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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 LICENSE OF	:	Administrative Action
	:	
JOSEPH L. HVIDDING, D.M.D.	:	INTERIM CONSENT ORDER
	:	
TO PRACTICE DENTISTRY	:	STIPULATION OF FACTS
IN THE STATE OF NEW JERSEY	:	
_____	:	

This matter was opened to the State Board of Dentistry ("Board") upon receipt of information that Respondent had written and filled multiple prescriptions in his own name for the medication carisoprodol (brand name Soma). Thereafter, the Enforcement Bureau of the Division of Consumer Affairs, at the direction of the Attorney General and the Board, undertook an extensive investigation of Respondent's prescribing and ordering of prescription drugs and of Respondent's behavior in general.

Respondent being desirous of resolving this matter without the need for the filing of a formal Administrative Complaint, and the Board having determined that the within disposition is adequately protective of the public health, safety and welfare, this matter is hereby resolved, on an interim basis by the filing of the instant Interim Consent Order setting forth stipulations of fact and a plan for the monitoring and treatment of Respondent.

Based upon Respondent's stipulations herein, the Attorney General has agreed to refrain from the filing of an Administrative Complaint and, in lieu thereof, has agreed to a hearing in mitigation of penalty to be held before the Board. The parties specifically recognize that the Attorney General's agreement to refrain from the filing of an Administrative Complaint is made in reliance upon the within stipulations of fact. Therefore, in the event that Respondent's stipulations are proven to be false or misleading, through additional investigation or through any other means available to the Attorney General, the agreement to refrain will be null and void and the Attorney General shall have the right to exercise all of his statutory authority to pursue prosecution of Respondent's conduct through the filing of an Administrative Complaint.

STIPULATIONS OF FACT

1. Respondent admits that since approximately February 1996, he has over medicated himself for non-dental purposes with certain prescription medications.

2. From in or about February 1996 through in or about September 1997 Respondent over medicated himself, for non-dental purposes, with the drug carisoprodol (Soma).

3. From in or about May 1996 through in or about October 1996 Respondent also over medicated himself, for non-dental purposes, with the drug meprobamate (Milltown).

4. Respondent obtained meprobamate in bulk quantities on three occasions. In May, July and October 1996 Respondent purchased a total of 300 tablets of meprobamate, for his own consumption.

5. Respondent obtained carisoprodol (Soma) by ordering bulk quantities on multiple occasions and by writing and filling prescriptions in his own name at numerous (approximately nine) different pharmacies.

6. Respondent purchased bulk quantities of carisoprodol (Soma) on twelve occasions between February 1996 and October 1997 and obtained a total of approximately 5,000 units. (500 units were returned to the seller by Respondent.)

7. Between February 1996 and October 1997, Respondent wrote fifty-four prescriptions for carisoprodol (Soma) in his own name and obtained approximately two-thousand-twenty-four units of carisoprodol by filling those prescriptions.

8. Between February 1996 and October 1997 Respondent occasionally wrote and filled prescriptions in his own name, for non-dental purposes, for the drugs hydrocodone (21 tablets), Cyclobenzaprine (24 tablets), and Methocarbamol (10 tablets).

9. During the period of time that Respondent over medicated himself as described herein, he was under the care of a physician for certain medical conditions and also received bona fide prescriptions for carisoprodol (Soma) and other medications including Zoloft, Zocor and Augmentin.

10. At no time between February 1996 and the entry date of this order did Respondent self-medicate for non-dental purposes with any medication or drug other than those set forth herein nor did he obtain drugs by any method other than those described herein.

11. Respondent has ordered Dexamthasone in tablet and injectable form. He stipulates that this was ordered solely for dental purposes and was used in treatment of patients undergoing

root canal therapy. The unused balance of the ordered drugs remains on the premises of Respondent's dental office.

BASED UPON THE ABOVE STIPULATION AND THE BOARD'S CONCLUSION THAT THE WITHIN DISPOSITION IS ADEQUATELY PROTECTIVE OF THE PUBLIC HEALTH, SAFETY AND WELFARE IT IS HEREBY ORDERED AND AGREED

ON THIS 20<sup>th</sup> DAY OF November, 1997:

1. Respondent's conduct as detailed herein constitutes acts of professional misconduct in violation of N.J.S.A. 45:1-21(e), the use or employment of dishonesty or misrepresentation in violation of N.J.S.A. 45:1-21(b) and violation of a Board regulation in violation of N.J.S.A. 45:1-21 (h).

2. The Board shall schedule a hearing at which Respondent shall be afforded an opportunity to present evidence and testimony in mitigation of the penalty to be imposed by the Board for the above described violations.

3. Pending entry of a Final Order, Respondent shall commence a monitoring program under the supervision of Dr. Raymond Hanbury. The program shall be designed by Dr. Hanbury and shall include, but not be limited to, twice weekly random urine testing at the direction of the Executive Director of the Board, weekly therapy sessions and the attendance at four weekly support group meetings (such as NA or AA).

4. The urine monitoring shall be conducted with direct witnessing of the taking of the urine sample. The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. Respondent shall be responsible to ensure that all urine samples are handled by a laboratory competent to provide these services. One half of all urine screens, on a random schedule unknown to Respondent, shall include testing for carisoprodol in addition to the usual substances.

Any failure by the Respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test.

5. Respondent shall cease and desist from the practice of issuing prescriptions in his own name and from the practice of ordering drugs for non-dental purposes and for his own consumption.

6. Respondent shall not possess controlled dangerous substances or other prescription medication for his personal use except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, Respondent shall advise any and all treating

physicians and/or dentists of this order. Respondent shall cause any physician or dentist who prescribed medication to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than seven (7) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

7. Respondent shall be evaluated, at his own expense, by a psychologist designated by the Board, with a report of the evaluation to be provided to the Attorney General prior to the scheduled date of the penalty mitigation hearing.

8. Respondent shall submit to a thorough physical examination, at his own expense, to be conducted by a physician acceptable to Respondent and to the Attorney General. A report detailing the findings of the examination shall be provided to the Attorney General prior to the scheduled date of the penalty mitigation hearing. In addition to evaluating Respondent's general physical condition, the examination and report should address Respondent's symptoms of and treatment for Lyme Disease,

Thyroiditis and any other physical ailments which could impact the practice of dentistry.

9. Respondent shall provide appropriate releases to any and all parties who are participating in the monitoring program as outlined herein as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. This shall include advising the Board of any and all programs in which Respondent engages. With regard to the requirement for submission of reports to the Board, and solely for the purposes of this Interim Consent Order, Respondent shall ensure that Dr. Hanbury, and Respondent's treating physician, Dr. Scotti, each provide a report to the Board thirty days after entry of the within order, or three days before a scheduled mitigation of penalty hearing, whichever is earlier, in which each details the nature and quality of Respondent's participation in his monitoring program. Further, Dr. Hanbury's and Dr. Scotti's signature on this order signifies their consent to report to the Board any negative information (including notification of a positive urine) which may indicate that Respondent has resumed self-medication or the use of drugs for non-dental purposes. Such notification shall be made to

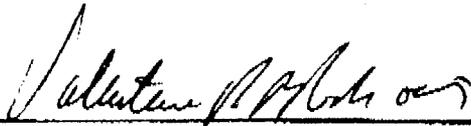
the Board and the Attorney General within 24 hours of receipt of that information.

10. All costs associated with the monitoring program as outlined herein shall be paid directly by Respondent.

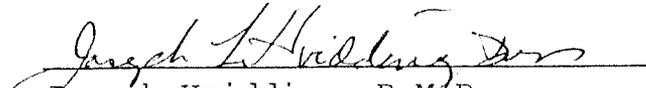
11. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that Respondent has failed to comply with any of the conditions herein, including but not limited to report of a confirmed positive urine, or a prima facie showing of a recurrence of the conduct which Respondent has agreed herein to cease and desist.

12. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that the urine tested was a false positive or that other information the Board relied upon was false.

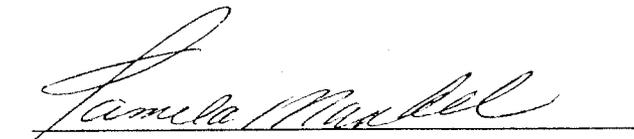
NEW JERSEY STATE BOARD OF DENTISTRY

By:   
Dr. Valentine Bloch, President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

  
Joseph Hvidding, D.M.D.

Consented to as to form:

  
Pamela Mandel, Esq.

I acknowledge receipt of a copy of this Order:

\_\_\_\_\_  
Dr. Raymond Hanbury

\_\_\_\_\_  
Dr. Angelo Scotti