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WITH THE
N.J. BOARD OF DENTISTRY
ON July 11 2001 MTD

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

In the Matter of)
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)
JOSEPH S. HANNAH, D.M.D.)
License No. DI ~~14683~~)
 14682 /m)
)
Licensed to Practice Dentistry)
in the State of New Jersey)
_____)

Administrative Action

MODIFICATION OF
ORDER OF REINSTATEMENT

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the application of Joseph S. Hannah, D.M.D. ("respondent"), through his counsel, Edward C. Bertucio, Jr., Esq., seeking to modify certain restrictions on respondent's practice of dentistry and seeking a reduction in the mandatory psychotherapy sessions. The Board's Reinstatement Order of August 21, 1997, as modified by the Board's letter dated October 6, 1997, required respondent: to treat only those patients over the age of 18; to treat only patients during regular business hours and only in the presence of a monitor, specifically a registered dental assistant or a registered dental hygienist licensed by the Board; to employ a licensed New Jersey dentist to serve as a supervisor for the practice, which supervisor must be present at all times dental services are rendered; to continue in therapy on a weekly

basis; to submit a log book listing the dates of services provided as well as the initials of the supervising dentist and the monitor. The Board was to approve any substitution of the supervisor or monitor. The Board further ordered that respondent could apply for modification or termination of the restrictions not sooner than the end of the five year probationary period imposed by the terms of the order. ~~Subsequently, the~~ Board reduced the number of therapy sessions to bi weekly.

Respondent seeks a reduction in the number of therapy sessions as well as modification of the requirements related to supervision of his treatment of patients. Notwithstanding that the five year probationary period has not yet expired, the Board has considered the reports of Howard D. Silverman, Ph.D., respondent's treating psychotherapist, and Philip Witt, Ph.D., a psychologist who, at the Board's request, provided an independent evaluation of respondent. Both psychologists stated that respondent has been progressing in therapy and supported a reduction in the number of sessions that are mandated by the Board.

The Board believes that the opinion of respondent's treating psychotherapist as to the frequency of sessions, particularly where that recommendation was mirrored by the independent examining psychologist, should be given considerable weight and as such will permit a reduction in mandatory session to not less than once a month. This reduction balances the strides

made by respondent in therapy with the recognition that respondent will likely benefit from continued therapy.

The Board has further considered the recommendation of Dr. Witt that some of the restrictions on respondent's practice may be removed without risk to the public. Dr. Witt opined that the presence of a monitor in the room while a patient was being treated, and that monitor's attestation that the treatment was directly observed, would be adequate to protect patients and that the presence of a supervising dentist was therefore unnecessary. He further stated that with the monitor present, he believed Dr. Hannah could resume treating adolescent patients.

The Board accepts the recommendation that a monitor, physically present in the office and able to observe respondent during all treatment, and in the treatment room itself at all times when respondent is treating a female patient over the age of 18, provides adequate protection for patients. As such, consistent with the provisions of this order, the Board will remove the requirement that a supervising dentist be present during all treatment. The Board notes, however, that its requirement for a licensed dentist to be present at all times during which respondent treated patients was, in part, to ensure that there was a dentist available to render treatment in the event that the individual who was serving as monitor was not available, whether due to illness or other unforeseen circumstances. To the extent that the Board

approved monitor is not present in the office, respondent shall not treat patients and shall cause those patients to be rescheduled. It is respondent's responsibility to provide to the Board the name of a licensed New Jersey dentist who will be available to handle any emergency patient visit should respondent not be able to treat a patient based on the failure to have a Board approved monitor present. Finally, notwithstanding the opinion of Dr. Witt, the Board declines to modify the provision of the order which prohibits respondent from treating patients under the age of 18. The Board notes that the original five year period of probation imposed at the time the Board considered the conduct that precipitated the Board's action, that is, the molestation of young female patients, has not yet expired. The restriction serves both as a protective measure as well as a sanction for the underlying conduct. If at the conclusion of the period of probation in August 2002, respondent demonstrates to the Board that he may treat adolescent patients without threat of harm, the Board will consider removing that restriction. If, in the opinion of the Board, the public health, safety, and welfare require continued restrictions, the Board will act accordingly.

The Board believes that these limited modifications of its previous orders are consistent with the public health, safety, and welfare.

IT IS ON THIS 6th DAY OF JULY , 2001

ORDERED:

1. Respondent shall attend psychotherapy sessions not less than one time per month at his expense. The treating psychologist shall provide quarterly reports to the Board regarding respondent's attendance and progress in therapy.

2. Respondent shall not treat any patient under the age of 18.

3. Respondent may treat adult patients only when a Board approved monitor, specifically a dental hygienist or a dental assistant licensed or registered with the Board, is physically present in the office.

(a) The monitor shall be in direct line of observation of the patient at all times and shall not perform any function other than monitoring while respondent renders diagnostic treatment or other dental services to any female patient.

(b) The monitor shall initial and date each patient chart at the conclusion of the monitored visit.

(c) In the event a monitor is not present, respondent shall reschedule appointments to a time when the monitor will be present.

(d) Should respondent fail to comply with any provision of this Order, the monitor shall immediately notify the Board of the non-compliance by telephone to Kevin B. Earle, the Board's Executive Director, at (973) 504-6405. That conversation shall be

memorialized in writing to the Board and mailed to New Jersey Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101.

(e) Respondent shall maintain a log book which shall contain the dates on which he engages in the practice of dentistry and the name of the Board approved monitor. That log book shall be initialed by the monitor after each date on which treatment was rendered and the monitor was present. Respondent shall forward a copy of the log book to the Board on a quarterly basis.

(f) Respondent shall provide a copy of this order to the monitor and shall cause the monitor to acknowledge in writing to the Board receipt of this order and her or his willingness to abide by its terms.

(g) Respondent shall notify the Board immediately if the Board approved monitor is no longer serving in that capacity. Any replacement or substitution of the monitor shall only occur upon approval of the Board.

(h) The requirement of the presence of the monitor shall continue until further order of the Board, notwithstanding the conclusion of the period of probation as set forth in the Consent Order of August 21, 1997.

3. Respondent shall provide to the Board a letter from a licensed New Jersey dentist in good standing, who has agreed and is able to provide emergency coverage for respondent's patients in

the event respondent is unable to treat a patient because of the lack of a Board approved monitor.

4. Upon compliance with the provisions of paragraph 3 above, the requirement that respondent employ a licensed New Jersey dentist to supervise his practice is hereby terminated.

5. Failure to comply with any of the terms of this order shall be cause for the Attorney General to apply for relief from the Board in a summary action on three days notice to respondent or his attorney. Proof at such hearing shall be limited to whether this Order has been violated and evidence in mitigation of sanction to be imposed.

New Jersey Board of Dentistry

By: 
Barbara A. Rich, D.D.S.
President