

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

MISSOURI DENTAL BOARD)	
)	
)	
v.)	Case No. DB-08-01
)	
SUSAN A. MACH, R.D.H.)	
)	
	Respondent.	

FINDINGS OF FACT, CONCLUSIONS OF LAW
and
DISCIPLINARY ORDER

On January 19, 2008, the Missouri Dental Board held a hearing on the Notice of Probation Violation Hearing in the above-styled cause. The hearing was held at the Courtyard Marriott, 3301 LeMone Industrial Boulevard, Columbia, Missouri, for the purpose of determining if Susan Mach, R.D.H, (“Mach”) is in violation of the terms and conditions of her probation, and if so, what, if any, additional discipline should be imposed to address the conduct. The Missouri Dental Board was represented by Loretta Schouten. Nanci R. Wisdom, outside counsel for the Missouri Dental Board, advised the Board on legal matters. Mach was present without counsel. The Board went into closed session to deliberate and make its determination on whether Mach was in violation of the terms and conditions of her probation.

FINDINGS OF FACT

1. At hearing, Respondent, Susan Mach, stipulated that the following facts were true:
 - A. On June 16, 2006, the Board issued an Order granting a dental hygienist license to Susan Mach (“Mach”) subject to five (5) years probation.

B. Mach's license, No. 002998 is current and active and was so at all times relevant herein.

C. On December 8, 2006, a complaint was filed alleging Mach had violated certain terms and conditions of the June 16, 2006 Order, Case No. DB-07-23.

D. Following a hearing held January 13, 2007, the Board found Mach to be in violation of the terms and conditions of the June 16, 2006 Order in that Mach failed to take and pass the Board's designated jurisprudence examination within 90 days, failed to apprise the Board of a change in employment within 10 days and failed to submit to a urine drug screen on November 28, 2006.

E. The Board issued an Order dated February 9, 2007, suspending Mach's dental hygienist license for 14 days immediately followed by 5 years probation with terms and conditions requiring Mach comply with all recommendations for treatment from a chemical dependency professional and abstain from the possession and consumption of all controlled substances or other drugs for which a prescription is required unless such possession and consumption is pursuant to a valid prescription.

F. On March 18, 2007, Mach was admitted to the Palmetto Addiction Recovery Center located in Rayville, Louisiana and was successfully discharged on June 14, 2007. Recommendations upon discharge required Mach to sign and follow a Dental Well Being monitoring contract, attend aftercare weekly with Ralph Orlavick, PhD beginning June 19, 2007, attend individual counseling with Rebeca Nolan beginning June 18, 2007, with frequency and duration decided by Ms. Nolan and to take medications as prescribed.

G. On June 27, 2007, Mach submitted to a urine drug screen pursuant to her Dental Well Being monitoring contract, the results were positive for morphine.

H. Mach did not have a valid prescription for morphine.

I. On July 23, 2007, Mach submitted to a urine drug screen pursuant to her Missouri Dental Well Being Program monitoring contract, the results were positive for oxycodone and elevated levels of codeine and morphine.

J. Mach did not have a valid prescription for any medication containing oxycodone, codeine or morphine.

K. In July 2007, Mach relapsed and consumed Oxycontin, a controlled substance, in violation of Sections III and IV, paragraph nos. 12 and 14, of the February 9, 2007 Order.

L. On or about July 23, 2007, Mach admitted herself to Health Care Connections located in Tampa, Florida for treatment related to her Oxycontin relapse.

M. On August 18, 2007, Mach left Health Care Connections against the advice of her chemical dependency professional and refused to return to treatment.

N. On or about August 27, 2007, Mach's participation in the Missouri Dental Well-Being Program was terminated based on her refusal to return to treatment.

2. Mach's conduct is in violation of the terms and conditions of the February 9, 2007 Order, thus entitling the Board to impose additional discipline.

CONCLUSIONS OF LAW

3. The Missouri Dental Board has jurisdiction to take disciplinary action against the license of Susan Mach, R.D.H. pursuant to the provisions of sections 620.153 and 332.321, RSMo 2000 and page 6, paragraph nos. 8 and 9 of the February 9, 2007 Order, which state in pertinent part:

* * * *

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.

* * * *

4. Respondent's conduct is such that she has violated the terms of discipline as contained in the February 9, 2007 Order.

5. Pursuant to section 195.017, RSMo 2000, morphine, oxycodone and oxycontin are controlled substances.

6. Pursuant to section 620.151, RSMo 2002, any licensee or applicant who tests positive for a controlled substance as defined in Chapter 195, RSMo, 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 is on the licensee to demonstrate that they have not unlawfully possessed the controlled substance in violation of the drug laws or rule and regulations of this state, any other state or the federal government.

7. Substantial evidence exists which shows that Respondent Susan Mach violated section 195.202.1, RSMo 2000, which is a drug law of the state of Missouri, and which states: "Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possessor have under his control a controlled substance."

8. Under the terms of the February 9, 2007 Order, cause exists for the Board to impose additional discipline on Mach's dental hygienist license.

ORDER

9. It is the Order of the Missouri Dental Board that the dental hygienist license of Susan Mach, R.D.H. is **REVOKED and Mach shall not apply for licensure for a period of not less than one year following the effective date of this Order of revocation.** Mach shall immediately return all indicia of licensure to the Missouri Dental Board.

This ORDER becomes effective on the 4th day of April, 2008.

MISSOURI DENTAL BOARD



Brian Barnett
Executive Director

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

MISSOURI DENTAL BOARD)	
)	
)	
Petitioner,)	
)	Case No. DB-07-23
v.)	
)	
SUSAN MACH, R.D.H.)	
)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER

On or about June 16, 2006, the Missouri Dental Board issued an Order of the Missouri Dental Board Regarding Issuance of a Probated License to Susan A. Mach (“Order”) placing Respondent, Susan A. Mach’s license on probation for a period of five years. On December 8, 2006 a complaint was filed alleging Respondent had violated certain terms and conditions of the Order. The Board held a hearing in this matter on January 13, 2007 to determine whether Respondent had violated the Order, and what action, if any, the Board should take if Respondent had, in fact, violated the Order.

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, Susan A. Mach, is licensed by the Board as a registered dental hygienist, License No. 002998. Respondent’s Missouri license was at all times herein relevant, current and active.

3. On or about June 16, 2006, the Board issued an Order of the Missouri Dental Board Regarding Issuance of a Probated License to Susan A. Mach (“Order”) placing Respondent, Susan A. Mach’s license on probation for a period of five years.

4. According to the Order, Respondent was required to take and pass the Board’s designated jurisprudence examination within ninety (90) days of the date of the Order.

5. Respondent failed to take and pass the Board’s jurisprudence examination within ninety (90) days of the date of the Order.

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

7. According to the Order, Respondent was required to keep the Board notified of her current work address and phone number and inform the Board within ten days of any change of home or work address and home or work telephone number.

8. Respondent did not notify the Board within ten days of her employment at the dental office of Kenneth Powell, D.D.S. located at 3403 North Union Boulevard, St. Louis, MO.

9. According to the Order, Respondent was to submit, upon and without delay, to biological testing as required by the Board.

10. Respondent failed to submit to a urine drug screen on November 28, 2006.

CONCLUSIONS OF LAW

11. 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).

12. 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.

13. 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 within ninety (90) days of the date of the Order.

- b. Respondent did not notify the Board within ten days of her employment at the dental office of Kenneth Powell, D.D.S. located at 3403 North Union Boulevard, St. Louis, MO.
- c. Respondent failed to submit to a urine drug screen on November 28, 2006

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. 002998, is hereby SUSPENDED for a period of fourteen (14) days beginning March 1, 2007, immediately followed by a period of probation for five (5) years. 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.

II. EDUCATIONAL REQUIREMENTS

11. Respondent shall take and pass the Board's designated jurisprudence examination for dental hygienists within six (6) months of the **end** of the probation period. Respondent shall contact the Board office to request a current law packet and permission to sit for the jurisprudence examination no less than thirty (30) days prior to the date she desires to take the examination. Respondent shall submit the required re-examination fee to the Board prior to taking the examination. Failure to take and pass the examination within six (6) months of the **end** of the probation period shall constitute a violation of this Order.

12. Respondent 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.

III. DRUG SCREENS

12. During the disciplinary period, Licensee shall, at Licensee's cost, submit to biological testing as required by the Board. Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological samples and shall cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any alcohol or controlled substance for which Licensee does not hold a valid prescription, whatsoever in a biological sample shall constitute a violation of Licensee's discipline.

IV. CHEMICAL DEPENDENCY EVALUATION

13. Licensee shall, within six (6) weeks from the effective date of this agreement, undergo a thorough evaluation for chemical dependency performed by a licensed chemical dependency professional approved by the Board. Licensee shall show this agreement to the chemical dependency professional before the evaluation is performed. Licensee shall have the chemical dependency

professional mail the results of the evaluation directly to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102 within ten working days after the evaluation is complete. Each written evaluation shall include a description of the tests performed and test results, discussion of relevant clinical interview findings/interpretations, specification of DSM IV diagnosis/es, and discussion of appropriate treatment recommendations/plan. If there is no diagnosis requiring treatment, this should be specified in the evaluation. Licensee shall follow any recommendations for treatment made by that chemical dependency professional. If the chemical dependency professional determines that treatment is not recommended, Licensee shall execute a release so that the Board can obtain the evaluation and supporting documents.

V. ABSTENTION FROM USE OF CONTROLLED SUBSTANCES

14. During disciplinary period, Respondent shall abstain completely from personal use or possession of any controlled substances or other drug for which a prescription is required unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom she has a bona fide relationship. Respondent shall forward to the Board written documentation of any such prescription within ten days of issuance of the prescription specifying the medication prescribed, dosage prescribed, and the condition for which the substance was prescribed. Upon request, Respondent, shall execute a medical

release authorizing the Board to access all records pertaining to her condition, treatment, and prescription maintained by the health care professional that prescribed the controlled substance. The presence of any controlled substance whatsoever in a biological sample for which Respondent does not hold a valid prescription or for a prescription for which she has not forwarded to the Board as required shall constitute a violation of Respondent's discipline.

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.

Pursuant to the provisions of Section 332.321.6 RSMo (2000), if the Respondent removes herself from the State of Missouri, ceases to be currently licensed or fails to keep the Missouri Dental Board advised of her current place of residence or business, the time of her absence, or unlicensed status, or unknown whereabouts should not be deemed or taken as a part of the time of discipline so imposed.

The provisions of this Order become effective on the 9th day of February, 2007.

MISSOURI DENTAL BOARD

BY: Sharlene Rimiller
Sharlene Rimiller, Executive Director

SUSAN A. MACH RDH

PROBATION: 5 YRS

Effective: 6/16/06

ORDER OF THE MISSOURI DENTAL BOARD REGARDING
ISSUANCE OF A PROBATED LICENSE
TO SUSAN A. MACH, RDH

Comes now the Missouri Dental Board ("Board") and hereby issues it ORDER granting a PROBATED license, License No. 002998, to Susan A. Mach, R.D.H., pursuant to the provisions of §620.149, RSMo 2000. As set forth in §620.149.2 RSMo, Licensee may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated license to Licensee. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of delivery or mailing of this Order by certified mail. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building Rm. 604, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be considered as waived.

I.

Based upon the foregoing, the Board hereby states:

1. The Missouri Dental Board is an agency of the State of Missouri created and established pursuant to §332.021, RSMo, for the purpose of executing and enforcing the provisions of Chapter 332, RSMo, which regulates the practice of dentistry.
2. Pursuant to the provisions of § 620.149, RSMo 2000, the Board hereby issues License No. 002998 to Susan A. Mach, RDH. License No. 002998 is subject to the terms and conditions set forth herein below.

3. Licensee abused controlled substances, suffered from stress and sleep apnea while practicing as a dental hygienist as recently as 2002 and 2003.

a. Said substance abuse, stress and/or sleep apnea affected her ability to perform her duties as a hygienist in that she often missed work and her work performance deteriorated.

4. Licensee abused substances such as Xanax and Restoril in 2002 and 2003.

5. Licensee has a history of cocaine use.

6. Licensee has not been treated for any substance abuse issues, stress and/or sleep apnea.

7. Cause exists for the Board to deny licensure to Licensee pursuant to § 332.321.1 and 2(1), (5), (13), and (20), RSMo, which states in pertinent part:

1. The board may refuse to issue or renew a permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section . . .

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:

(1) Use of any controlled substance as defined in chapter 195, RSMo, 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;

(13) Violation of any professional trust or confidence;

- (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.

8. The Board hereby issues this ORDER in lieu of denial of Licensee's request for a license to practice as a dental hygienist in Missouri.

II.

TERMS AND CONDITIONS

Based on the foregoing, the license issued to Licensee, License No. 002998 is subject to the following restrictions:

1. Licensee's license will be immediately placed on PROBATION for FIVE (5) years ("disciplinary period") beginning the date this Order is signed by the Board's Executive Director. During the disciplinary period, Licensee shall be entitled to engage in the practice of dental hygiene in accordance with Chapter 332, RSMo, provided that Licensee adheres to all of the terms and conditions of this Order. Licensee shall comply with the following terms and conditions during the disciplinary period:

I. 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 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.

- C. 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.
- 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 Order.
- H. If Licensee 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.
- I. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 332, RSMo, by Licensee not specifically mentioned in this document.

J. Licensee 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.

II. ABSTENTION FROM USE OF CONTROLLED SUBSTANCES:

During the disciplinary period, Licensee shall abstain completely from the personal use or possession of any controlled substance or other drug for which a prescription is required unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom Licensee has a bona fide relationship as a patient. Licensee shall forward to the Board written documentation of any such prescription within ten days of issuance of the prescription specifying the medication prescribed, dosage prescribed, and the condition for which the substance was prescribed. Upon request, Licensee shall execute a medical release authorizing the Board to access all records pertaining to Licensee's condition, treatment, and prescription maintained by the health care professional that prescribed the controlled substance. The presence of any controlled substance whatsoever in a biological sample for which Licensee does not hold a valid prescription or for a prescription that Licensee has not forwarded documentation to the Board as required herein shall constitute a violation of Licensee's discipline.

III. DRUG SCREENS:

During the disciplinary period, Licensee shall, at Licensee's cost, submit to biological testing as required by the Board. Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological samples and shall cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any alcohol or controlled substance, for which Licensee does not hold a valid prescription, whatsoever in a biological sample shall constitute a violation of Licensee's discipline.

IV. JURISPRUDENCE EXAM:

Licensee shall take and successfully complete the jurisprudence exam for dental hygienists in the state of Missouri within ninety (90) days of the date of this Order.

V. ETHICS CONTINUING EDUCATION:

Licensee shall take the continuing education course in ethics sponsored by the University of Missouri-Kansas City. This continuing education shall be in addition to the continuing education required by law for licensure renewal by the Board. This course must be taken within the first twelve (12) months of the effective date of this Order. Licensee shall provide the Board with proof of attendance from the sponsor of the program no later than thirty (30) days after attending the course. Failure to obtain the required additional continuing education hours and/or submit the required documentation to the Board will result in a violation of the terms of discipline.

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

3. The Board will maintain this Order as an open and public record of the Board as provided in Chapters 332, 610, and 620, RSMo.

4. Upon the expiration of said discipline period, Licensee's license as a dental hygienist in Missouri shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event that Board determines that the Licensee has violated any term or condition of this Order, the Board may, in its

discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline the Licensee.

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

6. If the Board determines that Licensee has violated a term or condition of this 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.

SO ORDERED EFFECTIVE THIS 16th day of June, 2006.

MISSOURI DENTAL BOARD

Sharlene Rimiller

Sharlene Rimiller, Executive Director