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

IN THE MATTER OF _____
:
JOSEPH S. HANNAH, D.M.D.
License No. 22DI01468200
:
:
LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY
:

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the application of Joseph S. Hannah, D.M.D. ("respondent"), seeking to remove the remaining restrictions imposed upon his practice. The current consent order filed with the Board on July 25, 2006 requires respondent to treat adult female patients, and patients under the age of 18, 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. The monitor was responsible for being in direct line of observation of the patient at all times and had to immediately report to the Board any improper behavior of the respondent. Additionally, the current order required respondent to engage in a six month course of intensive individual psychotherapy with a mental health professional qualified by training and experience to treat sexual offending. After completion of the six month course, respondent was to submit a report regarding his progress in therapy.

In support of his request for modification of the July 25, 2006 order, respondent submitted a psychological report from Philip H. Witt, Ph.D. In addition to interviewing respondent as part of his examination, Dr. Witt also considered a September 5, 2007 letter from Dr. Howard Silverman, respondent's treating psychotherapist. According to Dr. Silverman, respondent is an extremely low risk for re-offense. Dr. Silverman noted that respondent's inappropriate sexual behavior with his patients occurred over ten years ago and there had been no new offenses.

In his report, Dr. Witt concluded that respondent is an extremely low risk individual. Dr. Witt noted that respondent had been in individual psychotherapy with a sex offender treatment specialist and in a sex offender treatment group. Dr. Witt also noted that respondent scored as a low risk on the standardized risk assessment scales and that he has been completely offense free for over a decade. Dr. Witt opined that respondent showed "good insight" into the reasons for his prior offending behavior. Finally, Dr. Witt noted that the previous social stressors that existed during the time of respondent's offending behavior no longer existed, that respondent benefitted from counseling and was no longer in need of therapy.

On August 6, 2008, respondent appeared before the Board regarding his request to remove the remaining restrictions on his license. During the inquiry, respondent was asked if he complied with the requirement in the July 25, 2006 consent order that he attend individual intensive psychotherapy for a six month period. Respondent stated he was unable to complete this requirement due to financial and time constraints. Respondent also provided testimony regarding the therapy and counseling he received during the previous ten years which included nearly eight years of individual sexual psychotherapy with Dr. Silverman, as well as group therapy for sexual offenders with Judith Loder, LCSW.

Additionally, respondent discussed the various stressors that existed in his life during the time he engaged in the offending behavior. Respondent testified that through therapy, he was able to develop insight into the stressors which resulted in his offending behavior. When asked how he

would deal with stressors in the future, respondent stated he would turn to his support group consisting of his previous therapist, Dr. Howard Silverman, as well as respondent's current supervisor, Mark Coleman, D.M.D. and his practice partner, Steven Kwitnicki, D.D.S.

Having reviewed the entire record, including the report of Philip Witt, Ph.D., as well as the testimony of respondent, it appears to the Board that while it is necessary to maintain some restrictions on respondent's practice, some modification is warranted. Therefore, it appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 12th DAY OF November, 2008

HEREBY ORDERED THAT:

1. The requirement that respondent have a licensed registered auxiliary present as a monitor when treating adult female patients and patients under the age of 18, pursuant to the terms of the July 25, 2006 consent order, is hereby terminated. Instead, respondent is hereby required to have a female assistant in the room with him at all times when treating adult female patients and patients under the age of eighteen (18).

(a) The female assistant shall be made fully aware of respondent's history and status with the Board. The female assistant shall agree to be responsible for immediately reporting to the Board, orally and in writing within twenty-four (24) hours, any evidence or behavior indicating that respondent is engaging in improper conduct toward any patient. At no time shall respondent practice dentistry on a patient without a female assistant in the room until further order of the Board.

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

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

(d) Should respondent fail to comply with any provision of this Order, the female assistant shall immediately (within 24 hours of awareness) notify the Board of the non-compliance by telephone to Jonathan Eisenmenger, the Board's Executive Director, at (973) 504-6405. That conversation shall be memorialized in writing to the Board and mailed to the 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 female assistant. That log book shall be initialed by the female assistant after each date on which treatment was rendered and the female assistant was present. Respondent shall forward a copy of the log book to the Board on a quarterly basis.

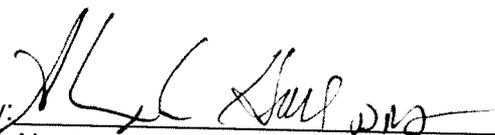
(f) Respondent shall provide a copy of this order to the female assistant or any successor and shall cause the female assistant to acknowledge in writing to the Board receipt of this order and her willingness to abide by its terms.

(g) Respondent shall notify the Board immediately if the female assistant is no longer serving in that capacity. Any replacement or substitution of the female assistant shall only occur upon contacting the Board office with the name of the female assistant he intends to employ.

2. Respondent shall continue to maintain his relationship with his current support group (i.e. Dr. Howard Silverman, Mark Coleman, D.M.D. and Steven Kwitnicki, D.D.S.). Dr. Coleman and Dr. Kwitnicki shall submit semi-annual reports to the Board advising the Board of respondent's activities and compliance with this order. Dr. Coleman and Dr. Kwitnicki shall immediately notify the Board, both orally and in writing, within 24 hours of any evidence or behavior indicating that respondent is engaging in any improper conduct toward any patient or has otherwise violated this order. Additionally, Dr. Coleman and Dr. Kwitnicki shall immediately notify the Board, both orally and in writing, within 24 hours, if they are no longer associated with respondent and therefore unable to submit semi-annual reports to the Board.

3. 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 STATE BOARD OF DENTISTRY

By: 
Alexander Hall, D.M.D. President

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


Joseph S. Hannah, D.M.D.

Date: 10-29-08

I agree to be responsible for the monitoring and reporting regarding Dr. Joseph S. Hannah as outlined above.


Steven Kwitnicki, D.D.S.

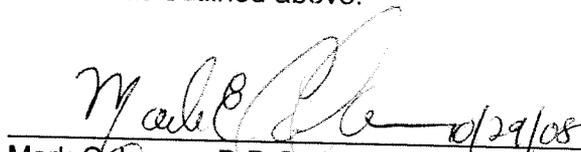
Date: 10-23-2008

Consent is hereby given as to the form and entry of this Order.


Pamela Mandel, Esq.
Attorney for Respondent

Date: 10/1/08

I agree to be responsible for the monitoring and reporting regarding Dr. Joseph S. Hannah as outlined above.


Mark Coleman, D.D.S.

Date: