

aware of these rights, Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Waiver of Hearing Before the Missouri Dental Board and Disciplinary Order and agrees to abide by the terms of this document as they pertain to him.

Based upon the foregoing, the Board and Respondent jointly stipulate to the following:

1. The Board is an agency of the state of Missouri created and established pursuant to § 332.021, RSMo 2000, for the purpose of executing and enforcing provisions of Chapter 332, RSMo, the Dental Practices Act.

2. The Missouri Administrative Hearing Commission issued its Decision on April 21, 2006, finding cause to discipline Respondent's license to practice dentistry based on a violation of § 332.321.2 (15), RSMo 2001.

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, which shall become effective fifteen days after the date this agreement is signed by the Executive Director for the Board, under the authority of § 332.321.3, RSMo 2000:

1. Respondent's license to practice dentistry shall be placed on probation for a period of two (2) years ("disciplinary period"). During Respondent's probation, Respondent shall be allowed to practice dentistry under Chapter 332, RSMo, provided he adheres to all of the term of this Settlement Agreement.

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

3. Respondent 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.

4. Respondent 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. This course must be taken within the first twelve (12) months of Respondent's disciplinary period. Respondent 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.

5. During the disciplinary period, Respondent shall take and successfully complete the jurisprudence exam for ~~dental hygienists~~ dentists WTK (12/22/06) in the state of Missouri within one hundred eighty (180) days of the date of this Settlement Agreement.

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

7. If at any time during the disciplinary period Respondent removes himself from the state of Missouri, ceases to be currently licensed under the provisions of Chapter 332, or fails to 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, Respondent 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 Respondent 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 Respondent not specifically mentioned in this document.

11. The parties to this agreement understand that the Board will maintain this *Disciplinary Order as an open and public record of the Board as provided in Chapters 335, 610, and 620, RSMo.*

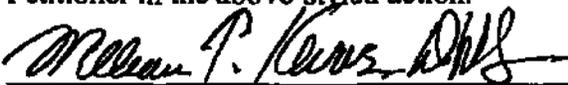
12. Upon the determination of the Board that Respondent has failed to comply with the terms of this Disciplinary Order, the Board may revoke Respondent's license or may take such other or additional disciplinary action against Respondent or Respondent's license as the Board deems appropriate. No order shall be entered by the Board pursuant to this paragraph of this Disciplinary Order without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo.

13. Upon the expiration and successful completion of the period of probation, Respondent's license to practice dentistry in Missouri shall be fully restored if all other requirements of law have been satisfied.

14. If the Board determines that Respondent has violated a term or condition of this Disciplinary Order, which violation would also be actionable in a proceeding before the

Administrative Hearing Commission 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 that violation. Furthermore, Respondent agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this agreement has occurred.

15. In consideration of the foregoing, the parties consent to the entry of record and approval of this Waiver of Hearing Before the Missouri Dental Board and Disciplinary Order and to the termination of any further proceedings before the Board based upon the Complaint filed by the Petitioner in the above-styled action.


WILLIAM T. KANE, D.D.S.

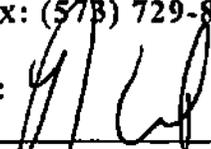
12/22/06
Date

ARMSTRONG TEASDALE LLP

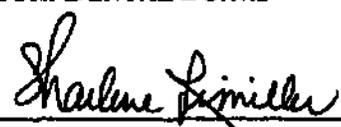
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MISSOURI DENTAL BOARD

BY: 
SHARLENE RIMILLER,
EXECUTIVE DIRECTOR

1-16-07
Date

Before the
Administrative Hearing Commission
State of Missouri



| | | |
|------------------------|---|----------------|
| MISSOURI DENTAL BOARD, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | No. 05-0304 DB |
| |) | |
| WILLIAM T. KANE, DDS, |) | |
| |) | |
| Respondent. |) | |

DECISION

We grant the Missouri Dental Board's ("the Board") motion for leave to file a second amended complaint and conclude that the Missouri Dental Board may discipline William T. Kane, DDS, for improper prescription practices.

Procedure

The Board filed its original complaint on March 3, 2005. On January 19, 2006, the Board filed a motion to set the case for hearing because settlement negotiations were unsuccessful. On March 20, 2006, the Board filed a motion for leave to file second amended complaint. Also on that date, the parties filed a waiver of hearing, joint stipulation, and request for consent order ("the motion"). In the motion, the parties stipulate to the facts alleged in the second amended complaint. We convened a conference with the parties on March 30, 2006. The Board withdrew

its motion for hearing, and the parties asked to decide the case on their stipulated facts. We grant the motion to file the second amended complaint and find facts based on the parties' stipulation.¹

Findings of Fact

1. Kane holds a dentist license that is, and was at all relevant times, active.
2. Kane prescribed tablets of hydrocodone with APAP as follows:

| <u>Date</u> | <u>Patient</u> | <u>Quantity</u> | <u>Strength</u> |
|-------------|----------------|-----------------|-----------------|
| 11-14-01 | B.R. | 25 | 7.5/750 mg |
| 02-19-02 | CHP, Jr. | 20 | 10/650 mg |
| 02-26-02 | CHP, Jr. | 30 | 10/650 mg |
| 04-07-02 | B.R. | 25 | 5/500 mg |

Kane also prescribed 12 50 mg. tablets of pentazocine (also called Talwin) for patient SL on January 28, 2002. For each of those prescriptions, Kane failed to record the date, patient's full name and address, drug name, strength, dosage, form, and quantity.

3. On August 19, 2003, Kane kept the prescription pads in an unlocked cabinet in his examination room.

4. Also on August 19, 2003, Kane kept an emergency kit in an unlocked cabinet for over a year. The emergency kit contained vials of the following substances:

| <u>Quantity</u> | <u>Size</u> | <u>Substance</u> | <u>Strength</u> |
|-----------------|-------------|-------------------|-----------------|
| 1 | 1-ml | Talwin | 30 mg |
| 2 | 1-ml | Midazolam | 5 mg/ml |
| 3 | 1-ml | ephedrine sulfate | 50 mg/ml |
| 2 | 2-ml | diazepam | 10 mg |

Kane did not take an annual inventory of the emergency kit.

5. Kane received 1-ml carpjects of the following substances in 50 mg/ml doses from Health First Corporation:

¹Sections 536.060 and 536.073.3; our Regulation 1 CSR 15-3.440(3)(B)1. Statutory references are to the 2000 Revised Statutes of Missouri unless otherwise noted. Regulations are standards of the Bureau of Narcotics and Dangerous Drugs except as otherwise noted.

| <u>Quantity</u> | <u>Substance</u> |
|-----------------|-------------------|
| 1 | Midazolam |
| 2 | ephedrine sulfate |

Kane did not maintain any records showing the date he received those substances.

Conclusions of Law

We have jurisdiction to hear the Board's complaint.² When we decide such a complaint, we must:

make an independent assessment of the facts to determine whether cause for disciplining a licensee exists. . . . But this impartiality would be compromised if the determination of cause was not a separately and independently arrived at determination by the Hearing Commission.[³]

The Board has the burden of proof.⁴

The Board argues that Kane is subject to discipline for:

Violation of the drug laws or rules and regulations of this state[.⁵]

The substances at issue are controlled as follows:

6. The controlled substances listed in this schedule are included in Schedule III:

* * *

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

* * *

(d) Not more than three milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

²Section 621.045.1.

³*Kennedy v. Missouri Real Estate Comm'n*, 762 S.W.2d 454, 456-57 (Mo. App., E.D. 1988).

⁴*Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

⁵Section 332.321.2(15), RSMo Supp. 2001.

* * *

8. The controlled substances listed in this schedule are included in Schedule IV:

* * *

(2) Any material, compound, mixture, or preparation containing any quantity of any of the following substances, including their salts, isomers, and salts of isomers, whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

* * *

(n) Diazepam

* * *

(gg) Midazolam

* * *

(5) Any material, compound, mixture, or preparation containing any quantity of any of the following substances, including its salts: pentazocine;

(6) Any material, compound, mixture, or preparation containing any quantity of any of the following substances having a stimulant effect on the central nervous system including their salts, isomers and salts of isomers: ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medical ingredient[.6]

The Board argues that Kane violated regulations of this state that set standards for controlled substances.

The Board argues that failing to maintain a record of the date, patient's full name and address, drug name, strength, dosage, form, and quantity for the prescriptions is cause for discipline.

⁶Section 195.017, RSMo Supp. 2001.

(2) Each individual practitioner shall maintain a record of the date, full name and address of the patient, the drug name, strength, dosage form and quantity for all controlled substances prescribed or administered. This record may be maintained in the patient's medical record. When the controlled substance record is maintained in the patient's medical record and the practitioner is not the custodian of the medical record, the practitioner shall make the controlled substance record available as required in 19 CSR 30-1.041 and 19 CSR 30-1.044.

(3) Individual practitioners shall maintain the records listed in subsections (1)(A)-(E) of this rule separately from patient medical records.^[7]

Kane's failure to maintain a record of the date, patient's full name and address, drug name, strength, dosage, form, and quantity for the prescriptions violated that provision. Therefore, he is subject to discipline.

The Board argues that Kane's storage of prescription pads in unlocked cabinets violated the following provision:

(1) All applicants and registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances[.]

(2) Physical security controls shall be commensurate with the schedules and quantity of controlled substances in the possession of the registrant in normal business operations.^[8]

Kane's storage of prescription pads in unlocked cabinets is not an effective control against the diversion of controlled substances. Therefore, he is subject to discipline.

The Board argues that storing the controlled substances in the unlocked cabinet violated the following provision:

(1) Physical Security.

* * *

⁷Regulation 19 CSR 30-1.048 (eff. Nov. 30, 2000).

⁸Regulation 19 CSR 30-1.031 (eff. Nov. 30, 2000).

(B) Controlled substances listed in Schedules III, IV and V shall be stored in a securely locked, substantially constructed cabinet. However, pharmacies may disperse these substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances.^{9]}

Storing controlled substances in an unlocked cabinet violates that provision. Therefore, Kane is subject to discipline.

The Board argues that failing to take an annual inventory of the controlled substances in the emergency kit violated the following provision:

(1) General Requirements.

(A) Each inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory was taken. Controlled substances shall be deemed to be on hand if they are in the possession of or under the control of the registrant, including substances returned by a customer, substances ordered by a customer but not yet invoiced, substances stored in a warehouse on behalf of the registrant and substances in the possession of employees of the registrant and intended for distribution as complimentary samples.

(B) A separate inventory shall be made by a registrant for each registered location. In the event controlled substances are in the possession or under the control of the registrant at a location for which s/he is not registered, the substances shall be included in the inventory of the registered location to which they are subject to control or to which the person possessing the substance is responsible. Each inventory for a registered location shall be kept at the registered location.

(C) A separate inventory shall be made by a registrant for each independent activity for which s/he is registered.

(D) A registrant may take an inventory either as of the opening of business or as of the close of business on the inventory date. The registrant shall indicate on the inventory records whether the inventory is taken as of the opening or as of the close of business and the date the inventory is taken.

⁹Regulation 19 CSR 30-1.034 (eff. Nov. 30, 2000).

(E) An inventory must be maintained in a permanent written, typewritten or printed form. An inventory taken by use of an oral recording device must be transcribed promptly.

(2) Initial Inventory Date.

(A) Every person required to keep records who is registered with the Department of Health after May 1, 1971 and who was not registered previously shall take an inventory of all stocks of controlled substances on hand on the date s/he first engages in the manufacture, distribution or dispensing of controlled substances.

(B) Compliance with federal initial inventory date requirements is deemed satisfactory. Duplicate inventories are not required.

(3) Annual Inventory Date. After the initial inventory is taken, the registrant shall take a new inventory of all stocks of controlled substances on hand at least once a year. The annual inventory may be taken on any date that is within one year of the previous annual inventory date.

(4) Inventory Date for Newly Controlled Substances. On the effective date of a rule by the Department of Health adding a substance to any schedule of controlled substances, which substance was not listed immediately prior to that date in any such schedule, every registrant required to keep records who is manufacturing, distributing or dispensing that substance shall take inventory of all stocks of the substance on hand. After that, this substance shall be included in each inventory made by the registrant.

* * *

(7) Inventories of Dispensers and Researchers. Each person registered to dispense or conduct research with controlled substances and required to keep records shall include in his/her inventory the same information required of manufacturers in subsections (5)(C) and (D) of this rule. In determining the number of units of each finished form of a controlled substance in a commercial container which has been opened, the dispenser shall do as follows:

(A) If the substance is listed in Schedule I or II, s/he shall make an exact count or measure of the contents;

(B) If the substance is listed in Schedule III, IV or V, s/he shall make an estimated count or measure of the contents, unless the container holds more than 1,000 tablets or capsules in which case s/he must make an exact count of the contents¹⁰]

Kane's failure to inventory controlled substances stored for over one year violated that provision.

Therefore, he is subject to discipline.

The Board argues that Kane's failure to produce records showing the date of receipt for controlled substances violated the following provision:

(1) Each individual practitioner, institutional practitioner and pharmacy shall maintain records with the following information for each controlled substance received, maintained, dispensed or disposed:

* * *

(C) The number of commercial containers of each finished form received from other persons, including the date of and number of containers in each receipt and the name, address and registration number of the person from whom the containers were received;

(D) The number of units or volume of the finished form dispensed including the name and address of the person to whom it was dispensed, the date of dispensing, the number of units or volume dispensed and the written or typewritten name or initials of the individual who dispensed or administered the substance;

(E) The number of units or volume of the finished forms, commercial containers, or both, disposed of in any other manner by the registrant, including the date and manner of disposal and the quantity of the substance in finished form disposed.

* * *

(3) Individual practitioners shall maintain the records listed in subsections (1)(A)-(E) of this rule separately from patient medical records.

(4) A registrant who transfers a controlled substance to or receives a controlled substance from another registrant shall maintain a

¹⁰Regulation 19 CSR 30-1.042.

written record of the transfer which contains the following information: the date of transfer, drug name, strength, dosage form, quantity, name, address and registration number of the transferring registrant and the name, address and registration number of the receiving registrant¹¹]

Failing to maintain a record for the date that Kane received a controlled substance violated that provision. Therefore, he is subject to discipline.

Summary

Kane is subject to discipline under § 332.321.2(15), RSMo Supp. 2001.

SO ORDERED on April 21, 2006.



JUNE STRIEGEL DOUGHTY
Commissioner

¹¹Regulation 19 CSR 30-1.048.

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

MISSOURI DENTAL BOARD,)
)
 Petitioner,)
)
v.)
)
WILLIAM T. KANE, D.D.S.)
)
 Respondent.)

CAUSE No.: 05-0304 DB

FILED
MAR 20 2006
ADMINISTRATIVE HEARING
COMMISSION

**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, William T. Kane, D.D.S., by and through his attorney, Sherry Doctorian, and pursuant to the provisions of 4 C.S.R. 20-2.130 and Missouri Revised Statutes Section 536.060 as applicable to this Commission by the provisions of Section 621.135 RSMo, and jointly state that the parties waive their right to a hearing before the Administrative Hearing Commission in the above-referenced cause, enter this Joint Stipulation consistent with the content of this document. In support of their motion, Petitioner, Missouri Dental Board, and Respondent, William T. Kane, D.D.S., hereby stipulate and agree to the following:

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

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

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

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

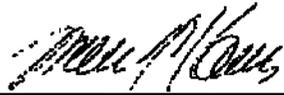
4. That the Second Amended Complaint of Petitioner in cause number 05-0304 DB in the above-styled cause is attached hereto as Exhibit A and made a part hereof by reference.

5. Respondent, William T. Kane, D.D.S., admits the allegations contained in the Second Amended Complaint of Petitioner in cause number 05-0304 DB and further admits that said conduct falls within the intendment of Section 332.321 RSMo as applicable to each allegation contained in the Second Amended Complaint and further admits that said conduct subjects his license to discipline under the provisions of Section 332.321 RSMo as applicable to the allegations contained in the Second Amended Complaint.

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

7. The parties further agree that following the entry of the order of the Administrative Hearing Commission, the Missouri Dental Board will hold a hearing regarding discipline at which time William T. Kane, D.D.S. shall have the opportunity to offer evidence in mitigation. Respondent, William T. Kane, D.D.S., further agrees and stipulates that no promises have been made to him regarding the nature or quantum of discipline which shall be imposed by the Missouri Dental Board following the disciplinary hearing and further agrees and stipulates that the Missouri Dental Board will have the entire range of discipline open to it as provided in Section 332.321 RSMo.

WHEREFORE, based upon the foregoing, the parties mutually request that the Administrative Hearing Commission issue a Consent Order embodying the terms and conditions of this "Waiver of Hearing, Joint Stipulation, and Request for Consent Order" in the above-styled cause, and that cause number 05-0304 DB be closed.

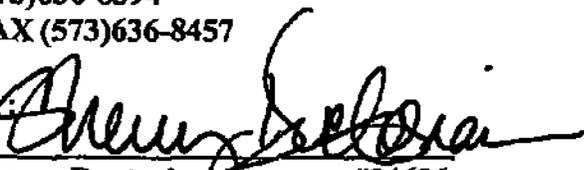


WILLIAM T. KANE

Feb. 14, 2006

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Nanci R. Wisdom #39359
Attorney for Petitioner

03-17-06

Date

MISSOURI DENTAL BOARD

BY: 

SHARLENE RIMILLER,
EXECUTIVE DIRECTOR

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

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

v.)

WILLIAM T. KANE, D.D.S.)
913 W. Business Hwy. 60)
Dexter, MO 63841)
Respondent.)

CAUSE NO.: 05-0304 DB

RECEIVED
MAR 20 2006
Administrative Hearing Commission

FILED
MAR 20 2006
ADMINISTRATIVE HEARING
COMMISSION

SECOND AMENDED COMPLAINT

ALLEGATIONS COMMON TO ALL COUNTS

COMES NOW Petitioner, Missouri Dental Board, by and through its attorney Nanci R. Wisdom and for its Allegations Common to All Counts in this Complaint in the above-referenced matter states and alleges as follows:

1. The Missouri Dental Board is an agency of the State of Missouri created and established pursuant to Missouri Revised Statute sections 332.021 to 332.061 for the purpose of executing and enforcing the provisions of Chapter 332 Dentistry.
2. Respondent is and at all times herein relevant, has been a licensed and certified dentist in the State of Missouri.
3. This Commission has jurisdiction to hear this Complaint pursuant to the provision in the Missouri Revised Statute section 621.045.

4. That at all times relevant herein, Respondent possessed a valid permit issued by the Drug Enforcement Agency and the Bureau of Narcotics and Dangerous Drugs.

COUNT I

COMES NOW Petitioner, Missouri Dental Board, by and through its attorney, Nanci R. Wisdom, and for its cause of action in Count I herein states and alleges as follows:

5. Petitioner incorporates by reference and realleges as though set forth fully herein the statements and allegations contained in Petitioner's Allegations Common to All Counts.

6. On or about August 19, 2003, Respondent stocked controlled substances in an emergency drug kit that included: 1 ml of 30 mg Talwin, 2 one ml vials of 5 mg/ml Midazolam, 3 one ml vials of 50 mg/ml ephedrine sulfate and 2 two ml vials of 10 mg diazepam.

7. The controlled substances contained in the emergency kit referenced in *paragraph 6* were stored in an unlocked cabinet and container in violation of 19 CSR 30-1-034. He had maintained said emergency drug kit in his office for more than one year.

8. Respondent failed to maintain an annual inventory of the controlled substances contained in the emergency drug kit as outlined in Exhibit 6 and attached hereto in violation of 19 CSR 30-1-042 which include 1 ml of 30 mg Talwin, 2 one ml

vials of 5 mg/ml midazolam, 3 one ml vials of 50 mg/ml ephedrine sulfate and 2 two ml vials of 10 mg diazepam.

9. Diazepam is a Schedule IV controlled substance pursuant to Section 195.017.8 (2) (n) RSMo.

10. Midazolam is a Schedule IV controlled substance pursuant to Section 195.017.8 (2)(gg) RSMo.

11. Talwin is the trade name of a controlled substance known as pentazocine which is Schedule IV controlled substance pursuant to Section 195.017.8 (5) RSMo.

12. Ephedrine is a Schedule IV controlled substance pursuant to Section 195.017.8 (6) RSMo.

13. No documents were produced by Respondent to show the date of receipt of two 1ml carpjects of midazolam 50mg/ml and two 1 ml carpjects of ephedrine sulfate 50mg/ml from Health First Corporation as required by 19 CSR 30-1-048 per Exhibit 1 attached.

14. Missouri Revised Statute section 332.321.2 provides that the Missouri Dental Board file a Complaint against a dentist licensed to practice in Missouri under the following circumstances:

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

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

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

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

COUNT II

COMES NOW Petitioner, Missouri Dental Board, by and through its attorney, Nanci R. Wisdom, and for its cause of action in Count II herein states and alleges as follows:

17. Petitioner incorporates by reference and realleges as though set forth fully herein the statements and allegations contained in Petitioner's Allegations Common to All Counts.

18. On or about the following date, Respondent prescribed the following to

a. 01-28-02 12 tabs Talwin NX 50mg

19. On or about the following dates, Respondent prescribed the following to

as follows:

a. 02-19-02 20 tabs hydrocodone with APAP 10/650mg

b. 02-26-02 30 tabs hydrocodone with APAP 10/650mg

20. On or about the following dates, Respondent prescribed the following to

:

a. 04-07-02 25 tabs hydrocodone with APAP 5/500mg

b. 11-14-01 25 tabs hydrocodone with APAP 7.5/750mg

21. Hydrocodone with APAP is a Schedule III controlled substance pursuant to Section 195.017.6(4)(d) RSMo.

22. Talwin is the trade name of a controlled substance known as pentazocine which is Schedule IV controlled substance pursuant to Section 195.017.8 (5) RSMo.

23. With regard to the prescriptions outlined in paragraphs 18, 19 and 20 of Count II of the Complaint herein, Respondent failed to maintain a record of the date, full name and address of the patient, and the drug name, strength, dosage form and quantity.

24. Missouri Revised Statute section 332.321.2 provides that the Missouri Dental Board file a Complaint against a dentist licensed to practice in Missouri under the following circumstances:

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

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

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

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

COUNT III

COMES NOW Petitioner, Missouri Dental Board, by and through its attorney, Nanci R. Wisdom, and for its cause of action in Count III herein states and alleges as follows:

27. Petitioner incorporates by reference and realleges as though set forth fully herein the statements and allegations contained in Petitioner's Allegations Common to All Counts.

28. On or about August 19, 2003, Respondent maintained prescription pads in unlocked cabinets in examination rooms in violation of 19 CSR 30-1.031.

29. Missouri Revised Statute section 332.321.2 provides that the Missouri Dental Board file a Complaint against a dentist licensed to practice in Missouri under the following circumstances:

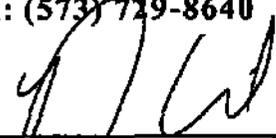
... (15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government

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

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

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

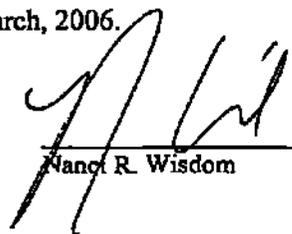
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BY: 

Nanci R. Wisdom #39359
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document was forwarded to Sherry Doctorian, Attorney for Respondent, 3405 West Truman Blvd., Suite 210, Jefferson City, MO 65109 by U.S. Mail on this 21st day of March, 2006.



Nanci R. Wisdom