

**BEFORE THE
MISSOURI DENTAL BOARD**

MISSOURI DENTAL BOARD)	
)	
Petitioner,)	
)	Case No. DB-07-27
v.)	
)	
HELEN S. JACOBS, D.M.D.)	
)	
Respondent.)	

**JOINT STIPULATION OF FACTS, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

Pursuant to § 536.060, RSMo 2000, the parties jointly stipulate to the facts, proposed conclusions of law, and consent to the imposition of additional discipline against the dental license of Helen S. Jacobs, D.M.D. for violations of Chapter 332, RSMo.

Respondent acknowledges that she has received a copy of the “Notice of Probation Violation Hearing” issued on June 14, 2007, and consents to the jurisdiction of the Board.

Respondent acknowledges that she is aware of the various rights and privileges afforded her by law, including the right to appear and be represented by counsel; the right to have all charges proven against her by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against her; the right to present evidence on Respondent’s own behalf at the hearing; the right to a decision upon the record of the hearing by the Missouri Dental Board; the right to a ruling on questions of law by a hearing officer advised by legal counsel; and the right to a claim for attorneys fees and expenses. Being aware of these rights provided the Respondent by operation of law, Respondent, Helen S. Jacobs, D.M.D., knowingly and voluntarily waives each and every one

of these rights and freely enters into this Joint Stipulation of Facts and Proposed Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

Based upon the foregoing, the Petitioner and Respondent jointly stipulate to the following Findings of Fact and Conclusions of Law:

Joint Stipulation of Facts and Conclusions of Law

1. The Missouri Dental Board ("Board") is an agency of the state of Missouri created and established pursuant to § 332.031, RSMo 2000, for the purpose of executing and enforcing the provisions of Chapter 332, RSMo.

2. Respondent Helen S. Jacobs, D.M.D. ("Licensee") is licensed by the Board as a dentist, License No. 013711. Licensee's Missouri license was current and active at all times relevant herein.

3. On or about December 15, 2006, Licensee signed and thereby agreed to enter into a Settlement Agreement placing Licensee's license on probation for a period of five years. The Settlement Agreement became effective on January 12, 2007.

4. Licensee's conduct is such that she has violated the terms and conditions of the January 12, 2007, Settlement Agreement.

5. Page 7, Paragraph D of the Settlement Agreement requires Licensee comply with all provisions of the Dental Practice Act, it states in pertinent part:

D. Licensee shall comply with all provisions of the
Dental Practice Act, Chapter 332, RSMo

6. To renew a dental license, Licensee is required to submit satisfactory evidence of completion of fifty hours of continuing education during the two-year period immediately proceeding

the renewal period.¹

7. Of the fifty (50) hours required, not less than forty (40) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health and safety of the individual dental patient.²

8. Licensee is required to maintain documentation of completion of the required continuing education hours. Failure to obtain the required continuing education hours, submit satisfactory evidence, or maintain documentation constitutes a violation of section 332.321.³

9. Regulation 20 CSR 2110-2.240 details the Board's minimum requirements for continuing dental education for dentists. It states in pertinent part:

Continuing Dental Education

* * * *

(2) In order to renew a license, each dentist shall submit satisfactory evidence of completion of fifty (50) hours of continuing education during the two (2)-year period immediately preceding the renewal period and each dental hygienist shall submit satisfactory evidence of completion of thirty (30) hours of continuing education during the two (2)-year period immediately preceding the renewal period. Any hours acquired beyond the required number may be carried forward into the next time block not to exceed twenty-five (25) hours for dentists and fifteen (15) hours for dental hygienists. Of the fifty (50) hours required for dentists, not less than forty (40) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health and safety of the individual dental patient. Of the thirty (30) hours required for dental hygienists, not less than twenty-five (25) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health and safety of the individual dental patient.

1 Section 332.181.1.4 RSMo, and regulation 20 CSR 2110-2.40(2).

2 Regulation 20 CSR 2110.2.240(2).

3 Section 332.181.1.4.

One (1) hour of continuing education shall be granted for every fifty to sixty (50–60) minutes of contact (either academic or clinical) instruction.

* * * *

10. On Licensee's 2004-2006 renewal application Licensee swore and affirmed under penalty of law that she obtained fifty (50) hours of Board-approved continuing education during the period of December 1, 2004, through November 30, 2006.

11. The Board renewed Licensee's license.

12. The board conducted an audit of Licensee to verify compliance with the continuing education requirement.⁴

13. Licensee failed to submit adequate documentation for fifty (50) hours of continuing education for the December 1, 2004 through November 30, 2006 period.

14. Licensee has a duty to maintain full and complete records of all approved continuing education credits earned pursuant to 20 CSR 2110-2.240(2)(A).

15. Licensee's failure to obtain the required fifty (50) continuing education credits constitutes a violation of section 332.261.2(5) and (6) and regulation 20 CSR 2110-2.240(2).

16. Pursuant to regulation 20 CSR 2110-2.240(5), "a violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional, or any combination of these, in the performance of the functions, duties, or both, of a dentist or a dental hygienist, depending on the licensee's conduct."

17. Licensee's conduct as alleged herein constitutes the use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license

issued pursuant to this chapter in violation of section 332.321.2(3), RSMo.

18. Cause exists for the Board to take additional disciplinary action against Licensee's license under § 332.321.2(3), (5), and (6), 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:

....

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

....

(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;

(6) Violation of, assisting, or enabling any person to violate, any provision of this chapter, or any lawful rule or regulation adopted pursuant to this chapter;

19. Licensee's conduct is in violation of the terms and conditions of the Order, thus entitling Petitioner to impose additional discipline pursuant to 620.153, RSMo and page 8, paragraphs H and I of the Settlement Agreement.

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 Board in this matter under the authority of Chapter 332 and 620.153, RSMo:

1. The dental license of Helen Jacobs, D.M.D. is hereby placed on **PROBATION** for a period of **five (5) years** ("disciplinary period"). During Licensee's probation, Licensee shall be entitled to engage in the practice of dentistry under Chapter 332, RSMo, provided she adheres to all of the terms of this Settlement Agreement.

I. Educational Requirements

- A. License shall, within one year of the effective date of this Agreement, attend the University of Missouri - Kansas City Dental Ethics course. Licensee shall provide the Board with proof of attendance from the ethics program no later than thirty (30) days after attending the course. Failure to attend the required ethics course and/or submit the required documentation to the Board will result in a violation of the terms of discipline.
- B. Licensee shall earn an additional eight (8) hours of approved continuing education within the first nine (9) months of the effective date of this Agreement. These additional hours shall be in addition to those hours required by law for renewal and must be classroom/out of office hours (NO CORRESPONDENCE OR INTERNET COURSES). These additional continuing education hours cannot carry over into the next reporting period. Licensee shall provide the Board proof of attendance no later than thirty (30) days after each continuing education course is completed.
- C. During the disciplinary period, Licensee shall submit copies of all approved continuing education courses required by law for each renewal period to the Board no later than 30 days prior to the end of the reporting period.

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 submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65 102, stating truthfully whether she 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.

- C. Licensee shall keep the Board apprised of her 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 her 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 herself 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 her 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 her compliance with the terms and conditions of this Settlement Agreement.
- H. If Licensee fails to comply with the terms of this Settlement Agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate, (including imposition of revocation).

III. Additional Requirements

- A. Licensee shall not allow her license to lapse.
- B. The terms of discipline apply even if Licensee places her license on inactive status.
- C. Licensee shall notify, within 15 days of the effective date of this Settlement Agreement, 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. Notifications 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.

2. The parties to this Agreement understand that the Missouri Dental Board will maintain this Agreement as an open record of the Board as provided in Chapters 332,610,620, RSMo.

3. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

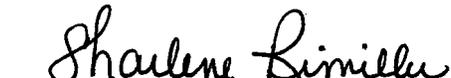
4. Licensee, together with her heirs and assigns, and her attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 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 this settlement agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

5. This settlement agreement goes in to effect 15 days after the document is signed by the Executive Director of the Board.

RESPONDENT


HELEN S. JACOBS, D.M.D.

PETITIONER


SHARLENE RIMILLER
Executive Director
Missouri Dental Board


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