



JON S. CORZINE
Governor

New Jersey Office of the Attorney General

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



ANNE MILGRAM
Attorney General

DAVID SZUCHMAN
Director

Mailing Address:
P.O. Box 45005
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(973) 504-6405

VIA FACSIMILE AND REGULAR MAIL

December 28, 2009

John Kallis, D.M.D.
c/o Susan Fruchtmann, Esq.
DeCotiis, Fitzpatrick, Cole & Wisler, LLP
500 Frank W. Burr Boulevard, Suite 31
Teaneck, New Jersey 07666

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 1-8-10 DA.

Dear Dr. Kallis:

As the active period of your suspension is nearing completion, your counsel has raised several questions, both substantive and procedural, for the Board's consideration. The Board reviewed the issues raised and on December 16, 2009, Nancy Costello Miler, DAG, and I met briefly with you and your counsel, Susan Fruchtmann, Esq., to provide the Board's response. This letter confirms that discussion.

A. Using and Prescribing Controlled Dangerous Substances; Approval of licensed dentists to countersign prescriptions for CDS; Responsibilities for Dentists

Following the Board's decision not to permit your wife, Patricia Marrone, D.M.D., to countersign prescriptions for CDS, you offered Joseph DiSilvio, D.M.D., as an alternative person to countersign, noting that he practices "across the street" from the office you plan to open. The Board rejected that as a viable option as it seemed impractical and unworkable for a practicing dentist to leave his office whenever the need for a countersignature would arise.

You then offered not to prescribe CDS for your patients, indicating that you would prescribe non-CDS pain medication or, if necessary, refer the patients to their primary care providers or to a pain management specialist. The Board, whose mission includes ensuring that dentists practice with safety and efficacy, has determined that appropriate treatment for patients undergoing certain oral surgery procedures may require prescribing controlled dangerous substances. Eliminating or limiting a patient's ability to receive suitable medications is not in the interest of the public health, safety and welfare of the citizens of this State. The Board, therefore, declines your offer to practice without prescribing CDS.

Subject to the conditions set forth in this letter, the Board has approved three licensed dentists to countersign prescriptions for controlled dangerous substances in your office as required by paragraph 4 of the Board's order of July 15, 2009. They are: John Petkanas, D.D.S., Joseph DiSilvio, D.M.D., and Carl P. Waltke, D.M.D.

Ms. Fruchtmann has represented that one of the three dentists will be physically present in your office during the time you are treating patients and will be available to countersign prescriptions for those patients who require a prescription for a controlled

dangerous substance related to the treatment. In order to avoid the necessity of having specially designed prescription pads reflecting the names and DEA and NPI numbers of both you and the countersigning dentist for each location where you will practice, the Board will accept initials on the prescription blank. The countersigning dentist shall initial each prescription in the upper left quadrant. A writing sample containing both the signature and the initials of each countersigning dentist shall be forwarded to the Board with the return of this letter.

Each dentist is required to familiarize himself with the patient's treatment and initial the prescription if he deems it appropriate, and sign the patient's chart. His initials and signature reflect his independent judgment that the prescription is dentally or medically necessary. Further, for each location where you practice, you are required to keep a permanently bound log book. Each dentist must sign the book and indicate the date and times (arrival and departure) he was present in the office.

It is not acceptable for the countersigning dentist to initial prescription blanks in advance of the treatment or to initial a prescription for a patient who was treated when the countersigning dentist was not physically present in the office. The countersigning dentist must also initial any refills of prescriptions issued and sign the chart.

In using the triplicate prescription blanks, you shall provide the original CDS prescription to the patient, attach one copy of the prescription to the patient record, and submit the third copy with a copy of the patient record to the Board on a quarterly basis. You are required to account for each consecutively numbered prescription, regardless of whether the particular prescription was voided or not used for any purpose whatsoever.

You are required to comply with all State and federal laws and regulations governing the purchase, storage, use, and dispensing of controlled dangerous substances. You are also required to maintain a log for all administration and dispensing of CDS. That log shall include the patient name, date, name of medication, dosage, and units administered or dispensed. A true copy of those logs, along with invoices for CDS that you order and copies of the 222 Drug Enforcement Agency forms, shall be submitted to the Board on a quarterly basis.

The dentists who have agreed to serve as countersigners for CDS prescriptions shall also review all administration and dispensing of medications in your office. On a quarterly basis, the dentists shall provide a written report to the Board regarding compliance with the Board's order and this letter. Each dentist shall immediately notify the Board if there are any concerns regarding your ability to practice with reasonable skill and safety or if you have deviated from the terms of this letter. The dentists who have been approved by the Board shall acknowledge their responsibilities by signing a copy of this letter and returning to the Board office not later than January 11, 2010.

Should you choose to dispense CDS for any patient as an accommodation to that patient (for example, patient would have difficulty getting a prescription filled due to the hour of the day), you are limited to dispensing ten doses. Any medication dispensed shall comply with all State and federal rules regarding labeling, must be noted in the patient's chart, and approved by the countersigner.

Should any of the dentists approved by the Board to act as countersigners choose to discontinue that relationship, you must notify the Board within 72 hours. If you wish the Board to consider another licensed dentist to serve in that capacity, you must submit the dentist's curriculum vitae to the Board and obtain Board approval in advance.

Note that the Board reserves the right to conduct random inspections of your office, patient records, and logs maintained in accordance with this letter.

B. Administrative issues related to reinstatement:

1. General Anesthesia permit:

You have submitted sufficient proof of continuing education to renew your general anesthesia permit. On December 21, 2009, your counsel faxed a copy of CPR certification cards from Vilma Coronel and Marjorie West-Lawrence who are identified as the members of your staff.

If you are administering general anesthesia at a location other than the office where these women are employed, you must submit the CPR certifications of staff at the other locations.

You have agreed to have your new office inspected by the New Jersey Society of Oral and Maxillofacial Surgeons. Please forward a copy of the report generated by that inspection to the Board as soon as practicable.

2. License Issuance:

The Board has received your reinstatement application and the biennial licensing fee. You have advised that you have initiated the process for the criminal history background check, specifically you were fingerprinted on December 18, 2009 through Sagem-Morpho, the entity designated by the State to do so. It is expected that the Board will receive the results from that process within several business days. Once those results are received, and assuming there are no criminal convictions or arrests not already known to the Board, the Executive Director will process your reinstatement application. While the physical license will issue from Trenton and may take several days to arrive, once the Board's records reflect the reinstatement, you will be able to practice.

You indicated that you intend to perform some procedures in an ambulatory care/surgery center. You are required to secure a branch license for each location where you practice. If you are administering general anesthesia in that setting, you are required to comply with the Board's rules, including ensuring appropriate staff and equipment are present.

C. Other Request

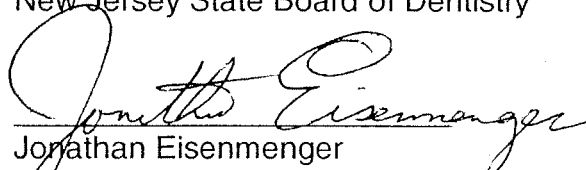
The Board has declined to modify the terms of paragraph 7 of its July 15, 2009 order to delay the payment of penalties, costs and attorney's fees. The first payment is due February 1, 2010.

Dr. John Kallis
December 28, 2009
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This letter supplements and clarifies the Board's July 15, 2009 order. If you are found to have violated any of the terms of that order or of this letter or any law or regulation administered by the Board, the Board reserves the right to take disciplinary action. Such action may include activating the stayed suspension, assessing penalties and costs, and other relief deemed appropriate by the Board.

Please acknowledge your understanding and acceptance of these terms by signing a copy of this letter. Also, please provide a copy of this letter to Dr. Petkanas, Dr. DiSilvio, and Dr. Waltke for their review and signature indicating their acceptance of their responsibilities as countersigners for use and prescription of controlled dangerous substances and monitoring of administration and dispensing of controlled dangerous substances and their obligation to notify the Board of issues as outlined in this letter.

Sincerely,
New Jersey State Board of Dentistry



Jonathan Eisenmenger
Executive Director

I have read and understand the terms and conditions of the Board's letter of December 28, 2009, and agree to be bound by those terms.

John Kallis, D.M.D.

Date

I have read and understand the terms and conditions of the Board's letter dated December 28, 2009, and I agree to comply with the terms as to countersigners and monitors of controlled dangerous substances.

John Petkanas, D.D.S.

Date

Joseph DiSilvio, D.D.S.

Date

Carl Waltke, D.M.D.

Date

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HUDSON FACIAL TRAUMA

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Dec 28 2009 4:24PM

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Dec 29 2009 03:45am, P081/001

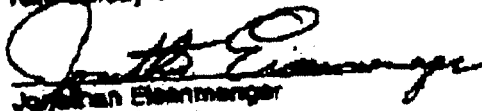
INBOARD ORAL SURGERY Fax: 973-435-7787

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Page 4 of 4

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Sincerely,
New Jersey State Board of Dentistry

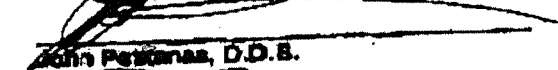

Joseph E. Eisenmenger
Executive Director

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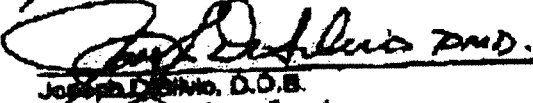

John Kallis, D.M.D.

12/28/09
Date

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John Petkunas, D.D.B.

12/28/09
Date


Joseph DiStasio, D.D.B.

12/28/09
Date


Carl Walms, D.M.D.

12/28/09
Date





Hudson Facial Trauma L.L.C.

John D. Petkanas, D.D.S.

Member: American Academy of Oral Maxillofacial
Surgery, American Board of Oral Maxillofacial
Surgery, American College of Oral and Maxillofacial
Surgery, American Academy of Otolaryngology

JOHN D. PETKANAS

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J.D.

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ORAL & MAXILLOFACIAL SURGERY * DENTAL IMPLANTS * TMJ
GENERAL ANESTHESIA * WISDOM TEETH

Carl P. Waltke, D.M.D.
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Anthony J. Ferrara, D.M.D.
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CP