

WHERE GETTING RELIEF IS LIKE PULLING TEETH HIGH-VOLUME CLINIC WEARS LAWSUIT CROWN

THIS DAILY NEWS INVESTIGATION WAS REPORTED AND WRITTEN BY STAFF WRITERS RUSS BUETTNER AND WILLIAM SHERMAN. IT WAS LED BY BUETTNER WITH DAILY NEWS STAFF WRITER TARA GEORGE

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New York City's busiest dental clinic is run by one of America's most sued dentists - a practitioner who has been accused of leaving scores of patients damaged, in pain and out thousands of dollars.

Jerry Lynn, DDS, also is no stranger to accusations of health insurance fraud. He routinely has billed for work that was never done and falsified patient records to support bogus claims, according to state records and a federal racketeering law suit.

Lynn runs Tooth Savers, a clinic with offices on W. 57th St. and W. 96th St. that he claims serves 100,000 patients a year, many drawn by newspaper and subway ads promising low fees.

"Take a bite OUT of your dental bills!" says a subway ad.

But many Tooth Savers patients have not left smiling.

Fifty-four filed malpractice suits against Lynn in the decade ending in 1998, making him New York's most sued dentist.

Lynn won one case at trial, and three were dismissed. His former patients have won settlements in most of the others.

According to the National Practitioner Data Bank, Lynn made 34 payments to patients totaling \$790,482 between September 1990 and 1998.

No New York dentist and only seven in the country made a larger number of payments.

"Hit your teeth with a hammer, that's what it felt like," said Marc Scott, a Brooklyn musician who alleged in a pending suit that Lynn ordered a staff dentist to install crowns over untreated periodontal problems.

The picture of Lynn that emerges from court files is that of a charming man who woos patients into having the most procedures to which they will agree - and turns them over to dentists who do the work poorly.

Lynn has faced repeated charges that he places bridges and crowns on top of rotting teeth and gums, without fitting the devices properly or treating the underlying problems.

"He destroys the foundation," said Edwin Zinman, a dentist and attorney who has battled Lynn in court. "If you put in an ill-fitting crown, it destroys the gum and bone. He doesn't want to be told that. I can't believe he's still practicing dentistry."

"You walk in, and before you know it, he's drilling down every tooth in your mouth for crowns," said Joel Kotick, another dentist and attorney who has sued Lynn.

The state Education Department, which oversees dentists, has brought three proceedings against Lynn.

Lynn was charged with doing unnecessary work, doing it badly and submitting phony insurance claims. Twice, the department suspended his license - and then waived the suspension, allowing Lynn to practice on probation. Only once was he actually suspended, for three months.

Presented with the Daily News' findings, Johanna Duncan-Poitier, head of the Education Department's Office of the Professions, initially said her office had filed charges against Lynn. Later, she said her office is only investigating allegations of misconduct against him.

Lynn declined to be interviewed. His spokesman, Richard Esposito, said that 54 suits represent a tiny percentage of Tooth Savers' patients.

He said only two cases went to trial - Lynn lost one and won one - and the other allegations are therefore unproven.

Esposito also said Lynn actually sees few patients and that other Tooth Savers dentists performed the treatments at issue.

"As is standard in any business litigation, you name the owner or the principal, whether they saw the patient or not," Esposito said. "He has not seen most of these patients."

That point is disputed by patients, by a longtime Lynn employee and by the findings of an investigation of Tooth Savers by

Aetna insurance.

Lynn grew up in Washington Heights, the son of a button manufacturer and real estate investor. Singer Bobby Darin, a friend and neighbor as a teenager, introduced Lynn to his future wife, who was then a singer under contract with Darin's label.

Lynn graduated from the New York University School of Dentistry in 1959 and built an elite practice. Billing himself "The Dentist to the Stars," he boasted of patients such as Princess Grace and Mick Jagger.

By the early 1980s, Lynn was disenchanted with dentistry.

"A lot of MDs and dentists are leaving the professional world," Lynn said in a New York Times interview. "The professional man as a status symbol doesn't exist as much anymore. And with all the cost pressures today, the remuneration they make isn't as attractive."

Lynn also complained that with the growing threat of malpractice suits, "It seems natural to think of a new career."

He became an entrepreneur, founding an ice cream company and a video distribution firm and becoming CEO of a 22-store chain specializing in bulk foods. The ventures went belly up.

Lynn returned to dentistry, setting out to create a practice that was less about treating a few wealthy clients and more about volume. Tooth Savers was born.

Lynn's son, Mitchell, dropped out of dental school to manage the business. It grew steadily. Lynn now claims to employ 20 dentists and 40 others. He has said Tooth Savers' annual revenue exceeds \$5 million, according to court papers.

The money has financed a comfortable life. Lynn and his wife live in an apartment at 61st St. and Park Ave. He travels about town in a chauffeured limousine. Mitchell, 37, also lives on the upper East Side and belongs to the Quaker Ridge Country Club in Westchester County.

Mildred Pippen, a 54-year-old Bronx security guard, walked through Tooth Savers' door in March 1995. This is her account of what happened, drawn from court papers and interviews.

She recalls being examined by Lynn, who told her she should replace three temporary bridges with permanent ones.

"He told me what would happen, and I thought he was very nice, I really did," Pippen said.

Lynn then passed Pippen to a succession of five or six other dentists. They carved down her teeth and fitted her for bridges, but, she said, the appliances moved around, sometimes cutting her gums, and began falling apart.

The porcelain around the lower-left bridge was so thin that it broke off when she chewed. The upper-right bridge had a hole on the biting surface, which caused the tooth underneath to decay.

"Sometimes a whole tooth [on the bridge] would fall out," Pippen said. "I was in a lot of pain."

Pippen went to another dentist, William DeBonis, who discovered that Tooth Savers had put the bridges on rotting teeth.

DeBonis estimated it would cost \$20,000 to repair the bridges and give Pippen the periodontal treatment she needed.

Later, he wrote to her attorney, "Once the bridges were removed it was discovered that the teeth themselves were [cut down too far], which was yet another contributing factor to the failure of her prior work."

Lynn settled the case for \$125,000.

"They're Woolworth bridges, basically," said Pippen's attorney, Lance Ehrenberg. "You'd be better off buying Dracula fangs."

Lynn's spokesman Esposito said Lynn never saw or treated Pippen, despite her claim to the contrary.

Crystal Hall moved to the city from Canada in 1993 to pursue a modeling career. She was looking for a dentist when she saw a Tooth Savers ad.

"Dr. Lynn ran the whole show - that was obvious," she said. "He was smart and charming and wore the white coat."

This is Hall's account, based on court papers and interviews with her and her attorney, Vickie Silver. Esposito said Tooth Savers couldn't find Hall's records and so couldn't comment.

After a few routine visits, Hall made an appointment because she felt a pain in one tooth.

"I see you have a couple of teeth missing," she remembers Lynn saying. "We're going to need to drill your teeth down, then we'll see if you need a root canal. And since you're a model, I'd recommend you have caps on all of them."

Hall agreed, and Lynn turned her over to dentist Joseph Trumpatori, who began carving.

"I walked out literally with no teeth, just little spikes," said Hall, who was scheduled to be married in a month.

"I came home crying to my fiancée. It happened so fast. I really didn't understand what he meant by drilling down the teeth," she said. "My fiancée went through the roof."

Trumpatori, who no longer works at Tooth Savers, said he did the initial carving of Hall's teeth after Lynn prescribed the procedure and got her consent.

"She agreed to have her teeth capped," he said. "We didn't do anything the patient was not aware of. ... A lot of b---- went on there. But we didn't do anything the patient didn't agree to."

As her wedding neared, Hall visited Tooth Savers every two to three days. She finally had the root canal, but the pain didn't stop. She still was wearing temporary caps.

"My gums got infected," she said. "They were bleeding profusely."

Hall began taking large amounts of penicillin that, she believes, caused a bladder infection on her honeymoon. After she returned, Tooth Savers put in the permanent bridge. It didn't

fit well.

"If you can imagine having horses' teeth put in your mouth," she said. "I went to another dentist that same day. He said, 'This is just really wrong. This is beyond malpractice.'"

It cost Hall a year and \$30,000 to get her teeth fixed. She settled her lawsuit for \$155,000.

Now 32, Hall has given up modeling and works in the investor relations department of a Manhattan stock company. She asked The News to use her modeling name to avoid the embarrassment of having friends discover that her teeth are false.

"How is he still practicing? I just don't get it," said Hall. "They should be calling themselves Tooth Destroyers."

Trumpatori worked as a Tooth Savers dentist for a decade and gave a look inside the clinic.

He said that Lynn prescribes

the treatment for every patient.

"Unless he's on vacation, he sees every patient who walks in," said Trumpatori, adding that he often was uncomfortable following Lynn's orders.

He alleged that Lynn designed treatment plans to make the most of a patient's insurance and said Tooth Savers billed for procedures that weren't done.

"They just bill out to the insurance company for things that, ugh, they didn't do, or they're going to do," he said.

He also said Lynn ordered dentists to put bridges and crowns on rotting gums and bone instead of providing surgical periodontal treatment. He said Lynn did that to avoid referring patients to other dentists.

"So these people are in temporaries, and bridges fail, and, oh, I can't tell you the horror stories," he said.

Trumpatori, who left Tooth Savers to open a private practice, said he was never sued in the 10 years before he started working for Lynn.

"I get over here with Tooth Savers, and all of a sudden I'm going every month to court," said Trumpatori, who added, "That's not like me. I've always done the right thing."

Lynn's history with Department of Education disciplinary authorities dates back 17 years.

In 1983, he did not contest charges that he had put a bridge into a patient's mouth that fell out and that he had ordered medications for family members.

Lynn paid a \$250 fine, and his license was suspended for three months - but the suspension was waived. He kept practicing.

In 1990, Lynn signed a second consent decree.

The department charged that Lynn used the wrong tool in removing 20 crowns and replaced them using temporary cement; installed bridges that were "loose with gross leakage"; left "canals which were not properly filled" and abandoned a patient in need of immediate care.

The department also charged that Lynn submitted bills to two insurance companies for work that had never been done and placed ads offering "painless" bonding to whiten teeth as a "safe and simple" alternative to dentures. Those claims couldn't be supported, the state charged.

Lynn was allowed to admit guilt to a single charge involving the patient with 20 crowns and to plead no contest to a larger roster of charges that were still being investigated.

The department again suspended Lynn's license, this time for two years, but it required him to stop practicing for only three months. It waived the remainder of the suspension.

The department fined Lynn \$2,500 and Tooth Savers \$5,000. Lynn agreed to take retraining in periodontics, the repair of rotting bone and gum, and prosthodontics, the replacement of teeth with artificial devices.

In 1994, Lynn signed his third plea bargain. He was hit with 11 gross negligence charges, including violating probation. The charges involved 34 patients.

The deal let Lynn admit guilt to two charges: making unsupported advertising claims and billing insurance fraudulently.

Even though he had ignored the terms of his probation, the department waived another two-year suspension. Lynn was fined \$15,000, and Tooth Savers was fined \$10,000.

In a written statement, Lynn described himself as a victim of authorities who resented that he went against convention by advertising and not practicing accepted periodontics.

"I'm a maverick, and I stood up to the system," Lynn said in the statement. "I'm a fighter. I resigned from the American Dental Association."

In 1996, Aetna insurance hit Jerry and Mitchell Lynn with a federal racketeering suit.

According to the suit, Lynn lured patients by advertising low prices, examined all new patients and had staff contact their insurance companies to find out their maximum benefits.

Regardless of his advertised price, the suit alleged that Lynn billed Aetna at the top rate. He also submitted claims for work never performed and falsified patient records to match billings, Aetna charged.

United States Magistrate Holly Fitzsimmons found that Tooth Savers' records "are fundamentally unreliable and do not reflect accurately whether a patient received treatment, [and] what treatment was rendered."

Fitzsimmons also found that there was "probable cause to believe that [Jerry and Mitchell Lynn] engaged in a pattern of racketeering, that is, a systematic scheme to defraud Aetna of insurance payments."

She awarded Aetna \$640,890 and scheduled a trial that could have resulted in a larger finding. The Lynns settled with Aetna under a confidential deal.