

BEFORE THE MISSOURI DENTAL BOARD

MISSOURI DENTAL BOARD)	
)	
Petitioner,)	
)	
v.)	No. 11-0328 DB
)	
)	
JOHN C. KENNEDY, D.D.S.)	
)	
Respondent.)	

ORDER OF THE MISSOURI DENTAL BOARD
DISCIPLINING THE DENTAL LICENSE OF
JOHN C. KENNEDY, D.D.S.

On or about December 18, 2012, the Administrative Hearing Commission entered its Decision in the case of *Missouri Dental Board v. John C. Kennedy, D.D.S.*, Case No. 11-0328 DB. In that Decision, the Administrative Hearing Commission determined that Respondent John C. Kennedy's dental license (license # 015306) is subject to disciplinary action by the Board pursuant to § 332.321.2(1), (5), (13) and (15), RSMo.¹

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

Pursuant to notice and §§ 621.110 and 332.321.3, RSMo, the Board held a hearing on April 18, 2013, at approximately 8:44 a.m., at Associated Industries of Missouri, 3234 West Truman Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. The Board was represented by Legal Counsel Tina M. Crow Halcomb. Respondent did not appear in person or by counsel. After being

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

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

Based upon the foregoing the Board hereby states:

I.

FINDINGS OF FACT

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

2. The Board hereby adopts and incorporates by reference the findings of fact contained in the December 18, 2012 Decision of the Administrative Hearing Commission in *Missouri Dental Board v. John C. Kennedy, D.D.S.*, Case No. 11-0328 DB in their entirety.

3. In its December 18, 2012 Decision, the Administrative Hearing Commission found that the Board had cause to discipline Licensee's license pursuant to § 332.321.2(1), (5), (13) and (15), RSMo.

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

II.

CONCLUSIONS OF LAW

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

6. The Board expressly adopts and incorporates by reference the conclusions of law contained in the Decision issued by the Administrative Hearing Commission dated December 18,

2012, in *Missouri Dental Board v. John C. Kennedy, D.D.S.*, Case No. 11-0328 DB, finding cause to discipline Respondent's license pursuant to § 332.321.2(1), (5), (13) and (15), RSMo.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Decision dated December 18, 2012, Respondent's dental license is subject to disciplinary action by the Board pursuant to § 332.321.2(1), (5), (13) and (15), RSMo.

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

III.

ORDER

Having fully considered all the evidence before the Board, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the Board that the dental license of John C. Kennedy, D.D.S. (license no. 015306) is hereby **REVOKED**. Licensee shall return all indicia of licensure to the Board immediately upon receipt of this Order.

The Board will maintain this Order as an open, public record of the Board as provided in Chapters 332, 610, and 324, RSMo.

SO ORDERED, THIS 29th DAY OF APRIL, 2013.

MISSOURI DENTAL BOARD



Brian Barnett, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI DENTAL BOARD,)	
)	
Petitioner,)	
)	
vs.)	No. 11-0328 DB
)	
JOHN C. KENNEDY, D.D.S.,)	
)	
Respondent.)	

DECISION

John C. Kennedy, D.D.S., is subject to discipline because he violated state drug laws, practiced while under the influence of controlled substances, and refused to adhere to his controlled substance treatment plan.

Procedure

The Missouri Dental Board ("Board") filed a complaint on February 22, 2011, seeking this Commission's determination that cause exists to discipline Kennedy's license as a dentist. Kennedy was served with a notice of the complaint and hearing by publication in the News Tribune of Cole County, Missouri, on December 27, 2011 and January 3, 10, and 17, 2012. Kennedy did not file an answer and made no contact with this Commission. This Commission convened a hearing on the complaint on May 11, 2012. Tina M. Crow Halcomb represented the Board. Kennedy did not personally appear and was not represented by counsel.

The matter became ready for our decision on June 26, 2012, the last date for filing a written argument.

Findings of Fact

1. Kennedy was licensed by the Board as a dentist at all times relevant to these findings.

2. Kennedy's practice was located in Platte City, Missouri, at all times relevant to these findings.

3. On August 26, 2009, Kennedy was observed by officers of the Platte City Police Department to be treating patients while under the influence of methamphetamine.¹ Specifically, the officers, who were trained in drug recognition, observed Kennedy was unable to identify his employees and acted in a manner consistent with an individual under the influence of a central nervous system stimulant.

4. On August 27, 2009, while treating a patient, Kennedy was requested by a Board investigator to produce a urine sample for a drug screen. This drug screen tested positive for methamphetamine. Kennedy did not have a prescription to validly possess methamphetamine.

5. Kennedy admitted he consumed methamphetamine immediately prior to treating patients at his practice.

6. On September 8, 2009, Kennedy was enjoined from practicing dentistry by the Circuit Court of Platte County until deemed safe by the Board.

7. In September 2009, the Board sent Kennedy to Health Care Connections of Tampa ("Health Care"), in Tampa, Florida, for evaluation of substance abuse. Health Care diagnosed a substance abuse problem and developed a treatment plan. However, Kennedy refused to participate in the treatment plan.

¹ Methamphetamine is a schedule II controlled substance pursuant to § 195.017.4(3)(c). Statutory references are to RSMo. Supp. 2011 unless otherwise noted.

8. In October 2009, the Board sent Kennedy to Palmetto Addiction Recovery Center (“Palmetto”), in Palmetto, Louisiana, for evaluation of substance abuse. Before his evaluation could be completed, Palmetto asked Kennedy to leave.

9. Later in October 2009, the Board sent Kennedy to Pinegrove Behavioral Health and Addiction Center (“Pinegrove”), in Hattiesburg, Mississippi, for evaluation of substance abuse. Pinegrove diagnosed a substance abuse problem and Kennedy remained on campus for treatment.

10. On January 7, 2010, Kennedy was discharged from Pinegrove. One of the conditions of Kennedy’s discharge was that he participate in drug screens, including at least one random screen, over the next year.

11. On April 15, 2010, Kennedy met with the Board to discuss the progress of his treatment for controlled substance dependency.

12. During the Board meeting, Kennedy was asked to submit a urine sample for a drug screen. Kennedy agreed, left the room for the purpose of producing a sample, and never returned. The Board attempted to call Kennedy on his cell phone, but there was no answer. By evading this drug test, Kennedy failed to adhere to the conditions of his treatment plan.

Conclusions of Law

We have jurisdiction to hear the complaint.² The Board has the burden of proving by a preponderance of the evidence that Kennedy has committed an act for which the law allows discipline.³ The Board alleges there is cause to discipline under § 332.321, which provides:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 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

²Section 621.045.

³*Missouri Real Estate Comm’n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

* * *

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty 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;

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

* * *

(13) Violation of any professional trust or confidence;

* * *

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

* * *

(20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and safety to patients by reasons of professional incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board...

Controlled Substances – Subdivisions (1) and (15)

Kennedy tested positive for methamphetamine. Section 195.202 provides:

Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his control a controlled substance.

Section 324.041 provides:

For the purpose of determining whether cause for discipline or denial exists under the statutes of any board, commission, or committee within the division of professional registration, any licensee, registrant, permittee, or applicant that tests* positive for a controlled substance, as defined in chapter 195, is presumed to have unlawfully possessed the controlled substance in violation of the drug laws or rules and regulations of this state, any other state, or the federal government unless he or she has a valid prescription for the controlled substance. The burden of proof that the controlled substance was not unlawfully possessed in violation of the drug laws or rules and regulations of this state, any other state, or the federal government is upon the licensee, registrant, permittee, or applicant.

Kennedy tested positive for the controlled substance and did not provide proof of legal possession. We find that Kennedy unlawfully possessed methamphetamine in violation of § 195.202. Such unlawful possession is cause to discipline his license under § 332.321.2(15). The fact that such unlawful possession occurred in the form of consuming the controlled substance immediately prior to treating patients demonstrates the use of a controlled substance to the extent it impairs his ability to perform the work of a dentist and is cause for discipline under § 332.321.2(1).

Professional Standards – Subdivision (5)

In its complaint, the Board limits its allegations under this subdivision to incompetency, misconduct, and gross negligence. Therefore, we limit our analysis under this subdivision to these issues.

Incompetency is a general lack of professional ability, or a lack of disposition to use an otherwise sufficient professional ability, to perform in an occupation.⁴ We follow the analysis of incompetency in a disciplinary case from the Supreme Court, *Albanna v. State Bd. of Reg'n for*

⁴ *Tendai v. Missouri State Bd. of Reg'n for the Healing Arts*, 161 S.W.3d 358, 369 (Mo. banc 2005).

*the Healing Arts.*⁵ Incompetency is a “state of being.”⁶ The disciplinary statute does not state that licensees may be subject to discipline for “incompetent” acts. Kennedy’s conduct of treating patients while under the influence of methamphetamine falls below the proper standard of care for a dentist. He is known to have committed this act at least twice. Furthermore, his refusal to rehabilitate by adhering to the conditions of his treatment program shows he possesses a state of being that goes well beyond those two days of practicing while under the influence. We find that Kennedy was incompetent.

Misconduct means “the willful doing of an act with a wrongful intention[;] intentional wrongdoing.”⁷ Kennedy’s conduct of treating patients under the influence of methamphetamine was clearly willful and with a wrongful intention. He committed misconduct.

Gross negligence is a deviation from professional standards so egregious that it demonstrates a conscious indifference to a professional duty.⁸ There is an overlap between the required mental states for misconduct and for gross negligence to the extent that misconduct can be shown for the licensee’s “indifference to the natural consequences” of his or her conduct and that gross negligence requires the licensee’s conscious indifference to a professional duty or standard of care. Before determining whether there was gross negligence, we examine whether there was negligence.⁹ Negligence is defined as “the failure to use that degree of skill and learning ordinarily used under the same or similar circumstances by members of [the] . . . profession.”¹⁰ It is the proper standard of care for a dentist to be sober and not under the

⁵ 293 S.W.3d 423 (Mo. banc 2009).

⁶ *Id.* at 435.

⁷ *Missouri Bd. for Arch'ts, Prof'l Eng'rs & Land Surv'rs v. Duncan*, No. AR-84-0239 (Mo. Admin. Hearing Comm'n Nov. 15, 1985) at 125, *aff'd*, 744 S.W.2d 524 (Mo. App., E.D. 1988).

⁸ 744 S.W.2d at 533.

⁹ Although this is not a separate cause for discipline, we consider the “negligence” standard to compare it with the “gross negligence” standard.

¹⁰ *Hickman v. Branson Ear, Nose & Throat, Inc.*, 256 S.W.3d 120, 122 (Mo. banc 2008).

influence of controlled substances when treating his patients. Kennedy failed to do this, and his conduct was negligent. Furthermore, the potential for patient harm is great when a dentist practices under the influence of a controlled substance. We therefore find that Kennedy's deviation from his professional duty as a dentist was so egregious that it rises to the level of gross negligence.

Kennedy is subject to discipline under § 332.321.2(5) for incompetency, misconduct, and gross negligence.

Violation of Statutes and Regulations – Subdivision (6)

The Board alleges there is cause to discipline Kennedy's license under § 335.066.2(6), but its complaint contains no statute or regulation under Chapter 335 that he allegedly violated. We cannot find cause to discipline for uncharged conduct.¹¹ Kennedy is not subject to discipline under § 332.321.2(6).

Professional Trust – Subdivision (13)

Professional trust is the reliance on the special knowledge and skills that professional licensure evidences.¹² It may exist not only between the professional and his clients, but also between the professional and his employer and colleagues.¹³ Patients must trust that their dentist is not under the influence of a controlled substance when they are being treated. Kennedy violated this professional trust. He is subject to discipline under § 332.321.2(13).

Unable to Practice – Subdivision (20)

Despite appearing in the list of grounds for discipline that the Board would bring before this Commission, this subdivision provides jurisdiction to the Board to conduct a hearing

¹¹*Dental Bd. v. Cohen*, 867 S.W.2d 295, 297 (Mo. App., W.D. 1993).

¹²*Trieseler v. Helmbacher*, 168 S.W.2d 1030, 1036 (Mo. 1943).

¹³*Cooper v. Missouri Bd. of Pharmacy*, 774 S.W.2d 501, 504 (Mo. App., E.D. 1989).

regarding a dentist's ability to practice. This subdivision does not provide jurisdiction to this Commission to determine a cause for discipline. Consequently, we do not find Kennedy is subject to discipline under § 332.321.2(20).

Summary

Kennedy is subject to discipline under § 332.321.2(1), (5), (13), and (15).

SO ORDERED on December 18, 2012.


SREENIVASA RAO DANDAMUDI
Commissioner

IN THE CIRCUIT COURT OF PLATTE COUNTY
STATE OF MISSOURI

FILED
SEP 03 2009
SANDRA L. DOWD
Clerk of the Circuit Court Platte County, MO

MISSOURI DENTAL BOARD)
Petitioner,)

v.)

JOHN C. KENNEDY, D.D.S.)
Respondent.)

No. CPAE-C103388
DIV II

CONSENT JUDGMENT ENTERING PERMANENT INJUNCTION

NOW on this 31st day of September, 2009, the Court takes up for hearing the Petition for Preliminary and Permanent Injunction. Petitioner appears by and through counsel. Respondent appears not.

After hearing argument of counsel and being fully apprised of the Petition, the file, and all evidence presented, the Court finds as follows:

1. Petitioner, the Missouri Dental Board ("Board") filed a Petition for Preliminary and Permanent Injunction (the "Petition") against John C. Kennedy, D.D.S. ("Respondent") seeking injunctive and other equitable relief because Respondent presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee due to alcohol impairment.
2. Respondent has entered his appearance and waived service of summons.
3. Both parties consent to the entry of this Judgment for Consent Order of Permanent Injunction ("Consent Order") as evidenced by their signatures.

4. Respondent has been informed of his right to consult counsel to assist him in this proceeding at his expense.

5. Both parties consent to the continued jurisdiction of this Court for the purpose of enforcing the terms and conditions of this Consent Order.

6. Respondent has agreed to this Consent Order voluntarily, and no promise or threat has been made by the Board or any member, officer, agent or representative thereof, or by any other person, to induce consent to this Consent Order.

7. The Court finds that there is good cause for the entry of a permanent injunction and there being no just reason for delay, the Court enters a permanent injunction and accordingly:

8. This Court has jurisdiction over this action and all parties hereto pursuant to Section 332.121.1, RSMo, which authorizes the Board to seek injunctive relief against any license holder who presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee due to chemical dependency.

9. Venue is proper before this Court pursuant to § 332.121.2 RSMo, because Platte County is the county in which such conduct occurred and is also the county in which the Respondent resides.

10. Petitioner, the Missouri Dental Board (“Board”), is an agency of the state of Missouri created and established pursuant to § 332.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 332, RSMo.

11. Respondent, John C. Kennedy, D.D.S. (“Dr. Kennedy”), holds a license to practice dentistry, License No. 015306, issued by the Board.

12. Dr. Kennedy’s dental license is current and active and was so at all times relevant herein.

13. Dr. Kennedy practices dentistry at Gladstone Family Dentistry, 700 Branch Street, Platte City, Missouri (the “dental office”).

14. On or about August 26, 2009, an employee of Dr. Kennedy reported that Dr. Kennedy was practicing dentistry under the influence of methamphetamine.

15. Detective Albert Devalkenaere and Sergeant Stackhouse (collectively referred to as “the Police Officers”) of the Platte City Police Department presented at the dental office and observed Dr. Kennedy treating patients.

16. Sergeant Stackhouse is a highly trained Drug Recognition Officer able to observe individuals and make educated observations to determine if an individual is under the influence of controlled substances.

17. The Police Officers observed that Dr. Kennedy had trouble remembering and identifying his employees. Dr. Kennedy had to look up his employees names in order to identify the employees to the Police Officers.

18. Sergeant Stackhouse observed that Dr. Kennedy acted in a manner consistent with an individual being under the influence of a central nervous system stimulant.

19. On or about August 27, 2009, Board Investigator Mark Dudenhoeffer presented at Dr. Kennedy's dental practice and requested a urine sample for the purpose of a drug test.

20. Dr. Kennedy produced an observed sample for testing on August 27, 2009.

21. Dr. Kennedy tested positive for methamphetamine on August 27, 2009.

22. Dr. Kennedy consumed ^{full on} methamphetamine and then treated patients at the dental office while under the influence of ^{full on} methamphetamine.

23. Dr. Kennedy poses a serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee due to methamphetamine impairment and therefore, grounds exist for granting an injunction or other relief pursuant to § 332.121.1, RSMo.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

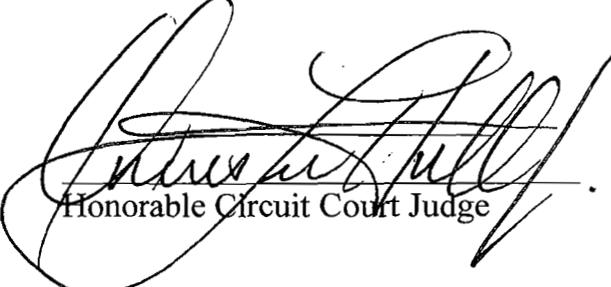
1. Respondent shall be restrained and enjoined from practicing dentistry in the state of Missouri until deemed safe to practice dentistry by the Board as evidenced by submission to the Board of a formal opinion of fitness by a treatment counselor/evaluator at a treatment facility approved by the well-being committee of the Board and such other evidence of fitness as the Board might require;

2. Respondent shall cooperate fully with and assist the Board including, but not limited to providing any information to the Board or its members, representatives, or agents that the Board deems necessary in exercising the authority and discharging the responsibilities of the Board under this Consent Order.

3. If any provision of this Consent Order or the application of any provision or circumstance is held invalid, the remainder of the Consent Order, and the application of the provision to any other person or circumstance, shall not be affected by the holding.

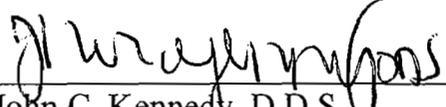
4. Each party is to bear its own costs.

Sept 3, 2009
Date
2:16 pm



Honorable Circuit Court Judge

AGREED TO BY THE PARTIES:



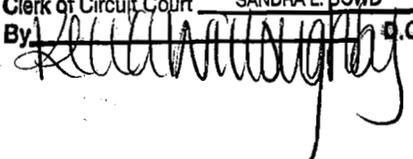
John C. Kennedy, D.D.S.

Telephone: 516-746-4806

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7970 S. Tomlin Hill
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RESPONDENT PRO SE

ATTORNEY FOR PETITIONER

STATE OF MISSOURI, COUNTY OF PLATTE
This is to certify that the foregoing is a true and exact copy of the documents on file in my office. Witness my hand and official seal this 3rd day of September, 2009.
Clerk of Circuit Court SANDRA L. POWD
By  D.C.

IN THE CIRCUIT COURT OF PLATTE COUNTY
STATE OF MISSOURI

FILED
SEP 03 2009

SANDRA L. DOWD
Clerk of the Circuit Court Platte County, MO

MISSOURI DENTAL BOARD)
3605 Missouri Boulevard)
P.O. Box 625)
Jefferson City, MO 65102)

Petitioner,)

v.)

JOHN C. KENNEDY, D.D.S.)
P.O. Box 1010)
Platte City, MO 64079)

Respondent.)

No. 09AE-CV-3388
DIV II

PETITION FOR PRELIMINARY AND
PERMANENT INJUNCTION

Comes now Petitioner, Missouri Dental Board, by and through counsel, and for its
Petition for Preliminary and Permanent Injunction pursuant to Section 332.121.1(2), RSMo¹,
states as follows:

Introduction

Petitioner brings this action to enjoin Respondent from engaging in any practice as a
dentist or any other practice or business authorized by a certificate of registration or
authority, permit or license issued pursuant Chapter 332 (the Dentistry Practice Act) because

¹ All statutory references are to the Revised Statutes of Missouri (2000), as supplemented, unless
otherwise indicated.

Respondent presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee due to methamphetamine impairment. The Board is entitled to injunctive relief because it has no adequate remedy at law and irreparable harm will result if the injunction is not granted.

Petitioner asks the Court to issue injunctive relief, permanently prohibiting Respondent from performing or offering to perform any and all acts constituting the practice of dentistry, pursuant to Chapter 332, RSMo until the Board deems him fit to engage in the practice of dentistry as evidenced by the formal, written opinion of a chemical dependency professional approved by the Board and any other evidence the Board may require. This is not a petition to remedy past wrongs, but rather to prevent current and future wrongdoing.

Jurisdiction and Venue

1. Section 332.121.1, RSMo, grants this Court jurisdiction over this matter and states:

1. Upon application by the board and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order, or other order as may be appropriate to enjoin a person, corporation, firm, or other entity from:

* * *

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee; or

2. Venue is proper before this Court pursuant to § 332.121.2 RSMo, because Platte County is the county in which such conduct occurred and is also the county in which the Respondent resides.

Statement of Facts

The Parties

3. Petitioner, the Missouri Dental Board (“Board”), is an agency of the state of Missouri created and established pursuant to § 332.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 332, RSMo.

4. Respondent, John C. Kennedy, D.D.S. (“Dr. Kennedy”), holds a license to practice dentistry, License No. 015306, issued by the Board.

5. Dr. Kennedy’s dental license is current and active and was so at all times relevant herein.

9. Dr. Kennedy practices dentistry at Gladstone Family Dentistry, 700 Branch Street, Platte City, Missouri (the “dental office”).

10. On or about August 26, 2009, an employee of Dr. Kennedy reported that Dr. Kennedy was practicing dentistry under the influence of methamphetamine.

11. Detective Albert Devalkenaere and Sergeant Stackhouse (collectively referred to as “the Police Officers”) of the Platte City Police Department presented at the dental office and observed Dr. Kennedy treating patients.

12. Sergeant Stackhouse is a highly trained Drug Recognition Officer able to observe individuals and make educated observations to determine if an individual is under the influence of controlled substances.

13. The Police Officers observed that Dr. Kennedy had trouble remembering and identifying his employees. Dr. Kennedy had to look up his employees names in order to identify the employees to the Police Officers.

14. Sergeant Stackhouse observed that Dr. Kennedy acted in a manner consistent with an individual being under the influence of a central nervous system stimulant.

15. On or about August 27, 2009, Board Investigator Mark Dudenhoeffer presented at Dr. Kennedy's dental practice and requested a urine sample for the purpose of a drug test.

16. Dr. Kennedy produced an observed sample for testing on August 27, 2009.

17. Dr. Kennedy tested positive for methamphetamine on August 27, 2009.

18. Dr. Kennedy consumed methamphetamine and then treated patients at the dental office while under the influence of methamphetamine.

19. Dr. Kennedy poses a serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee due to methamphetamine impairment and therefore, grounds exist for granting an injunction or other relief pursuant to § 332.121.1, RSMo.

20. The Board has no adequate remedy at law.

21. Irreparable harm will occur if injunction does not issue.

Relief Sought

WHEREFORE, based upon the foregoing conduct, the Board prays this Court for the following relief:

22. An order finding that Respondent, John C. Kennedy, D.D.S., presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee due to chemical dependency; and

23. Issuance of a preliminary and permanent injunctive relief prohibiting John C. Kennedy, D.D.S. from practicing dentistry in the state of Missouri until deemed safe to practice dentistry by the Board as evidenced by submission to the Board the formal opinion of fitness by a treatment counselor/evaluator at a treatment facility approved by the well-being committee of the Board and such other evidence of fitness the Board might require; and any such further relief as this Court deems just and proper.

Respectfully submitted,



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