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N.J. BOARD OF DENTISTRY  
ON 6-15-17 DA

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

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In the Matter of	:	Administrative Action
	:	
<b>DIANA MORIATIS, D.D.S.</b>	:	<b>CONSENT ORDER</b>
License No.: 22DI01949300	:	
	:	
Licensed To Practice Dentistry	:	
In the State of New Jersey	:	

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The New Jersey State Board of Dentistry has reviewed information regarding a patient complaint against Diana Moriatis, D.D.S. ("Dr. Moriatis" or "respondent") and her response to the allegations. The Board has also considered her lack of responsiveness to the Board's request for information related to complaint of M. C., who alleged that respondent persuaded him to finance a significant portion of an extensive dental treatment plan, and when on the following day, he decided not to undergo the full

treatment, respondent overcharged him for services that had been rendered and retained funds for services not rendered.

To evaluate the circumstances underlying the patient's complaint, the Board on or about June 4, 2013, requested that Dr. Moriatis submit patient records, a transcript of the chart, and a narrative of treatment and response to the complaint. She provided only a portion of the requested material. On July 18, 2013, the Board sent a follow-up letter to Dr. Moriatis requesting the missing materials. On October 17, 2013, having received no response to its July 18, 2013, letter, the Board again wrote to Dr. Moriatis asking for a response within five days. On December 3, 2013, still no response having been received, a Board staff member left a message at respondent's office seeking a return call. On December 5, 2013, Dr. Moriatis talked to the staff member and sent, by fax, six pages: a cover sheet; the Board's July 18, 2013, letter; a one-sentence letter dated December 5, 2013; and three pages of "treatment notes."

Because the Board still did not have the records and information necessary to evaluate the patient's complaint, on December 12, 2013, the Board issued a Demand for Statement in Writing Under Oath and a Subpoena Duces Tecum and Ad Testificandum to Dr. Moriatis demanding her appearance before the Board on December 18, 2013, at which time she was to produce original patient records for patient M. C. In lieu of that appearance, the subpoena offered respondent, at her option and expense, the opportunity to produce certified true copies of the demanded records on or before December 17, 2013. The Demand for Statement in Writing Under Oath also required respondent to provide a transcript of the patient's records and

financial records, as well as a "a full and complete written narrative detailing the patient's presenting condition, chief complaint, treatment options offered, treatment rendered, financial summary, including all charges and refunds with date of payment and refunds, and any other information relevant to the patient's care." In addition, the Demand required answers to twelve questions. The subpoena and Demand, along with a cover letter, were faxed to Dr. Moriatis on December 12, 2013. Dr. Moriatis responded by letter of December 13, 2013, was incomplete.

On May 21, 2014, respondent appeared without counsel at an investigative inquiry into the matter held by the Board.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, it appears to the Board that Dr. Moriatis provided the patient with a temporized bridge for teeth #4-7, but charged him for a final prosthesis; shifted the fees associated with the financing of treatment through Springstone Patient Financing (accounts issued through Comenity Bank) to the patient; failed to create and/or maintain patient records consistent with Board regulations; and repeatedly failed to be responsive to Board requests for information.

These facts establish bases for disciplinary action pursuant to N.J.S.A. 45:1-21(e) and (h). It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS <sup>15<sup>th</sup></sup> DAY OF *June*, 2017,

HEREBY ORDERED AND AGREED THAT:

1. Diana Moriatis, D.D.S., is reprimanded for her conduct in repeatedly failing to cooperate with Board requests for information.

2. To ensure that respondent's patients are treated within the standard of care, consistent with the Board's regulations, and within the bounds of appropriate professional behavior, prior to beginning treatment, Dr. Moriatis shall provide each patient with a written treatment plan that includes the patient's general dental health condition, including periodontal condition, and, as may be warranted, proposed periodontal, endodontic, restorative, and preventive dental health care as well as all clinically acceptable alternatives to the proposed treatment; and the proposed fee for each service, item or unit. Dr. Moriatis and the patient shall sign and date the treatment plan.

3. Respondent shall comply with the following restrictions on her practice:

(a) For patients seeking non-emergent dental services, including crown and bridge restorations and/or veneers, prior to the commencement of any such services and treatment, Dr. Moriatis shall provide each patient with a comprehensive examination, the results of which are recorded in the patient's record;

(b) For patients seeking emergent dental care, respondent shall identify in the written treatment plan the emergent care to be provided and fees for those services. As soon as reasonably practical following the rendering of emergent care, respondent shall perform a comprehensive examination, and provide a revised treatment plan reflecting proposed treatment and clinically acceptable alternatives and associated fees;

(c) For all patients whose treatment plan involves treatment having an aggregated proposed or estimated fee or charge to a patient in excess of \$1,500, Dr. Moriatis shall not undertake any periodontal and/or prosthodontic treatment or make any charges in connection with any such treatment plan until at least 72 hours following

the patient's signing of the written treatment plan. The 72 hour waiting period does not apply to the provision of emergent dental care; and

(d) For all patients applying for third party financing of dental treatment regardless of the amount sought to be financed, Dr. Moriatis shall not undertake any non-emergent treatment or make any charges in connection with non-emergent treatment within seventy-two (72) hours of the patient's applying for and being approved for third-party financing. Dr. Moriatis shall credit the full dollar amount financed by the patient to the patient's account and shall not bill administrative fees associated with third party financing to the patient. If within the 72 hour period, the patient decides not to undergo all or a portion of the proposed treatment, Dr. Moriatis shall refund to the third party financing company the funds associated with the treatment not completed. Charges for treatment shall reflect reasonable and customary charges or the contracted fees related to the procedure. Such refund shall be made within 72 hours of the patient notifying respondent of the decision not to undergo treatment.

(e) Dr. Moriatis shall provide a written disclosure to each patient to whom this paragraph applies, notifying the patient of his or her right to a 72 hour waiting period prior to commencement of treatment.

(f) For purposes of this paragraph, emergent dental care includes treatment to stabilize the emergent issue, including palliative care and diagnostic procedures. If interim restorations are required, respondent shall clearly explain the need for the interim restorations and charges associated with finalizing the treatment.

4. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22 in the amount of \$10,000 for acts constituting professional misconduct and for violating an act

or regulation administered by the Board, specifically, failing to cooperate with the Board's investigation and for failing to refund money paid for treatment not performed. Of the \$10,000 civil penalty, \$5,000 will be due upon signing of this Consent Order and the remaining \$5,000 stayed for a period of two years. If Dr. Moriatis complies with all terms of this order, the stayed portion of the penalty will be vacated at the end of the two year period. Payment of the civil penalty of \$5,000 shall be submitted by wire transfer, bank check or money order made payable to the State of New Jersey and shall be submitted to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 with the signed Consent Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

5. Respondent shall reimburse the patient identified in this order as M. C. in the amount of \$3,893. A bank check or money order made payable to the patient shall be submitted contemporaneously with the signing of this Consent Order to Jonathan Eisenmenger, Executive Director, at the address described in paragraph #3.

6. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt and such other proceedings as authorized by law.

7. Respondent shall successfully complete the following continuing education: seven (7) hours in treatment planning, four (4) hours in record keeping, and four (4) hours in ethics. These courses shall be completed within six months of the entry of this Consent Order. The courses are in addition to the regularly required continuing education hours, and must be approved by the Board in writing prior to attendance. Respondent shall complete the attached continuing education course approval and

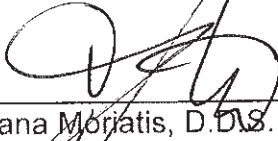
shall provide proof of successful completion of the required course work. The attached form is made a part of this Consent Order. A separate form shall be used for each course.

8. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By: \_\_\_\_\_  
Nicholas DeRobertis, D.M.D.  
President

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

  
\_\_\_\_\_  
Diana Morjatis, D.D.S.

6-12-17  
\_\_\_\_\_  
Date

shall provide proof of successful completion of the required course work. The attached form is made a part of this Consent Order. A separate form shall be used for each course.

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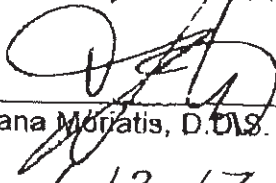
NEW JERSEY STATE BOARD OF DENTISTRY

By:



Nicholas DeRobertis, D.M.D.  
President

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



Diana Moratis, D.D.S.

Date

6-12-17



New Jersey State Board of Dentistry  
Application for Course Approval  
(Please Type or Print Legibly)



124 Halsey Street . 6th Floor . Newark, NJ . 07101  
phone: 973.504.6405  
fax: 973.273.8075

The Board cannot assure approval for courses provided. Applications must be submitted at least 30 days prior to the course date.

**A separate form is to be used for each course.** A copy will be returned to you after approval or denial by the Board.

Dentist name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

The following course is designed to fulfill a portion (or all) of \_\_\_\_\_ hours required in the area of \_\_\_\_\_

Number of credit hours requested for this particular course: \_\_\_\_\_

Course Title: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Sponsor Phone Number: \_\_\_\_\_

Date(s) you will be attending course: \_\_\_\_\_

Time course begins and ends: \_\_\_\_\_

**Please attach a course brochure. (Required)**

**For Board use only**

Date: \_\_\_\_\_ Reviewed by: \_\_\_\_\_

Approved

Denied

Reason for denial: \_\_\_\_\_  
\_\_\_\_\_