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ATTORNEY GENERAL OF NEW JERSEY

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WITH THE  
N.J. BOARD OF DENTISTRY  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
MARIANNE MAURO, D.M.D.	:	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 receipt of an Investigative Report from the Enforcement Bureau, Division of Consumer Affairs, concerning allegations of indiscriminate prescribing of controlled dangerous substances and failure to maintain adequate patient records for several patients by the respondent Marianne Mauro, D.M.D.

The Board thoroughly reviewed the record in this matter including the Enforcement Bureau reports and supporting documentation as well as the patient records submitted by Dr. Mauro, and further information acquired at an investigative inquiry attended by Dr. Mauro together with counsel on January 18, 1995.

The Board was further advised in a report submitted by Frederick Rotgers, Psy.D. of the N.J.D.A. Chemical Dependency Program (CDP) that while respondent was hospitalized for the treatment of Lyme Disease at Jersey Shore Medical Center under the care of Susan Dick, M.D., on January 8, 1992 he conducted a substance abuse evaluation of respondent. The result of such evaluation indicated that respondent had been abusing Percocet for some time as a means of alleviating physical pain associated with Lyme Disease and a variety of orthopedic problems. Dr. Rotgers stated that on January 16, 1992 respondent's physician began prescribing Toridol, a non-narcotic anti-inflammatory medication, which caused

a rapid resolution of respondent's pain difficulties. Thereafter, respondent entered the CDP where she engaged in urine monitoring and consulted with a substance abuse counselor for a six month period. She was discharged from the CDP in July 1992.

It appears to the Board that respondent prescribed controlled dangerous substances, Percocet, Valium, and/or Demerol, in an indiscriminate manner to three patients in violation of N.J.S.A. 45:1-13, failed to maintain adequate patient records for these patients in violation of N.J.A.C. 13:30-8.7, signed blank prescriptions for controlled dangerous substances for her former dental partner in violation of N.J.S.A. 24:18-22 and failed to renew her C.D.S. registration for the 1991-1993 registration period. It further appears to the Board that respondent prescribed, purchased under an actual patient name and personally used Percocet, a controlled dangerous substance, for self-treatment of a condition diagnosed as Lyme Disease by Dr. Susan Dick of Jersey Shore Medical Center, in Neptune, New Jersey.

In order to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS

29<sup>th</sup>

DAY OF NOVEMBER, 1995

HEREBY ORDERED AND AGREED THAT:

1. The license of Dr. Mauro to practice dentistry in the State of New Jersey shall be and is hereby suspended for a period of five (5) years, thirty (30) days of which shall be active suspension and shall commence on November 11, 1995 through December 12, 1995. The remaining period of suspension shall be stayed and shall constitute a probationary period so long as respondent complies with all of the other terms of the Consent Order. During the period of active suspension, Dr. Mauro shall derive no financial remuneration directly or indirectly related to patient fees paid for dental services rendered by other licensees for patients of respondent's practice. Respondent shall not be permitted to enter upon the premises of the dental facility during the period of active suspension or provide any consultation to other licensees rendering

treatment to patients of the respondent or sign or submit insurance claim forms for treatment rendered during the period of active suspension.

2. Dr. Mauro shall successfully complete the mini-residency entitled "The Proper Prescribing of Controlled Dangerous Substances" offered by Dr. William Vilensky and sponsored by the University of Medicine and Dentistry of New Jersey at the Robert Wood Johnson Medical School in Camden, New Jersey. Dr. Mauro shall be required to complete both the didactic and the clinical portions of this course within one (1) year from the entry date of this Order. Upon completion of the course, Dr. Mauro shall present to the Board, in writing, a certificate of successful completion of the course signed by Dr. Vilensky or his designee.

3. Dr. Mauro is hereby assessed a civil penalty in the amount of Two Thousand Five Dollars (\$2,500) in that she prescribed controlled dangerous substances in an indiscriminate manner for several patients, failed to maintain an adequate patient records for those patients, signed blank prescriptions for controlled dangerous substances for her former partner in the dental practice and prescribed, purchased under an actual patient name and personally used Percocet for self-treatment of Lyme disease. Dr. Mauro shall also pay the costs to the State of New Jersey for the investigation of this case in the amount of \$4,873.98 Dollars. Such costs and the civil penalty shall be paid by check or money order made payable to the State of New Jersey and submitted to the State Board of Dentistry at 124 Halsey Street, 6th Floor, Newark, New Jersey 07102 in twenty-four installments in the amount of \$307.24. The first installment of \$307.24 shall be made on or before January 15, 1996 and the remaining twenty-three installments of \$307.24 shall be made on or before the fifteenth day of each successive month. The final installment shall be made on or before December 15, 1997. In the event that a monthly payment is not received within ten days of its due date, the entire balance of the civil penalty and costs shall become due and owing.

4. Dr. Mauro shall be permitted to prescribe controlled dangerous substances commencing upon her return to practice after the termination of the

period of active suspension in accordance with the following terms and conditions:

12 (Mw) (APV)  
a. During the period commencing on December 18, 1995 through June 17, 1996, Dr. Mauro shall be permitted to prescribe Controlled Dangerous Substances Schedule III, IV and V. During the period commencing on June 18, 1996 through December 16, 1996 Dr. Mauro shall also be permitted to prescribe Controlled Dangerous Substances, Schedule II, III, IV and V.

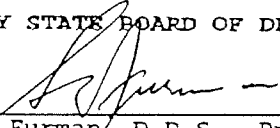
b. Dr. Mauro shall obtain and exclusively employ prescription pads which provide triplicate copies of each prescription and which are consecutively numbered.

c. Dr. Mauro shall provide the original of the prescription to the patient, she shall place one copy in the patient's chart, and she shall submit one copy of all prescriptions to the Board on a monthly basis. She shall be required to account for each consecutive number regardless of whether the particular prescription was voided or not used for any purpose whatsoever. Further, Dr. Mauro also shall submit with each prescription for a controlled dangerous substance a copy of the patient's treatment record in order to confirm the need for the prescription.

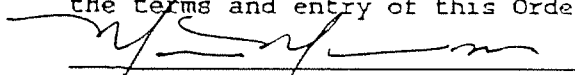
d. Dr. Mauro shall submit copies of these prescriptions in consecutive order accompanied by patient records when required no later than the tenth day of each month for all prescriptions written in the previous month. These shall be submitted to Agnes Clarke, Executive Director of the Board, at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, so that they may be reviewed and monitored by the Board.

5. Dr. Mauro shall continue her voluntary attendance at AA/NA meetings at least twice (2) a week, for a period of one (1) year.


NEW JERSEY STATE BOARD OF DENTISTRY

By:   
Samuel Furman, D.D.S., President

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

  
Marianne Mauro, D.M.D.

I hereby consent to the form and entry of the within Consent Order.

  
Andrew P. Vecchione, Esq.  
Counsel for Respondent