

Before the
 Administrative Hearing Commission
 State of Missouri



MISSOURI DENTAL BOARD,)

Petitioner,)

vs.)

No. 08-0103 DB)

ROBERT B. COCHRANE, D.D.S.,)

Respondent.)

CONSENT ORDER

The licensing authority filed a complaint. Section 621.045, RSMo Supp. 2007, gives us jurisdiction.

On September 22, 2008, the parties filed a "Waiver of Hearing, Joint Stipulation, and Request for Consent Order." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under § 332.321.2(5), (8), (13) and (15), RSMo Supp. 2007. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order. We certify the record to the licensing agency under § 621.110, RSMo Supp. 2007.

The only issue before this Commission is whether the stipulated conduct constitutes cause to discipline the license. The appropriate disciplinary action is not within our power to decide; that is subject to the licensing authority's decision or the parties' agreement. Section 621.110, RSMo Supp. 2007.

No statute authorizes us to determine whether the agency has complied with the provisions of § 621.045.4. RSMo Supp. 2007. We have no power to superintend agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied with such procedures.

SO ORDERED on September 26, 2008.

A handwritten signature in black ink, appearing to read 'Douglas M. Ommen'.

DOUGLAS M. OMMEN
 Commissioner

**BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

FILED

SEP 22 2008

ADMINISTRATIVE HEARING
COMMISSION

MISSOURI DENTAL BOARD,)

Petitioner,)

v.)

ROBERT B. COCHRANE, D.D.S.)

Respondent.)

CAUSE No.: 08-0103 DB

**WAIVER OF HEARING, JOINT STIPULATION, AND
REQUEST FOR CONSENT ORDER**

COMES NOW Petitioner, Missouri Dental Board, by and through its attorney, Nanci R. Wisdom, and Respondent, Robert B. Cochrane, D.D.S., in person, and pursuant to the provisions of 1 C.S.R. 15-3.440 and Missouri Revised Statutes Section 536.060 as applicable to this Commission by the provisions of Section 621.135 RSMo, and jointly state that the parties waive their right to a hearing before the Administrative Hearing Commission in the above-referenced cause, enter this Joint Stipulation consistent with the content of this document. In support of their motion, Petitioner, Missouri Dental Board, and Respondent, Robert B. Cochrane, D.D.S., hereby stipulate and agree to the following:

1. Respondent, Robert B. Cochrane, D.D.S. acknowledges that he is familiar with the various rights and privileges afforded by operation of law, including the right to a hearing on the charges against him; the right to appear and be represented by counsel; the right to have all charges against him proved upon the record by competent and

substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf at the hearing; the right to a decision upon the record by a fair and impartial Administrative Hearing Commissioner concerning the charges pending against him; the right to appeal a decision in favor of the Petitioner, Missouri Dental Board, by the Administrative Hearing Commission on the basis if said decision is not supported by substantial and competent evidence. Being familiar with these and other attendant rights provided Respondent, Robert B. Cochrane, D.D.S., by operation of law, he knowingly and voluntarily waives each and every one of these rights and fully and freely enters into this "Waiver of Hearing, Joint Stipulation and Request for Consent Order" and consents and agrees to abide by the terms and conditions of this document.

2. Petitioner, Missouri Dental Board, is an agency of the State of Missouri created and established pursuant to Missouri Revised Statutes Section 332.021, as applicable to this matter for the purpose of administering and enforcing the provisions of Chapter 332, Dentistry.

3. Respondent, Robert B. Cochrane, D.D.S., is, and at all times relevant to this cause was, the holder of a current and valid license to practice dentistry and certificate of registration issued by Petitioner, Missouri Dental Board.

4. That the First Amended Complaint of Petitioner in cause number 08-0103 DB in the above-styled cause is attached hereto as Exhibit A and made a part hereof by reference.

5. Respondent, Robert B. Cochrane, D.D.S., admits the allegations contained in the First Amended Complaint of Petitioner in cause number 08-0103 DB and further admits that said conduct falls within the intendment of Section 332.321 RSMo as applicable to each allegation contained in the First Amended Complaint and further admits that said conduct subjects his license to discipline under the provisions of Section 332.321 RSMo as applicable to the allegations contained in the First Amended Complaint.

6. Based on the foregoing, the parties mutually agree that this document will be filed with the Administrative Hearing Commission and that the parties request that the Administrative Hearing Commission issue its order finding cause for discipline of the license of Robert B. Cochrane, D.D.S. pursuant to the provisions of Section 332.321 RSMo as alleged in the First Amended Complaint heretofore filed in the above-styled cause and further referring this matter to the Missouri Dental Board for a formal disciplinary hearing.

JOINT AGREED DISCIPLINARY ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under authority of §621.045.3, RSMo.

1. The terms of discipline shall include that Licensee's dental license be placed on PROBATION for a period of five (5) years ("disciplinary period"). During Licensee's disciplinary period, Licensee shall be entitled to engage in the practice of

dentistry under Chapter 332, RSMo, provided he adheres to all of the terms of this Joint Agreed Disciplinary Order.

I. GENERAL REQUIREMENTS

A. Licensee shall meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.

B. Licensee shall submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, stating truthfully whether he has complied with all the terms and conditions of this Joint Agreed Disciplinary Order by no later than January 1 and July 1 during each year of the disciplinary period.

C. Licensee shall keep the Board apprised of his current home and work addresses and telephone numbers. Licensee shall inform the Board within ten days of any change of home or work address and home or work telephone number.

D. Licensee shall comply with all provisions of the Dental Practice Act, Chapter 332, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

E. During the disciplinary period, Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain Licensee's license in a current and active state.

F. If at any time during the disciplinary period, Licensee removes himself from the state of Missouri, ceases to be currently licensed under the provisions of Chapter 332, or fails to advise the Board of her current place of business and residence, the time of his absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with § 332.321.6, RSMo.

G. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this Joint Agreed Disciplinary Order.

H. If Licensee fails to comply with the terms of this Joint Agreed Disciplinary Order, in any respect, the Board may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).

I. This Joint Agreed Disciplinary Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 332, RSMo, by Licensee not specifically mentioned in this document.

II. ADDITIONAL REQUIREMENTS

A. Licensee shall not allow his license to lapse.

B. The terms of discipline apply even if Licensee places his license on inactive status.

C. Licensee shall notify, within 15 days of the effective date of this Joint Agreed Disciplinary Order, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Licensee practices or has privileges of Licensee's disciplinary status. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

III. WELL BEING REQUIREMENTS

A. Within Sixty (60) days of the effective date of this Joint Agreed Disciplinary Order, Licensee shall, at Licensee's cost, undergo an evaluation for chemical dependency through the Missouri Dental Well Being Committee ("Committee"). Within fifteen (15) days of entering the Committee, Licensee shall cause the Committee to send written notification to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, confirming that Licensee has joined the program. Licensee shall also direct the Committee to forward an evaluation report to the Board detailing the treating professional's findings, specification of DSM IV diagnosis/es,

prognosis and treatment recommendations within fifteen (15) days of completing the evaluation. Licensee shall follow all recommendations for treatment or aftercare made by the treating professional. Licensee shall show this Joint Agreed Disciplinary Order to the treating professional.

- B. If treatment is recommended, Licensee shall execute a medical release or other appropriate release that shall remain in effect for the entire period covered by this Joint Agreed Disciplinary Order authorizing the Board to obtain records of Licensee's treatment for chemical dependency. Licensee shall not take any action to cancel this release. Licensee shall take any and all steps necessary to continue the release in effect and shall provide a new release when requested.

- C. Licensee shall cause a letter of ongoing treatment evaluation from the treating professional to be submitted to the Board by January 1, April 1, July 1 and October 1 during each year of the disciplinary period beginning the effective date of this Joint Agreed Disciplinary Order.
 - (1) The letter shall include an evaluation of Licensee's current progress and status related to the treatment recommendations/plan and Licensee's current prognosis and treatment recommendations/plan.

 - (2) The letter shall be sent by the treating professional and/or the Committee addressed to: Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102.

- D. If the treatment of Licensee is successfully completed at any time during the period covered by this Joint Agreed Disciplinary Order, Licensee shall cause the treating professional and/or the Committee to submit a letter of final evaluation/summary that includes a statement that Licensee has successfully completed treatment and indicates whether Licensee should continue a 12-step program. If continuance in a 12-step program is recommended, Licensee shall comply with terms of documentation as outlined in paragraph E herein.

- E. If attendance is recommended, Licensee shall submit evidence of weekly (or recommended) attendance at Alcoholics Anonymous, Narcotics Anonymous, or other support groups meetings to the Board by January 1, April 1, July 1 and October 1 during each year

of the disciplinary period beginning the effective date of this Joint Agreed Disciplinary Order. The documentation shall include the date, time, and place of the meeting and shall bear a signature or abbreviated signature of another person verifying attendance.

- F. During the disciplinary period, Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Licensee's discipline.
- G. During the disciplinary period, Licensee shall abstain completely from the personal use or possession of any controlled substance or other drug for which a prescription is required unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom Licensee has a bona fide relationship as a patient. Licensee shall forward to the Board written documentation of any such prescription within ten (10) days of issuance of the prescription specifying the medication prescribed, dosage prescribed and the condition for which the substance was prescribed. Upon request, Licensee shall execute a medical release authorizing the Board to access all records pertaining to Licensee's condition, treatment and prescription maintained by the health care professional that prescribed the controlled substance. The presence of any controlled substance whatsoever in a biological fluid sample for which Licensee does not hold a valid prescription or for a prescription that Licensee has not forwarded documentation to the Board as required herein shall constitute a violation of Licensee's discipline.
- H. Licensee shall inform any professional preparing a prescription for Licensee that Licensee is chemically dependent.
- I. During the disciplinary period, Licensee shall, at Licensee's costs, submit to biological testing as required by the Board. Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological samples and shall cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any controlled substance whatsoever in a biological sample for which Licensee does not hold a valid prescription shall constitute a violation of Licensee's discipline.

IV. BOARD APPEARANCE

- A. Before beginning to practice dentistry in the State of Missouri, Licensee shall request in writing an appearance before the Board and shall appear before the Board prior to beginning to practice in the State of Missouri.

WHEREFORE, based upon the foregoing, the parties mutually request that the Administrative Hearing Commission issue a Consent Order embodying the terms and conditions of this "Waiver of Hearing, Joint Stipulation, and Request for Consent Order" in the above-styled cause, and that cause number 08-0103 DB be closed.



ROBERT B. COCHRANE, D.D.S

8-22-08

Date

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BY:

Nanci R. Wisdom

#39359

09-22-08

Date

MISSOURI DENTAL BOARD

BY:

Brian Barnett
**BRIAN BARNETT,
EXECUTIVE DIRECTOR**

9/22/08

Date

4. The Missouri discipline of April 3, 1997 was based on facts that resulted in Licensee being disciplined by the Iowa Dental Board for acts that were also violations of Section 332.321.2 (8) and (15) RSMo.

5. Subsequently Licensee violated his Iowa discipline by being unable to practice dentistry with reasonable skill and safety by reason of habitual or excessive use of drugs, narcotics, chemicals or other types of materials and by failing to maintain records of controlled substance prescriptions. This case was settled between Licensee and the Iowa Board on April 16, 2003 with additional discipline being imposed by the Iowa Board.

6. As a result of the actions outlined in paragraph 5, Licensee's Drug Enforcement Agency registration was also disciplined.

7. Again Licensee violated his Iowa discipline by engaging in dishonorable and unprofessional conduct and making misleading, deceptive, untrue or fraudulent statements in the practice of dentistry. Licensee represented to other professionals that the Iowa Board indicated nothing Licensee did was wrong, that Licensee was disciplined simply for writing himself a prescription for a dental related problem and that the Iowa Board had indicated that Licensee's administering and dispensing was proper and he was not under the influence of medication. None of these statements were true.

8. Additional discipline was imposed by the Iowa Board on Licensee on April 14, 2004 as a result of the actions of Licensee described in paragraph 7.

9. Cause exists for the Board to take disciplinary action against Licensee's license under § 332.321.2(5), (8), (13), and (15) RSMo, which states in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes:

....

(5) Incompetency, misconduct, gross negligence,

fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

....

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter imposed by another state, province, territory, federal agency or country upon grounds for which discipline is authorized in this state;

....

(13) Violation of any professional trust or confidence;

....

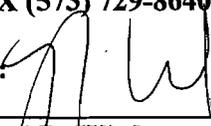
(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

10. That as a result of the foregoing, Licensee has failed to comply with Missouri Revised Statute section 332.321.2.

11. That Missouri Revised Statute section 332.321.3 gives Petitioner, Missouri Dental Board, the authority to take disciplinary action against the dentist licensed to practice dentistry in the State of Missouri for violations enumerated in Missouri Revised Statute section 332.321.2.

WHEREFORE, based on the foregoing, Petitioner, Missouri Dental Board, prays this Commission to enter an order finding that it has cause to take disciplinary action against Licensee or, in the alternative, this matter be set for an evidentiary hearing.

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BY: 

**Nanci R. Wisdom #39359
Attorney for Petitioner**

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

APR 03 1997

ADMINISTRATIVE HEARING
COMMISSION

MISSOURI DENTAL BOARD,)
)
Petitioner,)
)
v.) Case No. 97-000118DB
)
ROBERT BRUCE COCHRANE, D.D.S.)
)
Respondent.)

**JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS
BEFORE THE ADMINISTRATIVE HEARING COMMISSION
AND MISSOURI DENTAL BOARD, AND CONSENT ORDER WITH
JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Pursuant to 1 CSR 15-2.450(1) of the rules governing practice and procedure before the Administrative Hearing Commission and pursuant to the terms of Section 536.060, RSMo Supp. 1996, as it is made applicable to the Administrative Hearing Commission by Section 621.135, RSMo 1994, the parties hereto waive the right to a hearing and decision of the above-styled case by the Administrative Hearing Commission of the state of Missouri, and, additionally, the right to a disciplinary hearing before the Missouri Dental Board under Section 621.110, RSMo 1994, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Respondent, Robert Bruce Cochrane, D.D.S., acknowledges that he understands the various rights and privileges afforded him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the

right to cross-examine any witnesses appearing at the hearing against him; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against him; and subsequently, the right to a disciplinary hearing before the Missouri Dental Board at which time he may present evidence in mitigation of discipline. Being aware of these rights provided him by operation of law, the Respondent knowingly and voluntarily waives each and every one of these rights, and freely enters into this "Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and Missouri Dental Board, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law," and agrees to abide by the terms of this document, as they pertain to him.

Respondent acknowledges that he has received a copy of the Complaint filed with the Administrative Hearing Commission in this cause. Respondent stipulates that the factual allegations contained in the Complaint are true and stipulates with Petitioner that Respondent's license as a dentist, numbered 012385, is subject to disciplinary action by the Missouri Dental Board in accordance with the provisions of Chapter 621 and Section 332.321, RSMo 1994.

Based upon the foregoing, Petitioner and Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

Joint Proposed Findings of Fact

1. Petitioner, Missouri Dental Board ("the Board"), is an agency of the state of Missouri created and established pursuant to section 332.021, RSMo 1994, for the purpose of administering and enforcing the provisions of Chapter 332, RSMo, Dentists.

2. Respondent, Robert Bruce Cochrane ("Cochrane"), is licensed by the Board as a dentist, license number 012385. Cochrane's Missouri dental license is now, and was at all times relevant herein, current and active.

3. At the relevant times stated herein, Cochrane was licensed to practice dentistry in Iowa, license number 6251.

4. On, or about, December 28, 1995, a Statement of Charges was filed by the Iowa Board of Dental Examiners alleging violations by Cochrane of the Iowa Code and Iowa Administrative Code relating to Cochrane's diversion and personal use of controlled substances. A true and correct copy of the Iowa Statement of Charges is attached hereto, marked Exhibit 1, and incorporated by reference as if fully set forth herein.

5. On or around February 15, 1996, a Stipulation and Consent Order was entered into by the Iowa Board of Dental Examiners and Cochrane. In it Cochrane's license to practice dentistry in Iowa was indefinitely suspended, with such suspension placed in abeyance, and then placed on indefinite probation provided Cochrane adheres to certain terms and conditions. A true and correct copy of the Iowa Stipulation and Consent Order is attached hereto, marked Exhibit 2, and incorporated by reference as if fully set forth herein.

6. The factual circumstances which gave the Iowa Board cause to discipline

Cochrane's Iowa license are as follows:

1. For the last three (3) years, the Respondent [Cochrane] admitted to diverting controlled drugs from his dental practice.

2. The Respondent [Cochrane] primarily diverted diazepam and lorazepam, Schedule IV controlled drugs and on at least one (1) occasion, lorcet, a Schedule III controlled drug.

3. The Respondent [Cochrane] admitted to progressing into daily use of controlled drugs.

4. The Respondent [Cochrane] diverted controlled drugs in the following manner:

a) Overprescribing drugs for patients during surgery and keeping some of the drugs for himself.

b) Taking drugs from another practitioner's stock for his own personal use and falsifying the drug dispensing log.

c) Writing prescriptions for family members for his own personal use.

Joint Proposed Conclusions of Law

7. Cochrane's conduct constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty within the functions and duties of dentistry.

8. Section 332.321.2(5), RSMo 1994, authorizes the Board to impose suspension, revocation, or other disciplinary action on a licensee for:

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions and duties of any profession licensed or regulated by this chapter;

9. Section 332.361, RSMo 1994, states:

1. Any duly registered and currently licensed dentist in Missouri may write, and any pharmacist in Missouri who is currently licensed under the provisions of chapter 338, RSMo, and any amendments thereto, may fill any prescription of a duly registered and currently licensed dentist in Missouri for any drug necessary or proper in the practice of dentistry, provided that no such prescription is in violation of either the Missouri or federal narcotic drug act.

2. Any duly registered and currently licensed dentist in Missouri may possess, have under his control, prescribe, administer, dispense, or distribute a "controlled substance" as that term is defined under section 195.010, RSMo, only to the extent that:

(1) The dentist possesses the requisite valid federal and state registration to distribute or dispense that class of controlled substance;

(2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course of his professional practice of dentistry, and for no other reason;

(3) A bona fide dentist-patient relationship exists; and

(4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.

10. Cochrane's conduct would violate section 332.361, RSMo 1994.

11. Section 332.321.2(6), RSMo 1994, authorizes the Board to impose suspension, revocation, or other disciplinary action on a licensee for:

(6) Violation of, or assisting or enabling any person to violate,

any provision of this chapter, or any lawful rule or regulation adopted pursuant to this chapter;

12. Cochrane's conduct constitutes a violation of a professional trust or confidence.

13. Section 332.321.2(13), RSMo 1994, authorizes the Board to impose suspension, revocation, or other disciplinary action on a licensee for:

(13) Violation of any professional trust or confidence;

14. Cochrane's conduct constitutes a violation of the drug laws of this state, any other state, or the federal government.

15. Section 332.321.2(15), RSMo 1994, authorizes the Board to impose suspension, revocation, or other disciplinary action on a licensee for:

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

16. Cochrane's conduct is in violation of, and cause exists to discipline the Missouri dental license of Cochrane pursuant to, section 332.321.2(8) and (15), RSMo 1994, which states in pertinent part:

2. The board [Petitioner] may cause a complaint to be filed with the Administrative Hearing Commission . . . against any holder of any . . . license required by this chapter . . . for any one or any combination of the following causes:

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in the state;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Missouri Dental Board in this matter under the authority of Section 621.110, RSMo 1994. This disciplinary order will be effective immediately upon the issuance of the consent order of the Administrative Hearing Commission without further action by either party.

1. Respondent's license to practice dentistry, numbered 012385, is suspended for a period of sixty (60) days, however, that suspension is immediately stayed and Respondent's license, numbered 012385, is hereby placed on probation for a period of four (4) years (the "disciplinary period"). During the disciplinary period, Respondent shall timely renew his license, timely pay all fees required for licensure and comply with all other Missouri Dental Board requirements necessary to maintain his license in a current and active state. During the period of probation, Respondent shall be entitled to engage in the practice of dentistry, provided he adheres to all the terms of this Consent Order.

2. Pursuant to 4 CSR 110-2.160(3), during the suspension period Respondent shall:

A. Be prohibited from misrepresenting the status of his license to practice dentistry to any patient or to the general public.

B. Be prohibited from maintaining a physical presence in any office organized to practice dentistry in Missouri.

C. Be prohibited from receiving any compensation from any person, group practice, partnership, dental limited liability company, or corporate practice or any dental

office in this state. This requirement shall not be intended to include any fees received by Respondent to which he is entitled for services performed prior to the effective date of the suspension but which are received during the suspension.

D. Be prohibited from accepting fees from any capitation or third-party payment program to which he might otherwise be entitled. This requirement shall not include fees received prior to the effective date of his suspension.

3. During the disciplinary period, Respondent shall keep the Missouri Dental Board apprised at all times in writing of his current home and work addresses and telephone numbers at each place of employment. Respondent shall notify the Board within ten (10) days of any change in this information.

4. During the disciplinary period, Respondent shall comply with all provisions of Chapter 332, RSMo, all rules and regulations of the Missouri Dental Board, and all federal and state laws, rules and regulations. "State" here includes the state of Missouri and all other states and territories of the United States.

5. During the disciplinary period, Respondent shall appear before the Board or one of its representatives for a personal interview upon the Board's request.

6. During the disciplinary period, pursuant to Section 332.321.6, RSMo 1994, if at any time during the disciplinary period Respondent removes himself from the state of Missouri, ceases to be currently licensed under the provisions of Chapter 332, or fails to keep the Missouri Dental Board advised of his current place of business and residence, the time of his absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

7. Within fifteen (15) days of the effective date of the agreement, continuing through the duration of the disciplinary period, Respondent shall enter and fully participate in a drug dependency counseling program approved by the Board. Respondent shall follow all recommendations for treatment or aftercare made by the drug dependency counseling program or its chemical dependency professional and shall comply with each and every requirement to remain in the program. Respondent shall cause a letter of evaluation from the drug dependency counseling program or its chemical dependency professional or from the rehabilitation or aftercare program to be submitted to the Board no later than January 1 and July 1 during each year of the disciplinary period. The letter shall include an evaluation of the Respondent's current status in the treatment, including Respondent's compliance with all recommendations for treatment and current prognosis. Further, the Board hereby approves any drug dependency counseling program that Respondent is participating in that has been pre-approved by the Iowa Board of Dental Examiners. Respondent shall have complied with the requirements of this paragraph if Respondent submits copies to the Board of all drug counseling progress reports, including the results of random drug screens, that are required to be provided to the Iowa Board of Dental Examiners pursuant to disciplinary terms imposed on Respondent's Iowa dental license. If at any time Respondent is no longer required to participate in drug counseling in conjunction with disciplinary action imposed by the Iowa Board of Dental Examiners then Respondent must comply with all provisions of this paragraph unless waived by the Board.

8. Respondent shall execute and deliver to the Board a written medical release(s) and any other appropriate release(s) which shall cover the entire disciplinary period

authorizing the Board to obtain records of Respondent's treatment for chemical dependency. Respondent shall not take any action to cancel the release(s) and shall take whatever actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

9. If treatment of Respondent is successfully completed during the disciplinary period, Respondent shall cause the drug dependency counseling program or its chemical dependency professional to submit a letter of evaluation to the Board stating that Respondent has successfully completed treatment and the arrangements, if any, for appropriate follow-up and aftercare. Respondent shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations.

10. During the disciplinary period, Respondent shall abstain completely from the personal use or possession of controlled substances and dangerous drugs as defined by state and federal law or any drugs requiring a prescription unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom the Respondent has a bona fide physician/patient relationship. The Respondent shall forward to the Board written documentation of any such prescription within ten (10) days of the date of the issuance of the prescription.

11. During the disciplinary period Respondent shall submit to random biological fluid testing, at Respondent's cost, as required by the Board. Respondent shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid samples and cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any controlled substance not supported by a valid

prescription shall constitute a violation of Respondent's discipline.

12. During the disciplinary period, Respondent shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Order.

13. Respondent shall submit written reports to the Board by no later than January 1 and July 1 during each year of the disciplinary period stating truthfully whether there has been compliance with all the conditions of this Order. It is the Respondent's responsibility to see that the reports are submitted.

14. Upon the expiration of the disciplinary period, Respondent's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the Missouri Dental Board determines that Respondent has violated any term or condition of this order, the Board may in its discretion, vacate this Order and impose such further discipline as the Board shall deem appropriate.

15. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this order occurred during the disciplinary period, the Board may choose to conduct a hearing before it to determine whether a violation occurred and may issue additional orders.

16. If the Missouri Dental Board determines that the Respondent has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the Board

may elect to pursue any lawful remedies afforded it and is not bound by this stipulation in its election of remedies concerning that violation.

17. Respondent together with his heirs and assigns do hereby waive, release, acquit and discharge the Missouri Dental Board, its members, employees, agents and attorneys including former members, employees, agents and attorneys from any liability, claim, action, cause of action, fee, attorney's fee, compensation or expense, whether or not now known or contemplated, including but not limited to any claims under section 536.087, RSMo, and 42 U.S.C. §1983, which now or in the future are based on, arise out of or are related to the matters raised in this case or from the negotiation of or execution of this joint stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearings before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order and to the termination of any further proceedings before the Administrative Hearing Commission based upon the complaint filed by Petitioner in the above-styled case.

RESPONDENT

PETITIONER

MISSOURI DENTAL BOARD



Robert Bruce Cochrane, D.D.S.



Dennis Buckelew, Executive Director

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