the Office of Administrative Law ("OAL") for a plenary hearing to begin on February 13, 2017 before Judge JoAnn LaSala Candido, ALJ, on the allegations contained in the Verified Complaint. The OAL trial officially began on August 9, 2017. As of June 25, 2018, the State has rested its case in chief, the Respondent has cross-examined the State's various witnesses, and the State has concluded cross-examination of Respondent's first expert, with additional trial dates and witnesses for the Respondent scheduled.

The Board has considered Respondent's actions and has determined that cause exists for disciplinary sanctions pursuant to N.J.S.A. 45:1-21(c), (d), (e), (h) and N.J.A.C. 13:30-8.5. Respondent denies any allegations of wrongdoing or deviation from accepted standards of oral surgical care, and contends that his care and treatment of all patients were within accepted practice standards. Respondent specifically denies that any breaches of infection control practices were the cause of the endocarditis with respect to the fifteen former patients. The contentions and issues are, therefore, disputed.

Notwithstanding the above, the parties now wish to fully resolve and settle the claims set forth in the Verified Complaint without the need for further proceedings.

The parties being desirous of entering into a final resolution and settlement of this matter, and it appearing that Respondent has read the terms of the within Consent Order and understands their meaning and effect and consents to be bound by same and has availed himself of the advice of competent counsel, and it further appearing that Respondent wishes to enter into an agreement without making admissions as to allegations in this matter, and that the Board wishes to enter into an agreement without completing the hearing and without receiving an initial decision from the Administrative Law Judge, and the Board concluding that the within disposition is acceptable and in the interests of and adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS ON THIS ~~17~~²² DAY OF ~~December~~^{January}, 2020

ORDERED THAT: 

1. The license of Respondent John V. Vecchione, D.D.S. to practice dentistry in the State of New Jersey is hereby suspended for a period of five (5) years, with four (4) years to be served as an active period of suspension and the remaining one (1) year to be served as a period of probation. The active suspension period

shall be retroactive to August 31, 2016, the date on which Respondent agreed to the temporary suspension of his license, meaning that Respondent will be permitted to commence the one year probationary period on August 31, 2020, pending full compliance with the terms of the within Order.

2. If Respondent seeks to reinstate his New Jersey license, then six (6) months prior to the expiration of the active suspension of his New Jersey license, Respondent will appear before the Board, or a committee of the Board, and (1) demonstrate his general fitness and competency to resume practice; and (2) demonstrate compliance with all of the terms contained within this Order; and (3) discuss future plans for practice; and (4) demonstrate compliance with continuing education, including throughout his active suspension period.

3. The Board retains the discretion to determine a plan for re-entry into practice in New Jersey that is protective of the public, but such discretion shall be limited to restrictions or conditions upon Respondent's resumption of clinical practice in New Jersey.

4. For the first year of Respondent's return to practice in New Jersey, Respondent shall work with a Board-approved dentist to observe the Respondent's practices and submit signed and certified reports as follows:

- a. With regard to Respondent performing intravenous procedures, tooth extractions, biopsies or implant procedures, the Board-approved dentist shall: (1) observe the Respondent, in person and in real time, perform each of the above procedures on at least four (4) occasions; (2) certify that the procedures were performed by Respondent within the standard of care; and (3) certify that the Board-approved dentist is satisfied Respondent is competent to perform such procedures. If the Board-approved dentist submits such reports of practicing within the standard of care and of competency, Respondent may then petition the Board to lift the requirement of real-time, in person monitoring of procedures, which shall not be unreasonably withheld. The Board shall respond within twenty (20) days of actual receipt of Respondent's petition.
- b. In addition to the above, Respondent shall employ a Board-approved dentist to observe, in person and in real time, Respondent's general practice techniques, level of adherence to state regulations governing the practice of dentistry in the state of New Jersey, including CDC Guidelines, and Respondent's fitness to practice and overall compliance with the practice components of this

Order for five (5) consecutive business days per month for the first year of practice in New Jersey. As a separate requirement from paragraph 4(a), the Board-approved dentist shall observe all patient contact for a minimum of one (1) hour on each monitoring day and resume general supervision of Respondent for the remaining portion of the day. The Board-approved monitor or dentist shall submit a signed and certified report to the Board due by the first business day of each month following Respondent's monitoring period in New Jersey identifying the specific hour of observation on each monitoring day, the patient(s) treated and a detailed description of the services and/or procedures performed and shall also include an assessment addressing Respondent's practice techniques, level of adherence to state regulations governing the practice of dentistry in the state of New Jersey, including CDC Guidelines, Respondent's fitness to practice and overall compliance with the practice components of this Order. After six (6) consecutive months of satisfactory monitoring reports, Respondent may petition the Board to lift the monitoring requirement.

c. Respondent expressly consents to the submission and

disclosure of the certifications and reports of the Board-approved monitor or dentist to the Board. Respondent also expressly consents to the use of such information by the Board in any license proceedings by the Board. Such information and reports of the Board-approved monitor or dentist shall be considered to be confidential and shall not be used for any purpose except for use in monitoring compliance with this Final Consent Order and for use in licensing proceedings by this Board.

5. At or prior to resumption of practice in New Jersey, Respondent shall hire an infection control consultant for quarterly inspections of any and all of his offices for a one year period. Each inspection must be completed at the end of three month intervals, for a total of four inspections, to be completed within one year. Respondent is responsible for ensuring that reports of the inspection are submitted to the Board within twenty (20) days of the end of each of the three month quarterly periods. Should Respondent be self-employed or practicing in a supervisory capacity, each report shall detail office adherence to infection control protocol; compliance with state regulations governing dental practice within the state of New Jersey; assessment of training protocols for office staff; adequacy of written infection control protocols for the office; assessment of Respondent's and

his staff's scope of understanding of CDC guidelines, and overall infection control for dental office settings; and, when applicable, the level of incorporation of suggestions and recommendations of the prior consultant reports. Should Respondent be practicing with or under the supervision of another New Jersey licensed dentist, such report shall detail Respondent's practices as well as overall office adherence to infection control protocol and compliance with state regulations governing dental practice within the State of New Jersey. The report shall include a detailed assessment of Respondent's practices as well as office practices under the supervision of Respondent.

6. In the event that Respondent resumes practice in New Jersey, Respondent shall permanently maintain and follow all New Jersey state regulations, including CDC Guidelines, governing the practice of dentistry. Respondent also agrees to practice pursuant to the CDC Guidelines.

7. Respondent shall successfully complete Board approved courses in office management, record-keeping and infection control practices, procedures, implementation and maintenance. In order to satisfy this term, all courses must include a post-test or assessment at the end of the course, to be completed prior to the end of Respondent's active suspension. "Successful completion" means that all sessions were attended, all assignments were

properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservations.

8. Prior to resumption of practice in New Jersey, Respondent shall have fully attended, successfully completed, and passed the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at Robert Wood Johnson Medical School, or another ethics course of similar content that is pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board within twenty-one days of completion of the course. "Successful completion" means that Respondent attended all sessions of the course, fully participated in the course and received a final evaluation of an unconditional pass for the course. Respondent shall bear the cost of the courses selected and shall not use any credits obtained through the courses towards the fulfillment of his continuing education requirement.

9. Respondent is hereby assessed costs in the amount of \$243,500.00 and monetary penalties in the amount of \$50,000.00, for a total amount of \$293,500.00. The costs and penalties assessment in the amount of \$268,500.00 is stayed pending the period of suspension as set forth in the Consent Order, with a repayment plan to be determined upon Respondent's reapplication for reinstatement of his active dental license in the State of New

Jersey. At such time, the Board will allow Respondent to submit information he believes is relevant to the Board's consideration of his ability to pay the assessed costs and penalties, and shall determine a payment schedule. As for the remaining costs and penalties amount, a Certificate of Debt reflecting the \$25,000.00 currently due and owing shall be filed pursuant to N.J.S.A. 45:1-24. In addition, but not in lieu of the filing of the Certificate of Debt, the Board will allow the remaining costs and penalties to be paid in equal monthly installments of \$520.83 for forty-eight (48) consecutive months. Each payment shall be due on the first business day of each month, commencing on February 3, 2020. In the event that a monthly payment is not received within five days of its due date, the entire balance shall become due and owing. In the event of a default triggering the entire balance becoming due and owing, Respondent shall have the opportunity to explain the default to the Board prior to any Board action against Respondent's license. Respondent may prepay at any time. Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42. All payments shall be made by certified bank check, certified check, wire transfer or money order, payable to the State of New Jersey and forwarded to the attention of Jonathan Eisenmenger, Executive Director, Board of Dentistry, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101. Any payment in a form

other than those noted in this Paragraph will be rejected and returned to the party making payment.

10. Respondent hereby represents and shall ensure that he shall not see, examine, treat or otherwise offer dental services at any location in New Jersey during the entire four year active suspension period, and until he is in receipt of the Board's Order of Reinstatement of his license, which shall be issued on or about August 31, 2020, provided Respondent has complied with the terms of the within Consent Order. This limitation shall specifically include the issuance of any prescription for, or dispensation of, medications of any kind within the State of New Jersey including but not limited to Controlled Dangerous Substances ("CDS"). Respondent shall not enter the premises of his former dental practice(s) during business hours when patients may be present.

11. During the active suspension period Respondent shall not charge, receive or share in any fee for dental services rendered by him or others within the state of New Jersey. Respondent shall be permitted to collect account receivables with respect to professional services that he rendered prior to the close of business on August 31, 2016.

12. Respondent shall be precluded from managing, overseeing, supervising or influencing the practice of dentistry in the State of New Jersey until such time that Respondent is reinstated to

practice in New Jersey. Respondent shall divest himself from any current and future financial interest in or benefit derived from the practice of dentistry in the State of New Jersey, including but not limited to Respondent's former dental office(s), until such time that all terms of the within Consent Order have been met.

13. Within ten (10) days of the filing of this Consent Order, Respondent, if he has not already done so, is to notify Jonathan Eisenmenger, Executive Director, New Jersey State Board of Dentistry, 124 Halsey Street, P.O. Box 45005, Newark, New Jersey 07101 as to where his patient records are secured, and how patients may obtain them, or alternatively, to advise the board of the identity and contact information of the receiver that was placed in charge of Respondent's former offices.

14. Respondent, if he has not already done so, shall return his original New Jersey license and CDS registration to the New Jersey State Board of Dentistry, 124 Halsey Street, P.O. Box 45005, Newark, New Jersey 07101, if he still has possession of same.

15. Respondent, if he has not already done so, shall immediately send all of his remaining prescription blanks, along with a cover memorandum indicating that he will no longer be writing prescriptions and asking that his prescription blanks be destroyed pursuant to standard operating procedures, to Dana

Pulizzano, Acting Executive Director, Drug Control Unit, New Jersey Division of Consumer Affairs, P.O. Box 45045, Newark, New Jersey 07101.

~~16. The parties hereby stipulate that entry of this Order is~~
without prejudice to further action, investigation, and legal action by this Board, the 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. This Order shall be a full and final resolution by this Board of all violations and facts expressly referenced in this Order. As of the filed date of this Order, the Board is unaware of any pending complaints against Respondent.

17. 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 appropriate disciplinary action.

18. If he has not already done so, Respondent shall comply with the "Directives Applicable To Any Dentistry Board Licensee Who Is Suspended, Revoked or Whose Surrender Of Licensure Has Been Accepted", which is attached hereto as Exhibit 1 and incorporated by reference. In the event of a conflict between the Directives and this Consent Order, the terms of this Consent Order shall govern.

19. This Final Consent Order is a settlement of a contested matter reached as a result of negotiations between the parties with advice of counsel, and is not an admission of wrongdoing, which is expressly denied by Respondent. This Final Consent Order shall be a full and final disposition of the Administrative matter docketed as BDS 17934-2016N.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Elizabeth P. Clemente, D.D.S.
Elizabeth Clemente, D.D.S.
Board President

I have read the within Order, understand its terms and agree to be bound by them. I consent to the entry of this Order.

[Signature]
John Vecchione, D.D.S.
Respondent

12/17/19
Dated

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

[Signature]
John P. Lacey, Esq.
Connell Foley
Attorney for the Respondent

12/19/19
Dated

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

[Signature]
Russell L. Hewit, Esq.
Dughi, Hewit & Domalewski
Attorney for the Respondent

12/18/2019
Dated