

BEFORE THE MISSOURI DENTAL BOARD

MISSOURI DENTAL BOARD)
)
) Petitioner,)
)
) v.) No. 11-2156 DB
)
)
) ELLIOT G. GLASSMAN, D.D.S.)
)
) Respondent.)

ORDER OF THE MISSOURI DENTAL BOARD
DISCIPLINING THE DENTAL LICENSE OF
ELLIOT G. GLASSMAN, D.D.S.

On or about January 3, 2104, the Administrative Hearing Commission entered its Decision in the case of *Missouri Dental Board v. Elliot G. Glassman, D.D.S.*, Case No. 11-2156 DB. In that Decision, the Administrative Hearing Commission found that Respondent Elliot G. Glassman’s dental license (license # 013277) is subject to disciplinary action by the Board pursuant to § 332.321.2(1), (5) and (13), RSMo¹.

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 332.321.3, RSMo, the Board held a hearing on July 31, 2014, at approximately 9:00 a.m., at the Missouri Council for School Administrators, 3550 Amazonas Drive, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent’s license. The Board was represented by Legal Counsel Scott Evans. Respondent appeared in person and by counsel, James Duetsch, Blitz, Bardgett and

¹ All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

Deutsch, L.C. After being present and considering all of the evidence presented during the hearing, the Board issues the following Findings of Facts, Conclusions of Law and Order.

I.

Based upon the foregoing the Board hereby states:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Board is an agency of the state of Missouri created and established pursuant to § 332.021, RSMo, for the purpose of licensing all persons engaged in the practice of dentistry in this state. The Board has control and supervision of the licensed occupations and enforcement of the terms and provisions of Chapter 332, RSMo.

2. Elliot G. Glassman, D.D.S. holds license number 013277 which the Board issued on April 29, 1980. Licensee's license was current and active at all times relevant herein.

3. The Board hereby adopts and incorporates by reference the findings of fact contained in the Decision and record of the Administrative Hearing Commission in *Missouri Dental Board v. Elliot G. Glassman, D.D.S.*, Case No. 11-2156 DB, in its entirety.

4. The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

5. During the hearing, Petitioner offered Petitioner's exhibits 1-5, which were admitted into the record. Respondent offered Respondent's exhibits A, B and C, which were accepted into the record. Additionally, Licensee testified and responded to questions from the Board. Finally, Respondent requested that the Board take official notice of prior decisions of the Board. The Board granted Respondent's request to take official notice of the following decisions:

A. The December 5, 2006 Settlement Agreement between Dr. Renato J. Aves, D.D.S. and the Board, wherein the Board placed Dr. Aves' license on five years' probation, required Licensee complete an Ethics course and the Board's jurisprudence examination and mandated Dr. Aves participate in the Board's Dental Well Being Program as well as complete therapy, aftercare treatment, abstain from the use of alcohol and other requirements related to his treatment, as a result of Licensee testing positive for cocaine and amphetamines while in the office treating patients. On August 30, 2010, Dr. Aves, D.D.S. and the Board entered into a second Settlement Agreement wherein the Board Censured Dr. Aves' license and required Dr. Aves to continue to participate in the Dental Well Being Program as a result of a June 21, 2007 conviction for driving while intoxicated. The parties entered into the August 30, 2010 Settlement Agreement to resolve Dr. Aves' violation of the December 5, 2006 Settlement Agreement.

B. The October 19, 2010 Settlement Agreement between Dr. Brian Collins, D.D.S. and the Board, wherein the Board suspended Dr. Collins' license for thirty days, required him to complete 100 hours of continuing education and placed his license on probation for a period of five years. The Board also required Dr. Collins to participate in the Dental Well Being Program, complete assessment and treatment for dependency, abstain from the use of controlled substances, and other requirements related to his treatment. On or about August 15, 2011, the Board entered its Findings of Fact, Conclusions of Law and Disciplinary Order for Brian K. Collins, D.D.S. wherein the Board found cause to take additional discipline against Dr. Collins' license for violation of the October 19, 2010 Settlement Agreement as a result of patient care below the standard of care and prescribing controlled substances without proper authorization.

C. The Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law and Waiver of Hearing Before the Administrative Hearing Commission, dated March 8, 2012, Consent Order of the Administrative Hearing Commission dated March 13, 2012, and Order of the Missouri Dental Board Disciplining the Dental License of George G. Graham, D.D.S. (Order), dated April 20, 2012, entered into between Dr. George Graham, D.D.S. and the Board, wherein the Board suspended Dr. Graham's license for thirty days followed by five years' probation. In its April 20, 2012 Order, the Board also mandated that Dr. Graham participate in the Dental Board Well Being Program and follow all requirements and mandates of treating professionals, abstain from the use or consumption of alcohol and submit to drug screening as required by the Board as a result of Dr. Graham's use of alcohol and controlled substances including testing positive for methamphetamine. On or about November 9, 2012, the Board entered Findings of Fact, Conclusions of Law and Disciplinary Order finding cause to take additional discipline against Dr. Graham for violation of the Board's April 20, 2012 Order as a result of testing positive for alcohol after a random urine screening and failing to comply with the requirements of the Dental Well Being Program including failing to attend inpatient or aftercare treatment. In its November 9, 2012 Order, the Board revoked Dr. Graham's license and precluded him from reapplying for a license for one year.

D. The November 20, 2007 Settlement Agreement between Dr. Gary W. Harris, D.D.S. and the Board, wherein the Board placed Dr. Harris' license on probation for five years', mandated Dr. Harris to participate in the Dental Well Being Program, participate in treatment and aftercare, abstain from the use of controlled substances and

alcohol, submit to random drug screening and other requirements related to treatment and aftercare as a result of Dr. Harris being impaired at his dental practice during business hours in that Dr. Harris consumed eight to twelve ounces of vodka per day from April 2006 through June 19, 2006.

E. The discipline record for Dr. C. Thomas Howard, D.D.S. As a result of Dr. Howard "periodically" practicing dentistry under the influence of alcohol between 2001 and July 2002, on or about July 2, 2003, Dr. Howard and the Board entered into a Settlement Agreement, wherein the Board suspended Dr. Howard's license for thirty days followed by five years' probation and ordered Dr. Howard to participate in the Dental Well Being Program and follow all treatment recommendations as a result of his chemical dependence evaluation. The July 2, 2003 Settlement Agreement also precluded Dr. Howard from practicing until his chemical evaluation was successfully completed and his treating physician recommended he practice and from consuming alcohol and controlled substances during the disciplinary period. The July 2, 2003 Settlement Agreement also required Dr. Howard to submit to drug and/or alcohol testing and other requirements related to his treatment. On or about May 17, 2004, the Board entered a Consent Order finding cause to take additional discipline of Dr. Howard's license as a result of Dr. Howard failing to meet the requirements of the July 2, 2003 Settlement Agreement in that Dr. Howard did not complete the in-patient treatment recommended by the Dental Well Being Program as a result of his chemical dependency evaluation because he was discharged from the program. In its May 17, 2004, the Board suspended Dr. Howard's license for one year followed by five years' probation. The Board also mandated continued participation in the Dental Well Being Program as well as all other

requirements related to treatment. The Board also required a neuropsychological evaluation and continuing education. On or about March 11, 2009, the Board issued its Findings of Fact, Conclusions of Law and Order finding cause to take additional discipline of Dr. Howard's license as a result of failure to comply with the terms of the May 17, 2004 Consent Order in that Dr. Howard consumed alcohol and failed to comply with the recommendations of the Dental Well Being Program that he obtain a multi-discipline evaluation. As a result, in its March 11, 2009 Order, the Board revoked Dr. Howard's license.

F. The August 8, 2008 Settlement Agreement between Dr. Barry Meador, D.D.S. and the Board, wherein the Dr. Meador stipulated to the facts contained in the Settlement Agreement and voluntarily surrendered his license in lieu of discipline as a result Dr. Meador being terminated from his employment following a fourth arrest for driving while intoxicated and as a result of Dr. Meador of self-reporting suffering from alcohol dependency for ten years and consuming up to six vodka drinks per night. Dr. Meador also tested positive for alcohol during routine screenings on October 30, 2007 and April 19, 2008 and failed to comply with any of the recommendations from his in-patient treatment for alcohol dependence which occurred in November and December 2007.

G. The Joint Stipulation, Waiver of Hearing Before the Administrative Hearing Commission and Request for Consent Order, as well as the Consent Order, entered into between F.J. Ohmes, D.D.S. and the Board, wherein the Board Censured Dr. Ohmes' license stocking, dispensing and prescribing controlled substances without a valid permit from the Bureau of Narcotic and Dangerous Drugs.

H. The discipline record for Dr. Donald T. Roberts, D.D.S. On or about April 2, 2004, Dr. Roberts and the Board entered into a Settlement Agreement wherein the Board placed Dr. Roberts' license on probation for five years as a result of Dr. Roberts' practice of dentistry while under the influence of alcohol periodically between June 2002 and the date of the agreement. The April 2, 2004 Settlement Agreement mandated Dr. Roberts participate in the Dental Well Being program and submit to any evaluations or treatment recommended by the Program. It also precluded Dr. Roberts from consuming alcohol and controlled substances during the period of probation and required Dr. Roberts to submit to biological fluid sampling. It also required Dr. Roberts to take a continuing education course in ethics and other requirements related to his treatment for chemical dependency. On or about April 26, 2007, the Board entered its Findings of Fact, Conclusions of Law and Order finding cause to take additional discipline against Dr. Roberts' license as a result of Dr. Roberts' failure to comply with the April 2, 2004 Settlement Agreement in that on February 28, 2006, Dr. Roberts tested positive for alcohol while in the office treating patients; Dr. Roberts' refusal of two requests for a urine specimen; Dr. Roberts' testing positive for alcohol on September 12, 2006 while in the office treating patients; Dr. Roberts' testing positive for opiates on September 12, 2006 based on a prescription for Lortab, a controlled substance, which Dr. Roberts did not report to the Board. As a result, the Board suspended Dr. Roberts' license for one year followed by five years' probation. Additionally, the Board required continued participating in the Dental Well Being Program, successful completion of in-patient treatment and all other requirements related to treatment and testing for chemical dependency outline in the April 2, 2004 Settlement Agreement. On or about February 4,

2008, the Board entered its Second Amended Findings of Fact, Conclusions of Law and Order, in which Dr. Roberts voluntarily surrendered his license in lieu of the discipline contained in the April 26, 2007 Order.

I. The May 14, 2013 Settlement Agreement between Dr. Bradley D. Graf, D.D.S. and the Board, wherein the Board placed Dr. Graf's license on probation for five years during which time the Board precluded Dr. Graf from operating a solo practice and required him to submit to the Board his notice of intent to return to practice prior to doing so. The Board also mandated that Dr. Graf continue participating in the Dental Well Being program and follow all recommendations related to his treatment. The Board also required Licensee to submit to random drug screenings, follow all treatment recommendations of his discharge statement from Palmetto Addiction Recovery Center including attending AA meetings, Caduceus meetings, marital counseling, individual counseling, complete the twelve steps of AA, and return to Palmetto Addiction Recovery Center for group meetings.

II.

CONCLUSIONS OF LAW

6. This Board has jurisdiction over this proceeding pursuant to §§ 621.110 and 332.321.3, RSMo.

7. The Board expressly adopts and incorporates by reference the conclusions of law contained in the Decision issued by the Administrative Hearing Commission on January 3, 2014 and the record of the Administrative Hearing Commission in *Missouri Dental Board v. Elliot G. Glassman, D.D.S.*, Case No. 11-2156 DB, and hereby enters its Conclusions of Law consistent therewith.

8. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Decision dated January 3, 2014, Respondent's dental license is subject to disciplinary action by the Board pursuant to § 332.321.2(1), (5) and (13), RSMo.

9. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Board, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the Board that the dental license of Elliot G. Glassman, D.D.S., (license no. 013277), the license is hereby placed on **PROBATION** for a period of **THREE (3) years**. During the aforementioned probation, Elliot G. Glassman, D.D.S. shall be entitled to practice as a licensed dentist subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Elliot G. Glassman, D.D.S. ("Licensee") shall be entitled to perform as a dentist subject to the following terms and conditions:

I. SPECIFIC REQUIREMENTS

- A. Within thirty (30) days of the effective date of this Order, Licensee shall enroll in the Missouri Dental Well-Being Committee. At such time as Licensee enrolls, 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 follow all recommendations of the Committee or the Committee Administrator with regards to counseling, evaluations, any treatment deemed necessary by an evaluation, and any follow-up care. Failure to participate in the Well-Being Committee shall constitute a violation of this Order.

- B. Licensee shall execute a medical release or other appropriate release that shall remain in effect for the entire disciplinary period authorizing the Board to obtain records of Licensee's treatment, if any. 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 take and pass the Board's designated jurisprudence examination within six (6) months of the start of the disciplinary period. Licensee shall contact the Board office to request a current law packet and permission to set for the jurisprudence examination no less than thirty (3) days prior to the date Licensee desires to take the examination. Licensee shall submit the required re-examination fee to the Board prior to taking the examination. Failure to take and pass the examination during the first six (6) months of the disciplinary period shall constitute a violation of the terms of discipline.

II. 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 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.
- C. 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.
- D. 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.
- E. If at any time during the disciplinary period, Licensee removes himself from the state of Missouri, ceases to be currently licensed under provisions of Chapter 332, or fails to advise the Board of his 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.
- F. 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 Order.
- G. If Licensee fails to comply with the terms of this Order, in any respect, the Board may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).

- H. This 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.

III. ADDITIONAL REQUIREMENTS

- A. Licensee shall not allow his license to lapse.
- B. Licensee shall notify, within 15 days of the effective date of this 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.

This Order will be maintained as an open record of the Board as provided in Chapters 332, 610, and 324, RSMo.

This Order shall be effective August 18, 2014.

SO ORDERED this 8th day of August, 2014.

MISSOURI DENTAL BOARD



Brian Barnett,
Executive Director