



Jeremiah W. (Jay) Nixon  
Governor  
State of Missouri

Jane A. Rackers, Division Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
John M. Huff, Director

MISSOURI DENTAL BOARD  
3605 Missouri Boulevard  
P.O. Box 1367  
Jefferson City, MO 65102-1367  
573-751-0040  
573-751-8216 FAX  
800-735-2966 TTY  
800-735-2466 Voice Relay Missouri  
dental@pr.mo.gov  
<http://www.pr.mo.gov>

Brian Barnett  
Executive Director

March 11, 2009

C. Thomas Howard, D.D.S.  
6 Oak Ridge Drive  
Washington, MO 63090

**Certified Article Number**

7160 3901 9845 0049 5126

**SENDERS RECORD**

Dear Dr. Howard:

Please find enclosed your copy of the ***Findings of Fact, Conclusions of Law and Order*** issued by the Missouri Dental Board on March 11, 2009.

According to the terms of this Order, your license to practice dentistry in the State of Missouri is revoked effective March 26, 2009.

If you have any questions regarding this Order, please do not hesitate to contact our office.

Sincerely,

Brian Barnett  
Executive Director

BB:vh

cc: Nanci Wisdom, Attorney At Law

Enclosure

**BEFORE THE MISSOURI DENTAL BOARD  
STATE OF MISSOURI**

**MISSOURI DENTAL BOARD,** )  
P.O. BOX 1367 )  
3605 MISSOURI BLVD. )  
JEFFERSON CITY, MISSOURI 65102 )  
**PETITIONER,** )

**V.** )

**CAUSE NO: DB-09-05**

**C. THOMAS HOWARD, D.D.S.** )  
6 OAK RIDGE DRIVE )  
WASHINGTON, MO 63090 )  
**RESPONDENT.** )

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

On November 7, 2008, the Missouri Dental Board held a Hearing on the Notice of Hearing on Probation Violation in the above-styled cause. Said hearing was held at the Oasis Hotel, 2250 North Glenstone, in Springfield, Missouri, for the purpose of determining the truth of the allegations contained in the Statement of Charges filed with the Missouri Dental Board on October 10, 200, alleging that C. Thomas Howard, D.D.S., had violated the terms of his discipline. The Missouri Dental Board was represented by Nanci R. Wisdom, Outside Counsel for the Missouri Dental Board. Respondent, C. Thomas Howard, D.D.S., was present in person and without counsel. The Missouri Dental Board heard evidence on the allegations contained in the Statement of Charges and heard evidence offered in mitigation on said charges by Respondent, C. Thomas Howard, D.D.S. Exhibits 1, 2, 3, 4, 5, and 6 were admitted into evidence. At the conclusion of the hearing, the Missouri Dental Board, in closed session, determined the truthfulness of the allegations contained in the Statement of Charges and whether

disciplinary action should be taken concerning the certificate and license of the Respondent.

### **FINDINGS OF FACT**

1. That on or about July 2, 2003, the Missouri Dental Board and C. Thomas Howard, D.D.S., in conjunction with Petitioner's counsel, Nanci R. Wisdom, entered into an Informal Consent Agreement entitled Settlement Agreement Between the Missouri Dental Board and C. Thomas Howard, D.D.S.

2. By terms of that agreement and Order, the license and certificate of registration of Respondent, C. Thomas Howard, D.D.S., was suspended for a period of thirty (30) days to be followed by a period of probation for five (5) years immediately following the period of suspension, and subject to certain conditions of probation.

3. A Statement of Charges was filed alleging Respondent, C. Thomas Howard, D.D.S., violated the terms of his discipline under the Informal Consent Agreement dated July 2, 2003.

4. Subsequently, Respondent, C. Thomas Howard, D.D.S. and the Missouri Dental Board entered into a Waiver of Hearing, Joint Stipulation and Request for Consent Order in which Respondent, C. Thomas Howard, D.D.S., admitted he violated the disciplinary terms of the Informal Consent Agreement dated July 2, 2003 by failing to successfully complete an in-patient treatment program as recommended by the Well Being Committee and by failing to file quarterly reports with the Missouri Dental Board.

5. By the terms of the Waiver of Hearing, Joint Stipulation and Request for Consent Order, the dental license of Respondent, C. Thomas Howard, D.D.S., was

suspended for a period of Three Hundred Sixty Five (365) days followed by five years probation. The discipline was conditioned on the following:

(10) Licensee shall remain enrolled as a member of the Missouri Dental Well Being Committee (hereinafter "Well Being Committee") during his disciplinary period. Licensee shall follow all recommendations made by the Well Being Committee.

...

(16) 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.

7. On or about June 18, 2008, Ira Davis, Administrator of the Well Being Committee smelled alcohol on and about the person of Respondent, C. Thomas Howard, D.D.S.

8. On or about June 18, 2008, Respondent, C. Thomas Howard, D.D.S., admitted to Ira Davis that he had been consuming alcohol for a period of six (6) months.

9. Subsequently, the Well Being Committee through its Administrator, Ira Davis, recommended Respondent, C. Thomas Howard, D.D.S., obtain a multi-discipline evaluation and that Respondent, C. Thomas Howard, D.D.S., notify Ira Davis no later than July 20, 2008 what provider would perform the evaluation and on what date the evaluation would begin.

10. Respondent, C. Thomas Howard, D.D.S., did not comply with the directive of the Well Being Committee outlined in paragraph 9 herein.

### **CONCLUSIONS OF LAW**

11. The Missouri Dental Board has jurisdiction to render discipline against the

license and certificate of registration of C. Thomas Howard, D.D.S. under the provisions of Chapter 332 and previous Order of the Missouri Dental Board entered as set forth herein. Section 621.110 RSMo and State Board of the Registration for the Healing Arts v. Masters, 512 S.W.2d 150 (Mo. App. 1974).

12. That the actions of C. Thomas Howard, D.D.S. as stated in the Findings of Fact give grounds to the Missouri Dental Board to impose discipline, including revocation of C. Thomas Howard's, D.D.S., license and certificate, suspension up to three years of said license and certificate, probation up to five years of said license and certificate, or a combination of suspension and probation. See Section 332.321.3 and Section 621.110 RSMo.

13. That the actions of C. Thomas Howard, D.D.S. as set forth herein constitute violations of the terms of his probation.

#### **DISCIPLINE**

14. It is the Order of the Missouri Dental Board that the license and certificate of registration of C. Thomas Howard, D.D.S., to practice dentistry in the State of Missouri is hereby revoked.

The provisions of this Order become effective fifteen days from the date of this Order.

**IT IS SO ORDERED ON THIS** 11<sup>th</sup> **DAY OF MARCH, 2009.**

**MISSOURI DENTAL BOARD**

BY:

  
**Brian Barnett**, Executive Director

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI DENTAL BOARD AND C. THOMAS HOWARD, D.D.S.**

COME NOW the licensee, C. Thomas Howard, D.D.S. ("Licensee"), and the Missouri Dental Board ("Board") and enter in to this Settlement Agreement for the purpose of resolving the question of whether Licensee's license as a dentist will be subject to discipline.

Pursuant to the terms of §536.060, RSMo 2000, the parties hereto waive the right to a hearing of the issues stipulated in this Agreement by the Administrative Hearing Commission ("AHC") of the state of Missouri and, additionally, the right to disciplinary hearing before the Board under §521.110, RSMo 2000, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Licensee 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 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 a ruling on questions of law by an Administrative Hearing Commissioner; and, subsequently, the right to a disciplinary hearing before the Board at which time he may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against his license. Being aware of these rights provided him by operation of law, C. Thomas Howard, D.D.S., knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to him.

Licensee acknowledges that he has received a copy of the Complaint filed with the Board, investigative report, and other documents relied upon by the Board in determining there was cause for discipline against his license. Licensee acknowledges that the Board and its attorney followed the procedures enumerated in Section 621.045, RSMo 2000, including but not limited to:

- (1) providing Licensee with a written description of the specific conduct for which discipline is sought, and a citation to the law and rules violated, together with copies of any documents which are the basis thereof;
- (2) waiting to offer a settlement proposal to Licensee until more than thirty (30) days after providing the above-mentioned description, citation, and documents;
- (3) allowing Licensee at least sixty (60) days from the date of mailing to consider the Board's initial settlement offer and discuss the terms of such settlement offer with the Board;
- (4) advising Licensee that Licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen (15) days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of Licensee;
- (5) advising Licensee that Licensee has the right to consult an attorney at Licensee's own expense in any contact pursuant to Section 621.045 3 by the Board or its counsel.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this agreement are true and stipulates with the Board that Licensee's license as a dentist, number 012909, is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621 and Chapter 332, RSMo 2000.

### **JOINT STIPULATION OF FACT**

1. The Missouri Dental Board ("Board") is an agency of the state of Missouri created and established pursuant to Section 332.021 RSMo 2000, for the purposes of administering and enforcing the provisions of Chapter 332, RSMo, Dentistry.

2. Licensee is licensed by the Board as a dentist, license number 012909. Licensee's license to practice dentistry is now, and was at all times stated herein, current and active.

3. Periodically in 2001 through July 2002, Licensee practiced dentistry under the influence of alcohol in a manner that resulted in impairment to the safety of patients and affected the reasonableness of his dental skills.

### **JOINT CONCLUSIONS OF LAW**

4. Section 332.321.2, in relevant part, provides that the Board may discipline a license to practice dentistry and certificate of registration for the following reasons:

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

...(13) Violation of any professional trust or confidence.

5. The conduct of Licensee, as alleged herein, constitutes incompetency and a violation of professional trust and confidence.

## **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 2000.

1. Licensee's license to practice dentistry shall be **SUSPENDED** for a period of thirty (30) days to be followed by a period of **PROBATION** for five (5) years beginning immediately following the period of suspension ("disciplinary period"). The suspension shall begin on the effective date of this Settlement Agreement. Licensee shall return his dental license, wall-hanging certificate, pocket card, and all other indicia of licensure to the Board no later than the day before the day of suspension to be held by the Board during the period of suspension. Failure to return the license, wall-hanging certificate, pocket card, and other indicia of licensure shall be a violation of this Settlement Agreement. During Licensee's suspension, Licensee shall not engage in the practice of dentistry under Chapter 332, RSMo, nor shall Licensee hold himself out in any fashion as being authorized to engage in the practice of dentistry under Chapter 332, RSMo. The following activities are identified for illustrative or informational purposes only and are not intended to be an exhaustive listing of the activities that would constitute the practice of dentistry and that Licensee shall not engage in during suspension. During suspension, Licensee shall comply with the requirements of 4 CSR 110-2.160, including that Licensee shall not engage in any gratuitous or occasional treatment of any person; shall refrain from maintaining a physical presence in any office organized to practice dentistry in Missouri; shall not provide consultation services or opinions of any kind concerning the dental care and treatment of any person; shall not charge or accept compensation for dental services from any person or entity unless the dental services were provided prior to the effective

date of this Settlement Agreement; shall not provide testimony as an expert dental witness; and shall not endeavor in any manner to evaluate, test, diagnose, or treat any person. Following the period of suspension, Licensee's license shall be returned and shall be placed on probation as provided above. During Licensee's probation, Licensee shall be allowed to practice dentistry under Chapter 332, RSMo, provided he adheres to all of the terms of this Settlement Agreement.

2. 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.

3. 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 Settlement Agreement by no later than January 1 and July 1 during each year of the disciplinary period.

4. 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.

5. 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.

6. 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.

7. 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 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 Section 332.321.6, RSMo.

8. 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 Settlement Agreement.

9. If Licensee fails to comply with the terms of this agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate.

10. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 332, RSMo, by Licensees not specifically mentioned in this document.

11. Within thirty (30) days of the effective date of this Settlement Agreement, 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 Settlement Agreement to the treating professional.

12. Once this Settlement Agreement becomes effective, Licensee shall not practice dentistry until the evaluation for chemical dependency referenced in paragraph 11 herein is

successfully completed and the treating professional recommends Licensee practice dentistry. Licensee shall only practice dentistry in accordance with the recommendations of the treating professional referenced in paragraph 11.

13. 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 Settlement Agreement 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.

14. 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 Settlement Agreement.

- (a) 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.
- (b) 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.

15. If the treatment of Licensee is successfully completed at any time during the period covered by this Settlement Agreement, 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 16 herein.

16. 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 Settlement Agreement. 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.

17. 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.

18. 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.

19. Licensee shall inform any professional preparing a prescription for Licensee that Licensee is chemically dependent.

20. During the disciplinary period, Licensee shall, at Licensee's costs, submit to biological fluid testing as required by the Board. Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid 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 fluid sample for which Licensee does not hold a valid prescription shall constitute a violation of Licensee's discipline.

21. The parties to this Settlement Agreement understand that the Board will maintain this Agreement as an open and public record of the Board as provided in Chapters 332, 610 and 620, RSMo.

22. Upon the expiration and successful completion of the disciplinary period, Licensee's license to practice dentistry in the State of Missouri, shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that Licensee has violated any term or condition of this agreement, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Licensee.

23. No order shall be entered by the Board pursuant to the preceding paragraph of this agreement without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo.

24. If the Board determines that Licensee has violated a term or condition of this agreement, which violation would also be actionable in a proceeding before the AJC or the

circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this agreement in its determination of appropriate legal actions concerning such violation.

25. In consideration of the foregoing, the parties consent to this Settlement Agreement and Waiver of Hearing Before the AHC and the Board based upon the facts stipulated in this Agreement.

26. **C. Thomas Howard, D.D.S., AS EVIDENCED BY THE INITIALS ON THE APPROPRIATE LINE**

                     REQUESTS  
**CTH** DOES NOT REQUEST

**THE AHC TO DETERMINE IF THE FACTS SET FORTH HEREIN ARE GROUNDS FOR DISCIPLINING LICENSEE'S LICENSE AS A DENTIST IN THE STATE OF MISSOURI.**

27. If Licensee has requested review, Licensee and the Board jointly request that the AHC determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the AHC determines that the agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

28. If Licensee has not requested review by the Administrative Hearing Commission, the agreement goes into effect on July 4, 2003.

29. Licensee, together with his heirs and assigns, and his attorneys, does hereby waive, release, acquit and forever discharge the Board, its respective members and any of its

employees, agents, or attorneys, including any former members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including but not limited to any claims for attorneys fees and expenses, including any claims pursuant to Section 536.087, RSMo, or any claim arising under 42 United States Code 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of its settlement. Licensee acknowledges that this paragraph is severable from remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law or administrative tribunal deems this Agreement or any portion thereof void or unenforceable.

LICENSER

C. Thomas Howard, D.D.S.  
C. THOMAS HOWARD, D.D.S.

6-30-03  
DATE

HUSCH & EPPENBERGER, LLC  
235 EAST HIGH STREET  
P.O. BOX 1251  
JEFFERSON CITY, MISSOURI 65102  
(573) 635-9118  
FAX: (573) 634-7854

By: Mary S. Erickson  
Mary S. Erickson #42579  
ATTORNEY FOR LICENSER  
July 30, 2003  
DATE

MISSOURI DENTAL BOARD

Sharlene R. Dolles  
SHARLENE R. DOLLES  
EXECUTIVE DIRECTOR  
MISSOURI DENTAL BOARD

July 2, 2003  
DATE

NANCI R. WISDOM, L.C.  
ATTORNEY AT LAW  
POST OFFICE BOX 983  
107 WEST FOURTH STREET  
SALEM, MISSOURI 65560  
(573) 729-8630  
FAX: (573) 729-8640  
By: Nanci R. Wisdom

Nanci R. Wisdom #39359  
ATTORNEY FOR MISSOURI DENTAL BOARD  
07-01-03  
DATE

**BEFORE THE MISSOURI DENTAL BOARD  
STATE OF MISSOURI**

**MISSOURI DENTAL BOARD,** )  
P.O. Box 1367 )  
3605 Missouri Blvd. )  
Jefferson City, Missouri 65102 )  
**Petitioner,** )

v. )

CAUSE NO.: DB-04-6

**C. THOMAS HOWARD, D.D.S.,** )  
1015 East Washington Square )  
Washington, MO 63090 )  
**Respondent.** )

**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, C. Thomas Howard, D.D.S., appears in person and by and through his attorney, Harvey M. Tettlebaum, and jointly state that the parties waive their right to a hearing before the Missouri Dental Board in the above referenced cause, enter this Joint Stipulation and request that a Consent Order be granted by this Board consistent with the contents of this document. In support to their motion, Petitioner, and Respondent, C. Thomas Howard, D.D.S., hereby stipulate and agree to the following:

1. Respondent, C. Thomas Howard, D.D.S., acknowledges that he is familiar with the various rights and privileges afforded him 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 the Missouri Dental Board concerning the charges pending against him; and the right to appeal a decision in favor of the Missouri Dental Board on the basis that said decision is not supported by substantial and competent evidence. Being familiar with these and other attendant rights provided Respondent 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 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, C. Thomas Howard, 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.

4. Respondent, C. Thomas Howard, D.D.S., admits the allegations contained in the Amended Statement of Charges in this case attached as Exhibit "A". And further admits that the Missouri Dental Board has jurisdiction to render discipline against the license and certificate of registration of Respondent, C. Thomas Howard, D.D.S., under the provisions of Chapter 332 and previous Order entered by the Administrative Hearing Commission and the Missouri Dental Board. Section 621.110 RSMo and State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150 (Mo. App. 1974).

5. Respondent, C. Thomas Howard, D.D.S., admits that his actions that his actions as set forth in the Statement of Charges give grounds to the Missouri Dental Board to impose discipline, including revocation of Respondent, C. Thomas Howard's D.D.S., license and certificate of registration, suspension up to three years of said license and certificate of registration, probation up to five years of said license and certificate of registration, or a combination of suspension and probation. See Section 332.321.3 RSMo and Section 621.110 RSMo.

6. Based on the foregoing, the parties mutually agree and stipulate that the following terms shall constitute the disciplinary action taken by the Missouri Dental Board pursuant to the provisions of Section 661.110 RSMo (2002) and Chapter 332 which terms are embodied in this document as part of this Joint Stipulation. The terms of discipline shall include that the dental license of Respondent, C. Thomas Howard, D.D.S., shall be:

(A). The license to practice dentistry and certificate of registration of Respondent, C. Thomas Howard, D.D.S., shall be suspended for a period of Three Hundred Sixty Five days (365) days beginning May 1, 2004.

(B). Following the period of suspension as stated in sub-paragraph (A) above, the license and certificate of registration of Respondent, C. Thomas Howard, D.D.S., to practice dentistry in Missouri shall be conditionally restored and placed upon probation for a period of five (5) years from and after the termination of the suspension set forth in the preceding sub-paragraph (A).

(C). Respondent's, C. Thomas Howard, D.D.S., probation shall be conditioned upon the following grounds:

- (1) 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.
- (2) Licensee shall submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, MO 65102, stating truthfully whether he

has complied with all the terms and conditions of this Joint Stipulation by no later than January 1, April 1, July 1 and October 1 during each year of the disciplinary period.

- (3) Licensee shall keep the Board apprised of his current home and work addresses and telephone numbers. Licensee shall inform the Board within 10 days of any change of home or work address and home or work telephone number.
- (4) 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.
- (5) 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.
- (6) 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 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 section 332.321.6 RSMo.
- (7) 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 Stipulation.
- (8) If Licensee fails to comply with the terms of this agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate, including Revocation.
- (9) This Joint Stipulation 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.
- (10) Licensee shall remain enrolled as a member of the Missouri Dental Well Being Committee (hereinafter "Well Being Committee") during his disciplinary period. Licensee shall follow all recommendations made by the Well Being Committee.

- (11) Licensee shall continue treatment for chemical dependency by a licensed or certified chemical dependency professional. Licensee shall show this Joint Stipulation to the treating professional. The treating professional shall submit to the Board evidence that he or she is licensed or certified in treatment of chemical dependency. Licensee shall show this Joint Stipulation to the treating professional.
- (12) Licensee shall execute a medical release or other appropriate release that shall remain in effect for the entire period covered by this Joint Stipulation 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.
- (13) 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 Stipulation.
  - (a) The letter shall include an evaluation of Licensee's current progress and status related to the treatment recommendations and Licensee's current prognosis and treatment recommendations.
  - (b) The letter shall be sent by the treating professional and/or the Well-Being Committee addressed to: Missouri Dental Board, P.O. Box 1367, Jefferson City, MO 65102.
- (14) If the treatment of Licensee is successfully completed at any time during the period covered by this Joint Stipulation, Licensee shall cause the treating professional and/or the Well-Being 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 in a 12-step program. If continuance in a 12-step program is recommended, Licensee shall comply with terms of documentation as outlined in Paragraph 14.
- (15) If attendance is recommended, Licensee shall submit evidence of weekly (or as recommended) attendance at Alcoholics Anonymous, Narcotics Anonymous, or other support group meetings to the Board by January 1, April 1, July 1 and October 1 during each year of disciplinary period beginning the effective date

of this Joint Stipulation. 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.

- (16) 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.
- (17) 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 the 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.
- (18) Licensee shall inform any professional preparing a prescription for Licensee that Licensee is chemically dependent.
- (19) During the disciplinary period, Licensee shall, at Licensee's cost, submit to biological fluid testing as required by the Board. Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid 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 fluid sample for which Licensee does not hold a valid prescription shall constitute a violation of Licensee's discipline.
- (20) Licensee shall take the continuing education course in ethics sponsored by the University of Missouri-Kansas City. This continuing education shall be in addition to the continuing education required by law for licensure renewal by the Board and

in addition to any additional continuing education required in paragraph twenty (20) herein. This course must be taken within the first six (6) months returning to the practice of dentistry or within the first two years of the effective date of this Joint Stipulation, whichever is sooner. Licensee shall provide the Board with proof of attendance from the sponsor of the program no later than thirty (30) days after attending the course. Failure to obtain the required additional continuing education hours and/or submit the required documentation to the Board will result in a violation of the terms of discipline.

- (21) During the disciplinary period, Licensee shall not practice dentistry unless released to do so by the evaluators at the Metro Atlanta Recovery Residences or such other evaluator approved by the Board. Then Licensee must comply with all practice restrictions set forth by the evaluator.
- (22) Licensee shall keep the Board apprised in writing of the names, addresses and phone numbers of all of his health care providers during the disciplinary period and shall provide written releases to the provider(s) authorizing the Board to obtain Licensee's treatment records and reports from the provider(s).
- (23) Upon request, Licensee shall sign a written release authorizing his health care providers to disclose Licensee's treatment records and reports to the Board.
- (24) Prior to returning to practice, Licensee shall provide the Board with written notification of his intention to return to practice and undergo a new evaluation by Metro Atlanta Recovery Residences or by such other evaluator approved by the Board at Licensee's expense and follow all recommendations of the same. Licensee shall cause a report to be sent to the Board of this evaluation within thirty (30) days of the performance of the evaluation. Said evaluation shall outline what limitations or restrictions, if any, the evaluator places upon Licensee's practice.
- (25) Within the first sixty (60) days of the disciplinary period, Licensee shall undergo a neuropsychological evaluation by an evaluator approved by the Board at Licensee's expense and follow all recommendations of the same. Licensee shall cause a report to be sent to the Board of this evaluation within thirty (30) days of the performance of the evaluation. If Licensee has participated in a neuropsychological evaluation within one hundred eighty (180)

days prior to the effective date of this document, Licensee shall provide the Board with a copy of the written report of the evaluation within thirty (30) days of the effective date of this document and shall follow all recommendations of the same. Licensee shall provide the Board with the name, address and phone number of the evaluator within ten (10) days of the effective date of this document. A neuropsychological evaluation performed within one hundred eighty (180) days prior to the effective date of this document shall satisfy the requirements of this section so long as a copy of the report is timely received by the Board and Licensee follows the requirements of the evaluation.

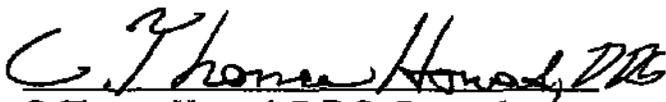
- (26) Licensee shall complete the treatment program in which he is currently enrolled prior to returning to the practice of dentistry.
- (27) Licensee shall appear before the Board at the meeting currently scheduled for August 6 and 7, 2004, in St. Louis, MO. The Board shall notify Licensee of the exact date, place and time of the appearance at least twenty (20) days prior to the meeting. During the disciplinary period, Licensee shall appear before the Board at other times as requested by the Board.

7. If the Missouri Dental Board, in its sole discretion, determines upon a proper showing, that Respondent, C. Thomas Howard, D.D.S., has violated a term or condition of the suspension of his license, the terms of his probation as set forth herein, or has otherwise failed to comply with the provisions of Chapter 332 RSMo, which violation would be actionable in a proceeding before the Administrative Hearing Commission, or in a Circuit Court, the Missouri Dental Board may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this document, in its selection of remedies concerning such violation.

8. It is specifically understood and agreed by the parties hereto that, in the event the Missouri Dental Board proceeds under paragraph seven (7) above, of this Joint Stipulation, the Board shall not be bound by the type of, nor the duration of discipline specified in this document, but the Board shall have all the rights and powers granted to it

by law with respect to disciplinary action to which Respondent, C. Thomas Howard, D.D.S., may be subject.

WHEREFORE, based upon the foregoing, the parties mutually request the Missouri Dental Board to issue an order based upon the consent of all parties finding that the allegations in the Statement of Charges heretofore filed in the above styled cause by Petitioner are true and that as a result thereof, Petitioner has the right to subject the license of Respondent to discipline pursuant to the provisions of Section 332.321.3 and 621.110 RSMo as set forth herein.

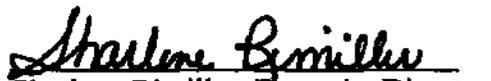
  
C. Thomas Howard, D.D.S., Respondent

05-03-04  
Date

HUSCH & EPPENBEGER, LLC

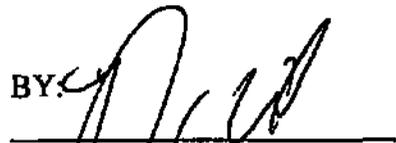
  
Harvey M. Fettlebaum #20005  
235 East High Street, Suite 200  
P.O. Box 1251  
Jefferson City, MO 65102  
Telephone: (573) 635-9118  
Facsimile: (573) 634-7854  
Attorneys for Licensee

5-4-04  
Date

  
Sharlene Rimiller, Executive Director  
Missouri Dental Board

5-17-04  
Date

NANCI R. WISDOM  
ATTORNEY AT LAW  
P.O. BOX 983  
107 WEST FOURTH ST.  
SALEM, MISSOURI 65560  
(573) 729-8630 PHONE  
(573) 729-8640 FAX

BY:   
Nancy R. Wisdom #39359  
Attorney for Petitioner

05-10-04  
Date

**BEFORE THE MISSOURI DENTAL BOARD  
STATE OF MISSOURI**

**MISSOURI DENTAL BOARD,** )  
P.O. Box 1367 )  
3605 Missouri Blvd. )  
Jefferson City, Missouri 65102 )  
**Petitioner,** )

v. )

CAUSE NO.: DB-04-6

**C. THOMAS HOWARD, D.D.S.** )  
1015 E. Washington Square )  
Washington, MO 63090 )  
**Respondent.** )

**AMENDED STATEMENT OF CHARGES**

COMES NOW Nanci R. Wisdom and states to the Missouri Dental Board as follows:

1. That she is a private attorney for the Missouri Dental Board.
2. That on or about July 2, 2003, the Missouri Dental Board and C. Thomas Howard, D.D.S., in conjunction with Petitioner's counsel, Nanci R. Wisdom, entered into an Informal Consent Agreement entitled Settlement Agreement Between the Missouri Dental Board and C. Thomas Howard, D.D.S.
3. By terms of that agreement and Order, the license and certificate of registration of Respondent, C. Thomas Howard, D.D.S., was suspended for a period of thirty (30) days to be followed by a period of probation for five (5) years immediately following the period of suspension, and subject to certain conditions of probation among which was as follows:

11. Within thirty (30) days of the effective date of this Settlement Agreement, 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 Settlement Agreement to the treating professional.

12. Licensee shall not practice dentistry until the evaluation for chemical dependency referenced in paragraph 11 herein is successfully completed and the treating professional recommends Licensee practice dentistry. Licensee shall only practice dentistry in accordance with the recommendations of the treating professional referenced in paragraph 11.

13. 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 Settlement Agreement 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.

14. 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 Settlement Agreement.

- (a) 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.
- (b) 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.

16. 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 Settlement Agreement. 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.

4. Respondent, C. Thomas Howard, D.D.S., did not successfully complete the in-patient treatment program as recommended by the Well-Being Committee, in that on October 28, 2003, Respondent was discharged from the MARR treatment program. Respondent's discharge was classified as Treatment Resistant. See Exhibit 1 attached.

5. At the time of Respondent's discharge, it was the recommendation of MARR that Respondent, C. Thomas Howard, D.D.S., not return to the practice of dentistry prior to successfully completing treatment at a facility approved by the Well-Being Committee.

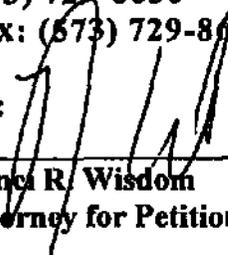
6. At this time, Respondent, C. Thomas Howard, D.D.S., has failed to successfully complete a treatment program and remains impaired pursuant to Section 332.321.2 (20) RSMo.

7. The Missouri Dental Board has not received quarterly reports on Respondent.

8. That by his actions as outlined herein, Respondent, C. Thomas Howard, D.D.S. violated the terms of his probation under the Order of this Board.

WHEREFORE, it is prayed that this Board ~~hold a hearing~~ for the purpose of determining whether sufficient cause exists ~~for the taking of~~ further disciplinary action against Respondent, C. Thomas Howard, D.D.S., based upon the charges made hearing and that, in the event cause be found, that the Missouri Dental Board take such further disciplinary action as in its discretion it deems just and appropriate.

**NANCI R. WISDOM, L.C.  
ATTORNEY AT LAW  
POST OFFICE BOX 983  
107 WEST FOURTH STREET  
SALEM, MISSOURI 65560  
(573) 729-8630  
FAX: (573) 729-8640**

BY: 

Nanci R. Wisdom  
Attorney for Petitioner

#39359

RECEIVED

MAY 13 2004

MISSOURI DENTAL BOARD

BEFORE THE MISSOURI DENTAL BOARD

STATE OF MISSOURI

MISSOURI DENTAL BOARD, )  
P.O. Box 1367 )  
3605 Missouri Blvd. )  
Jefferson City, Missouri 65102 )  
**Petitioner,** )  
v. )  
**C. THOMAS HOWARD, D.D.S.,** )  
1015 East Washington Square )  
Washington, MO 63090 )  
**Respondent.** )

CAUSE NO.: DB-04-6

**CONSENT ORDER**

Nanci R. Wisdom, attorney for the Missouri Dental Board, filed a Statement of Charges pursuant to 4 CSR 110-2.161. The Missouri Dental Board has jurisdiction in this matter pursuant to 4 CSR 110-2.161 and Section 621.153 RSMo (1998).

On May 13, 2004, the parties filed a "Waiver of Hearing, Joint Stipulation and Request for Consent Order." Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. We conclude that the licensee has violated paragraphs 6(a)(6) of his joint disciplinary order and that pursuant to 4 CSR 110-2.161 and 332.321.3 RSMo the Board may impose discipline against his dental license. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order. Contained in the "Waiver of Hearing, Joint Stipulation and Request for Consent Order" and Order the following discipline by consent:

(A). The license to practice dentistry and certificate of registration of Respondent, C. Thomas Howard, D.D.S., shall be suspended for a period of Three Hundred Sixty Five days (365) days beginning May 1, 2004.

(B). Following the period of suspension as stated in sub-paragraph (A) above, the license and certificate of registration of Respondent, C. Thomas Howard, D.D.S., to practice dentistry in Missouri shall be conditionally restored and placed upon probation

for a period of five (5) years from and after the termination of the suspension set forth in the preceding sub-paragraph (A).

(C). Respondent's, C. Thomas Howard, D.D.S., probation shall be conditioned upon the following grounds:

- (1) 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.
- (2) Licensee shall submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, MO 65102, stating truthfully whether he has complied with all the terms and conditions of this Joint Stipulation by no later than January 1, April 1, July 1 and October 1 during each year of the disciplinary period.
- (3) Licensee shall keep the Board apprised of his current home and work addresses and telephone numbers. Licensee shall inform the Board within 10 days of any change of home or work address and home or work telephone number.
- (4) 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.
- (5) 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.
- (6) 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 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 section 332.321.6 RSMo.

- (7) 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 Stipulation.
- (8) If Licensee fails to comply with the terms of this agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate, including Revocation.
- (9) This Joint Stipulation 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.
- (10) Licensee shall remain enrolled as a member of the Missouri Dental Well Being Committee (hereinafter "Well Being Committee") during his disciplinary period. Licensee shall follow all recommendations made by the Well Being Committee.
- (11) Licensee shall continue treatment for chemical dependency by a licensed or certified chemical dependency professional. Licensee shall show this Joint Stipulation to the treating professional. The treating professional shall submit to the Board evidence that he or she is licensed or certified in treatment of chemical dependency. Licensee shall show this Joint Stipulation to the treating professional.
- (12) Licensee shall execute a medical release or other appropriate release that shall remain in effect for the entire period covered by this Joint Stipulation 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.
- (13) 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 Stipulation.
  - (a) The letter shall include an evaluation of Licensee's current progress and status related to the treatment

recommendations and Licensee's current prognosis and treatment recommendations.

- (b) The letter shall be sent by the treating professional and/or the Well-Being Committee addressed to: Missouri Dental Board, P.O. Box 1367, Jefferson City, MO 65102.
  
- (14) If the treatment of Licensee is successfully completed at any time during the period covered by this Joint Stipulation, Licensee shall cause the treating professional and/or the Well-Being 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 in a 12-step program. If continuance in a 12-step program is recommended, Licensee shall comply with terms of documentation as outlined in Paragraph 14.
  
- (15) If attendance is recommended, Licensee shall submit evidence of weekly (or as recommended) attendance at Alcoholics Anonymous, Narcotics Anonymous, or other support group meetings to the Board by January 1, April 1, July 1 and October 1 during each year of disciplinary period beginning the effective date of this Joint Stipulation. 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.
  
- (16) 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.
  
- (17) 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 the 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.

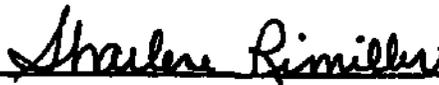
- (18) Licensee shall inform any professional preparing a prescription for Licensee that Licensee is chemically dependent.
- (19) During the disciplinary period, Licensee shall, at Licensee's cost, submit to biological fluid testing as required by the Board. Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid 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 fluid sample for which Licensee does not hold a valid prescription shall constitute a violation of Licensee's discipline.
- (20) Licensee shall take the continuing education course in ethics sponsored by the University of Missouri-Kansas City. This continuing education shall be in addition to the continuing education required by law for licensure renewal by the Board and in addition to any additional continuing education required in paragraph twenty (20) herein. This course must be taken within the first six (6) months returning to the practice of dentistry or within the first two years of the effective date of this Joint Stipulation, whichever is sooner. Licensee shall provide the Board with proof of attendance from the sponsor of the program no later than thirty (30) days after attending the course. Failure to obtain the required additional continuing education hours and/or submit the required documentation to the Board will result in a violation of the terms of discipline.
- (21) During the disciplinary period, Licensee shall not practice dentistry unless released to do so by the evaluators at the Metro Atlanta Recovery Residences or such other evaluator approved by the Board. Then Licensee must comply with all practice restrictions set forth by the evaluator.
- (22) Licensee shall keep the Board apprised in writing of the names, addresses and phone numbers of all of his health care providers during the disciplinary period and shall provide written releases to

the provider(s) authorizing the Board to obtain Licensee's treatment records and reports from the provider(s).

- (23) Upon request, Licensee shall sign a written release authorizing his health care providers to disclose Licensee's treatment records and reports to the Board.
- (24) Prior to returning to practice, Licensee shall provide the Board with written notification of his intention to return to practice and undergo a new evaluation by Metro Atlanta Recovery Residences or by such other evaluator approved by the Board at Licensee's expense and follow all recommendations of the same. Licensee shall cause a report to be sent to the Board of this evaluation within thirty (30) days of the performance of the evaluation. Said evaluation shall outline what limitations or restrictions, if any, the evaluator places upon Licensee's practice.
- (25) Within the first sixty (60) days of the disciplinary period, Licensee shall undergo a neuropsychological evaluation by an evaluator approved by the Board at Licensee's expense and follow all recommendations of the same. Licensee shall cause a report to be sent to the Board of this evaluation within thirty (30) days of the performance of the evaluation. If Licensee has participated in a neuropsychological evaluation within one hundred eighty (180) days prior to the effective date of this document, Licensee shall provide the Board with a copy of the written report of the evaluation within thirty (30) days of the effective date of this document and shall follow all recommendations of the same. Licensee shall provide the Board with the name, address and phone number of the evaluator within ten (10) days of the effective date of this document. A neuropsychological evaluation performed within one hundred eighty (180) days prior to the effective date of this document shall satisfy the requirements of this section so long as a copy of the report is timely received by the Board and Licensee follows the requirements of the evaluation.
- (26) Licensee shall complete the treatment program in which he is currently enrolled prior to returning to the practice of dentistry.
- (27) Licensee shall appear before the Board at the meeting currently scheduled for August 6 and 7, 2004, in St. Louis, MO. The Board shall notify Licensee of the exact date, place and time of the appearance at least twenty (20) days prior to the meeting. During the disciplinary period, Licensee shall appear before the Board at other times as requested by the Board.

If the Missouri Dental Board, in its sole discretion, determines upon a proper showing, that Respondent has violated a term or condition of the suspension of his license, the terms of his probation as set forth herein, or has otherwise failed to comply with the provisions of Chapter 332 RSMo 1994, which violation would be actionable in a proceeding before the Administrative Hearing Commission, or in a Circuit Court, the Missouri Dental Board may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this document, in its selection of remedies concerning such violation.

IT IS SO ORDERED THIS 17<sup>th</sup> DAY OF May, 2004.

  
\_\_\_\_\_  
**Sharlene Rimiller, Executive Director**  
**MISSOURI DENTAL BOARD**