

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

MISSOURI DENTAL BOARD	)	
	)	
	)	
Petitioner,	)	
	)	Case No. DB-07-25
v.	)	
	)	
JULIE KOHLER, R.D.H.	)	
	)	
	)	
Respondent.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DISCIPLINARY ORDER

On or about October 8, 2003, the Missouri Dental Board and Respondent, Julie K. Kohler, R.D.H, entered into an informal consent agreement entitled settlement agreement, placing Respondent, Julie K. Kohler’s license on probation for a period of three years. On December 12, 2006 a complaint was filed alleging Respondent had violated certain terms and conditions of the settlement agreement. A hearing was originally set for January 13, 2007, but later continued. The Board held a hearing in this matter on April 21, 2007 to determine whether Respondent had violated the settlement agreement, and what action, if any, the Board should take if Respondent had, in fact, violated the settlement agreement.

Respondent appeared in person and was not represented by counsel. The Board was represented by private attorney Nanci Wisdom. Assistant Attorney General Amy Braudis acted as legal advisor to the Board. Evidence was adduced, exhibits were received, and the matter was taken under advisement. The Board issues the following order:

## **FINDINGS OF FACT**

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, Julie K. Kohler, R.D.H., is licensed by the Board as a registered dental hygienist, License No. 002036. Respondent’s Missouri license was at all times herein relevant, current and active.

3. On or about October 8, 2003, the Missouri Dental Board and Respondent, Julie K. Kohler, R.D.H., entered into an informal consent agreement entitled settlement agreement, placing Respondent, Julie K. Kohler’s license on probation for a period of three years.

4. According to the settlement agreement, Respondent was required to take and pass the Board’s designated jurisprudence examination prior to October 8, 2006, the end of the disciplinary period.

5. Respondent failed to take and pass the Board’s jurisprudence examination prior to the end of the disciplinary period.

6. Respondent did take and pass the jurisprudence exam on October 11, 2006.

## **CONCLUSIONS OF LAW**

7. The Board has jurisdiction to render discipline against the license and certificate of registration of Respondent under the provisions of Chapter 332 and previous

Order of the Board entered as set forth herein. § 621.110RSMo and *State Board of Registration for the Healing Arts v. Masters*, 512 S.W.2d 150 (Mo. App. 1974).

8. That the actions of Respondent as stated in the Findings of Fact give grounds to the Board to impose discipline, including revocation of Respondent'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 § 332.321.3 and § 621.110 RSMo.

9. That the actions of Respondent as set forth herein constitute violations of the terms and conditions of her probation, in particular the following terms:

- a. Respondent failed to take and pass the Board's jurisprudence examination prior to the end of the disciplinary period.

### **DECISION AND DISCIPLINARY ORDER**

Pursuant to the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that Respondent's license, License No. 002036, is hereby placed on probation for a period of one (1) year. The following shall be the terms and conditions of the probation:

#### **I. GENERAL REQUIREMENTS:**

1. Respondent 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. Respondent shall submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, stating truthfully whether she has complied

with all the terms and conditions of this Order by no later than January 1 and July 1 during each year of the disciplinary period.

3. Respondent shall keep the Missouri Dental Board apprised at all times, in writing, of her current work and home addresses and telephone numbers during the period of probation prescribed herein. Respondent shall inform the Board within ten days of any change of home or work address and home or work telephone number.
4. Respondent shall not violate any provisions of Chapter 332 RSMo or by whatever number the Dental Practice Act shall be known; all applicable federal and state drug laws, rules and regulations; and all federal and state criminal laws; nor shall Respondent violate any rule or regulation adopted or promulgated by the Missouri Dental Board pursuant thereto.
5. During the disciplinary period, Respondent shall timely renew her license and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain her license in a current and active state.
6. 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.

7. During the disciplinary period, Respondent 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.
8. If Respondent fails to comply with the terms of this Order, in any respect, the Board may impose such additional or other discipline that it deems appropriate.
9. This Order 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.
10. Respondent shall inform all employers for whom she practices dental hygiene of her licensure status and provide a copy of this document to her employer upon employment.

If the Missouri Dental Board, in its sole discretion, determines upon a proper showing that Respondent violated a term or condition of her 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 Board as provided by 20 C.S.R. 2110-2.160, 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 the type of, nor the duration of discipline specified in this document in its election of remedies concerning such violation.

No additional order shall be entered by this Board pursuant to the preceding paragraph of this Order without notice and opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Order occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or so soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Licensee agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

This Order becomes effective 15 (fifteen) days after the date of the Order.

It is so Ordered on this 3<sup>rd</sup> day of May, 2007

MISSOURI DENTAL BOARD

BY: Sharlene Rimiller  
Sharlene Rimiller, Executive Director

**DISCIPLINE VIOLATED  
SEE NEW DISCIPLINE**

**JULIE KOHLER,  
RDH**

**Probation: 3 years effective  
10/8/03 TO 10/8/06**

**SETTLEMENT AGREEMENT BETWEEN**  
**THE MISSOURI DENTAL BOARD AND JULIE K. KOHLER**

Come now Julie K. Kohler ("Licensee") and the Missouri Dental Board ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether Licensee's license as a dental hygienist will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo 2000, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's license, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo 2000.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to present evidence on her 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 her and, subsequently, the right to a disciplinary hearing before the Board at which time she may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee 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 her.

Licensee acknowledges that she has received a copy of the draft complaint, the investigative report, and other documents relied upon by the Board in determining there was cause to discipline her license.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's license, numbered 002036, is subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 332, RSMo 2000.

Joint Stipulation of Fact and Conclusions of Law

1. The Missouri Dental Board ("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 the provisions of Chapter 332, RSMo 2000.

2. Respondent ("Licensee") was issued a certificate of registration as a dental hygienist by the Board, numbered 002036. Licensee's Missouri certificate of registration ("license") is and was, at all times relevant herein, current and active.

3. On or about September 26, 2002, Licensee swore and affirmed in an Application to Renew, under penalty of law, that she had completed fifty-two hours of continuing education ("C.E.") between December 1, 1999 and November 30, 2002, and submitted her Application to Renew her license to the Board.

4. Relying on the representations in the application, the Board renewed Licensee's license.

5. On or about February 19, 2003, the Board audited Licensee's continuing education hours pursuant to 4 C.S.R. § 110-2.240(2) (Nov. 2002), which states in pertinent part:

(A) . . . The board may conduct an audit of licensees to verify compliance with the continuing education requirement.

...

6. Licensee submitted to Board auditors acceptable documentation of only thirty-six hours of continuing education.

7. To renew her license, Licensee has a duty to obtain a minimum of forty-five hours of approved continuing education relevant to the practice of dentistry during each continuing education reporting period, pursuant to 4 C.S.R. § 110-2.240 (July 2000), which states in pertinent part:

(1) Definitions.

...

(B) Time block – A three (3)-year time period with starting dates of December 1, 1993 through November 30, 1996; December 1, 1996 through November 30, 1999; December 1, 1999 through November 30, 2002 and repeating in sequence from that date.

...

(2) The board shall not issue a renewal of a . . . dental hygiene license unless the licensee completes and reports (on forms provided by the board) a total of . . . forty-five (45) hours of continuing dental education . . . at the conclusion of each time block[,]

and § 332.261, RSMo 2000, which states in pertinent part:

4. The board shall not renew any certificate of registration of any hygienist unless the licensee shall provide satisfactory evidence that he has completed forty-five hours of continuing education within a three year period.

...

8. Licensee's failure to obtain the required forty-five credits is a violation of 4 C.S.R. § 110-2.240 (July 2000), and § 332.261, RSMo 2000.

9. Cause exists for the Board to take disciplinary action against Licensee's license

under § 332.321, RSMo 2000, which provides, in relevant 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:

...  
(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;

...  
(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

...  
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 § 621.045.3, RSMo 2000:

The terms of discipline shall include that the dental hygienist license be placed on PROBATION for a period of three years ("disciplinary period"). During Licensee's probation, Licensee shall be entitled to engage in the practice of dental hygiene under Chapter 332, RSMo, provided she adheres to all of the terms of this Settlement Agreement.

General Requirements

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 keep the Board apprized 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.

3. Licensee shall comply with all provisions of the Dental Practice Act, Chapter 332, RSMo 2000; 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. 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.

5. 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, RSMo 2000, 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 2000.

6. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 332, RSMo 2000, by Licensee not specifically mentioned in this document.

**Requirements Regarding Continuing Education**

7. Licensee shall obtain at least twenty-two hours of continuing education which are in addition to the continuing education hours required for licensure renewal by the Board. The courses must be provided by Missouri Dental Board approved sponsors. The additional hours of continuing

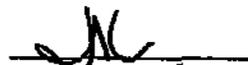
education must be obtained by November 30, 2004. Licensee shall provide the Board with proof of attendance from the sponsor of the program no later than thirty days after attending the course. Failure to obtain the required additional continuing education hours and/or submit the required documentation to the Board will result in a violation of the terms of discipline.

Jurisprudence Examination

8. Licensee shall take and pass the Board's designated jurisprudence examination prior to the end of the disciplinary period. Licensee shall contact the Board office to request a current law packet and permission to sit for the jurisprudence examination no less than thirty days prior to the date she desires to take the examination. Licensee shall submit the required examination fee to the Board prior to taking the examination. Failure to take and pass the examination during the disciplinary period shall constitute a violation of this Settlement Agreement.

**LICENSEE AS EVIDENCED BY THE INITIALS ON THE APPROPRIATE LINE**

\_\_\_\_\_ REQUESTS

 \_\_\_\_\_ DOES NOT REQUEST

**THE ADMINISTRATIVE HEARING COMMISSION TO DETERMINE IF THE FACTS SET FORTH HEREIN ARE GROUNDS FOR DISCIPLINING LICENSEE'S LICENSE AS A DENTAL HYGIENIST.**

If Licensee has requested review, Licensee and Board jointly request that the Administrative Hearing Commission 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 Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

If Licensee has not requested review by the Administrative Hearing Commission, the agreement goes in to effect fifteen days after the document is signed by the Executive Director.

LICENSEE

BOARD

Julie K. Kohler  
Julie K. Kohler

Sharlene Rimiller  
Sharlene Rimiller  
Executive Director  
Missouri Dental Board

Date 10-303

Date 10-8-03

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