

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

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

v. )

**CAUSE NO. DB-09-01**

**DONALD T. ROBERTS, D.D.S.,** )  
3115 Ashland, STE 299 )  
St. Joseph, MO 64506 )  
**Respondent.** )

**SECOND AMENDED FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER**

On April 21, 2007, the Missouri Dental Board held a Hearing on the Notice of Hearing on Complaint in the above-styled cause. Said hearing was held at the Oasis Hotel and Convention Center, 2550 North Glenstone, in Springfield, Missouri, for the purpose of determining the truth of the allegations contained in the Statement of Charges filed with the Missouri Dental Board on September 17, 2006, alleging that Donald T. Roberts, D.D.S., had violated the terms of his discipline. The Missouri Dental Board was represented by Nanci R. Wisdom, Outside Counsel for the Missouri Dental Board. Respondent, Donald T. Roberts, D.D.S., was present in person and represented by attorney, Johnny Richardson. The Missouri Dental Board heard evidence on the allegations contained in the Statement of Charges and heard evidence offered in mitigation on said charges by Respondent, Donald T. Roberts, D.D.S. The Board also heard testimony of Donald T. Roberts, D.D.S. Missouri Dental Board's Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 were admitted into evidence. At the conclusion of

the hearing, the Missouri Dental Board, in closed session, determined the truthfulness of the allegations contained in the Statement of Charges and whether further disciplinary action should be taken concerning the certificate and license of the Respondent, Donald T. Roberts, D.D.S.

### **FINDINGS OF FACT**

1. That on or about April 2, 2004, the Missouri Dental Board and Donald R. Roberts, D.D.S., in conjunction with Petitioner's counsel, Nanci R. Wisdom, entered into an Informal Consent Agreement entitled Settlement Agreement Between the Missouri Dental Board and Donald R. Roberts, D.D.S.

2. By terms of that agreement and Order, the license and certificate of registration of Respondent, Donald R. Roberts, D.D.S., was placed on probation for a period of five (5) years subject to certain conditions of probation among which was as follows:

5. 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.

15. During the disciplinary period, Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Licensee's discipline.

16. 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 (10) 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 fluid 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.

18. Licensee shall inform any professional preparing a prescription for Licensee that Licensee is chemically dependent.

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

3. On February 28, 2006, Respondent tested positive for alcohol while in the office treating patients. Respondent admitted to consuming alcohol on or just before February 28, 2006.

4. On March 28, 2006, Respondent refused a request for a urine specimen.

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8. On September 12, 2006, Respondent tested positive for opiates. Respondent represented he had a prescription for Lortab.

9. Respondent filled a prescription for 20 Lortab 7.5 mg/500 mg on August 24,

2006.

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11. Respondent did not inform the Missouri Dental Board of these prescriptions.

12. Respondent did not inform his healthcare provider, Dr. William Humphreys, who wrote these prescriptions of his chemical dependency.

### CONCLUSIONS OF LAW

13. The Missouri Dental Board has jurisdiction to render discipline against the license and certificate of registration of Donald T. Roberts, D.D.S. under the provisions of Chapter 332 and previous Order of the Missouri Dental Board entered as set forth herein. Section 621.110 RSMo and State Board of the Registration for the Healing Arts v. Masters, 512 S.W.2d 150 (Mo. App. 1974).

14. That the actions of Donald T. Roberts, D.D.S. as stated in the Findings of Fact give grounds to the Missouri Dental Board to impose discipline, including revocation of Donald T. Robert's, D.D.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 Section 332.321.3 and Section 621.110 RSMo (2002).

15. That the actions of Donald T. Roberts, D.D.S. as set forth herein constitute violations of the terms of his probation.

**DISCIPLINE**

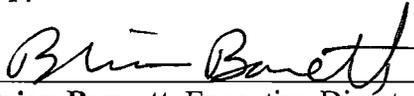
16. It is the Order of the Missouri Dental Board that the Board hereby accepts the voluntary surrender license and certificate of registration of Donald T. Roberts, D.D.S., to practice dentistry in the State of Missouri.

The provisions of this Order become effective immediately from the date of this Order.

IT IS SO ORDERED ON THIS 4<sup>th</sup> DAY OF ~~JANUARY~~ <sup>February</sup>, 2008.

**MISSOURI DENTAL BOARD**

BY:

  
\_\_\_\_\_  
**Brian Barnett**, Executive Director



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15. That the actions of Donald T. Roberts, D.D.S. as set forth herein constitute violations of the terms of his probation.

## DISCIPLINE

16. It is the Order of the Missouri Dental Board that the license and certificate of registration of Donald T. Roberts, D.D.S., to practice dentistry in the State of Missouri shall be disciplined as follows:

17. Respondent's license to practice dentistry shall be suspended for a period of three hundred sixty-five (365) days beginning immediately; to be followed by a period of probation for five (5) years beginning immediately following the period of suspension ("disciplinary period"). Respondent shall return his dental license, wall-hanging-certificate, pocket card, and all other indicia of licensure to the Board immediately to be held by the Board during the period of suspension. Failure to return the license, wall-hanging certificate, pocket card, and other indicia of licensure shall be a violation of this Order. During Respondent's suspension, Respondent shall not engage in the practice of dentistry under Chapter 332, RSMo, nor shall Respondent hold himself out in any fashion being authorized to engage in the practice of dentistry under Chapter 332, RSMo. The following activities are identified for illustrative or informational purposes only and are not intended to be an exhaustive listing of the activities that would constitute the practice of dentistry and that Respondent shall not engage in during suspension. During suspension, Respondent shall not engage in any gratuitous or occasional treatment of any person; shall not maintain an office; shall not provide consultation services or opinions of any kind concerning the dental care and treatment of any person; shall not charge or accept compensation for dental services from any person or entity unless the dental services were provided prior to the effective date of this Order; shall not provide testimony as an expert dental witness; and shall not endeavor in any manner to evaluate,

test diagnose, or treat any person. Following the period of suspension, Respondent's license shall be returned and shall be placed on probation as provided above. 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 Order.

18. 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.

19. Licensee shall submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, stating truthfully whether he 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.

20. Licensee shall keep the Board apprised of his 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.

21. 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.

22. During the disciplinary period, Licensee shall timely renew his 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.

23. If at any time during the disciplinary period Licensee 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.

24. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this Order.

25. During the duration of his discipline, Licensee shall submit himself to and contract with the Missouri Dental Well Being Committee ("Committee"). Licensee shall undergo and submit to any evaluations and treatment recommended by the Committee. Within seven (7) days of the effective date of this Order, Licensee shall enter treatment at Healthcare Connections of Tampa or such other treatment facility approved by the Committee and successfully complete in-patient treatment. Licensee shall be responsible for any treatment expense. Licensee shall also direct the Committee to forward a report to the Board detailing the treating professional's findings, specification of DSM IV diagnosis/es, prognosis and treatment recommendations within fifteen (15) days of Licensee entering treatment. Licensee shall follow all recommendations for treatment or aftercare made by the treatment facility. Licensee shall show this Order to each treating professional involved in aftercare.

26. Licensee shall execute a medical release or other appropriate release that shall remain in effect for the entire period covered by this Order authorizing the Board to obtain records of Licensee's treatment for chemical dependency and/or psychiatric, psychological and physical care. Licensee shall not take any action to cancel this release. Licensee shall take any and all steps necessary to continue the release in effect and shall

provide a new release when requested.

27. Licensee shall cause a letter of ongoing treatment evaluation from each treating professional caring for Licensee to be submitted to the Board by January 1, April 1, July 1 and October 1 during each year of the disciplinary period beginning the effective date of this Settlement Agreement.

(a) The letter shall include an evaluation of Licensee's current progress and status related to the treatment recommendations/plan and Licensee's current prognosis and treatment recommendations/plan.

(b) The letter shall be sent by the treating professional and/or the Committee addressed to: Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102.

28. If the treatment of Licensee is successfully completed at any time during the period covered by this Order, Licensee shall cause the treating professional and/or the Committee to submit a letter of final evaluation/summary that includes a statement that Licensee has successfully completed treatment and indicates whether Licensee should continue a 12-step program. If continuance in a 12-step program is recommended, Licensee shall comply with terms of documentation as outlined in paragraph 15 herein.

29. If attendance is recommended, Licensee shall submit evidence of weekly (or recommended) attendance at Alcoholics Anonymous, Narcotics Anonymous, or other support groups meetings to the Board by January 1, April 1, July 1 and October 1 during each year of the disciplinary period beginning the effective date of this Order. The documentation shall include the date, time, and place of the meeting and shall bear a signature or abbreviated signature of another person verifying attendance.

30. Licensee shall inform any professional preparing a prescription for Licensee that Licensee is chemically dependent.

31. Licensee shall keep the Board apprised in writing of the names, addresses and phone numbers of all of his health care providers during the disciplinary period and shall provide written release to the provider(s) authorizing the Board to obtain Licensee's treatment records and reports from the provider(s).

32. Upon request Licensee shall sign a written release authorizing his health care providers to disclose Licensee's treatment records and reports to the Board.

33. Licensee shall attend Caudaceus Groups as recommended by the Committee and shall provide documentation of attendance to the Board on or before January 1, April 1, July 1 and October 1 of each year of the disciplinary period.

34. Licensee shall attend marriage counseling as recommended by the Committee and shall provide documentation of attendance to the Board on or before January 1, April 1, July 1 and October 1 of each year of the disciplinary period. Licensee shall provide the name, address and telephone number of the marriage counselor to the Board. Licensee shall execute all necessary releases to allow the Board to obtain records and information from the marriage counselor verifying Licensee's attendance at counseling sessions, and the dates of sessions scheduled by the counselor. If at anytime the marriage counselor is of the opinion that Licensee has obtained the maximum benefit of marriage counseling or marriage counseling is terminated, the marriage counselor shall provide the Board with written notice that counseling has ceased or is terminated and the reason for such cessation or termination. Licensee shall provide the Board and marriage counselor with all necessary releases to allow the marriage counselor to provide the Board information as outlined in this paragraph. Should Licensee or his wife choose to dissolve the marriage, this requirement shall not be applicable.

35. During the disciplinary period, Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological sample shall constitute a violation of Licensee's discipline.

36. 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 (10) 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.

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

discipline.

38. Licensee shall not practice dentistry during his disciplinary period until the following requirements are met:

a. Treatment providers approved by the Committee and the Committee recommend Licensee's return to practice and provide the Board a written recommendation stating the same;

b. Licensee prepares and presents a written plan to the Board outlining his plan for practicing dentistry, including but not limited to his plan for complying with this Order, his plan for complying with treatment recommendations of all treatment providers, the hours he will practice, where he will practice and who will monitor his practice and how such monitoring will occur;

c. Licensee appears before the Board; and

d. The Board approves Licensee's return to practice and practice plan.

39. Licensee shall only practice dentistry under the general supervision of a Missouri licensed dentist approved by the Board who shall inspect Licensee's office and patient charts monthly and shall talk with and obtain feedback from Licensee's staff on the operation of the office, treatment of patients and Licensee's use or lack of control of tremors. The supervisory dentist shall file written reports with the Board quarterly on January 1, April 1, July 1 and October 1 of each year outlining his or her findings.

40. 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.

41. 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.

42. 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 and in addition to any additional continuing education required in paragraph fourteen (14) herein. This course must be taken within the first twenty four (24) 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.

43. Licensee shall take and successfully complete the jurisprudence exam within the first twenty four (24) months of the effective date of this Order.

44. Upon the expiration and successful completion of the disciplinary period, Licensee's license to practice dentistry in the State of Missouri, shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that Licensee has violated any term or condition of this agreement, 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 Licensee.

45. If the Missouri Dental Board determines upon a proper hearing, that Respondent, Donald T. Roberts, D.D.S., has violated a term or condition of the terms of his discipline as set forth herein, or had otherwise failed to comply with the provisions of chapter 332 RSMo (2002), which violation would be actionable in a proceeding before the Missouri Dental Board as provided by 4 C.S.C. 110-2.160, 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.

The provisions of this Order become effective immediately from the date of this Order.

IT IS SO ORDERED ON THIS 26<sup>th</sup> DAY OF APRIL, 2007.

MISSOURI DENTAL BOARD

BY:

Sharlene Rimiller  
Sharlene Rimiller, Executive Director



I have decided to sell my dental practice. I am meeting with a broker in this regard on Thursday, May 3.

I have an appointment to see Dr. William G. Humphreys, orthopedic surgeon, St. Joseph, Missouri, on Monday, May 7, concerning constant low back pain and pain and swelling in my right knee. I suffered multiple low back compression fractures several years ago. My right knee pain stems from an old football injury that is now rapidly deteriorating because of arthritis.

The Missouri Dental Board's Order of April 26, 2007, states that I should begin rehabilitation in Tampa, Florida, within seven (7) days of the date of that Order. It simply isn't possible for me to immediately go to Tampa, Florida, for an unknown length of time. I cannot sacrifice my health and well being, especially on such short notice. At this point in time I simply do not know when I would be capable of traveling to Florida. That decision would be up to my treating physicians.

FURTHER AFFIANT SAYETH NOT.

  
Donald T. Roberts

On this 1 day of May, 2007, before me personally appeared Donald T. Roberts, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in St. Joseph, Missouri the day and year last above written.

  
Notary Public

My Commission Expires



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19. Licensee shall submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, stating truthfully whether he 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.

20. Licensee shall keep the Board apprised of his 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.

21. 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.

22. During the disciplinary period, Licensee shall timely renew his 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.

23. If at any time during the disciplinary period Licensee 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.

24. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this Order.

25. During the duration of his discipline, Licensee shall submit himself to and contract with the Missouri Dental Well Being Committee ("Committee"). Licensee shall undergo and submit to any evaluations and treatment recommended by the Committee. Within seven (7) days of the effective date of this Order, Licensee shall enter treatment at Healthcare Connections of Tampa or such other treatment facility approved by the Committee and successfully complete in-patient treatment. Licensee shall be responsible for any treatment expense. Licensee shall also direct the Committee to forward a report to the Board detailing the treating professional's findings, specification of DSM IV diagnosis/es, prognosis and treatment recommendations within fifteen (15) days of Licensee entering treatment. Licensee shall follow all recommendations for treatment or aftercare made by the treatment facility. Licensee shall show this Order to each treating professional involved in aftercare.

26. Licensee shall execute a medical release or other appropriate release that shall remain in effect for the entire period covered by this Order authorizing the Board to obtain records of Licensee's treatment for chemical dependency and/or psychiatric, psychological and physical care. Licensee shall not take any action to cancel this release. Licensee shall take any and all steps necessary to continue the release in effect and shall

provide a new release when requested.

27. Licensee shall cause a letter of ongoing treatment evaluation from each treating professional caring for Licensee to be submitted to the Board by January 1, April 1, July 1 and October 1 during each year of the disciplinary period beginning the effective date of this Settlement Agreement.

(a) The letter shall include an evaluation of Licensee's current progress and status related to the treatment recommendations/plan and Licensee's current prognosis and treatment recommendations/plan.

(b) The letter shall be sent by the treating professional and/or the Committee addressed to: Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102.

28. If the treatment of Licensee is successfully completed at any time during the period covered by this Order, Licensee shall cause the treating professional and/or the Committee to submit a letter of final evaluation/summary that includes a statement that Licensee has successfully completed treatment and indicates whether Licensee should continue a 12-step program. If continuance in a 12-step program is recommended, Licensee shall comply with terms of documentation as outlined in paragraph 15 herein.

29. If attendance is recommended, Licensee shall submit evidence of weekly (or recommended) attendance at Alcoholics Anonymous, Narcotics Anonymous, or other support groups meetings to the Board by January 1, April 1, July 1 and October 1 during each year of the disciplinary period beginning the effective date of this Order. The documentation shall include the date, time, and place of the meeting and shall bear a signature or abbreviated signature of another person verifying attendance.

30. Licensee shall inform any professional preparing a prescription for Licensee that Licensee is chemically dependent.

31. Licensee shall keep the Board apprised in writing of the names, addresses and phone numbers of all of his health care providers during the disciplinary period and shall provide written release to the provider(s) authorizing the Board to obtain Licensee's treatment records and reports from the provider(s).

32. Upon request Licensee shall sign a written release authorizing his health care providers to disclose Licensee's treatment records and reports to the Board.

33. Licensee shall attend Caudaceus Groups as recommended by the Committee and shall provide documentation of attendance to the Board on or before January 1, April 1, July 1 and October 1 of each year of the disciplinary period.

34. Licensee shall attend marriage counseling as recommended by the Committee and shall provide documentation of attendance to the Board on or before January 1, April 1, July 1 and October 1 of each year of the disciplinary period. Licensee shall provide the name, address and telephone number of the marriage counselor to the Board. Licensee shall execute all necessary releases to allow the Board to obtain records and information from the marriage counselor verifying Licensee's attendance at counseling sessions, and the dates of sessions scheduled by the counselor. If at anytime the marriage counselor is of the opinion that Licensee has obtained the maximum benefit of marriage counseling or marriage counseling is terminated, the marriage counselor shall provide the Board with written notice that counseling has ceased or is terminated and the reason for such cessation or termination. Licensee shall provide the Board and marriage counselor with all necessary releases to allow the marriage counselor to provide the Board information as outlined in this paragraph. Should Licensee or his wife choose to dissolve the marriage, this requirement shall not be applicable.

35. During the disciplinary period, Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological sample shall constitute a violation of Licensee's discipline.

36. 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 (10) 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.

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

discipline.

38. Licensee shall not practice dentistry during his disciplinary period until the following requirements are met:

a. Treatment providers approved by the Committee and the Committee recommend Licensee's return to practice and provide the Board a written recommendation stating the same;

b. Licensee prepares and presents a written plan to the Board outlining his plan for practicing dentistry, including but not limited to his plan for complying with this Order, his plan for complying with treatment recommendations of all treatment providers, the hours he will practice, where he will practice and who will monitor his practice and how such monitoring will occur;

c. Licensee appears before the Board; and

d. The Board approves Licensee's return to practice and practice plan.

39. Licensee shall only practice dentistry under the general supervision of a Missouri licensed dentist approved by the Board who shall inspect Licensee's office and patient charts monthly and shall talk with and obtain feedback from Licensee's staff on the operation of the office, treatment of patients and Licensee's use or lack of control of tremors. The supervisory dentist shall file written reports with the Board quarterly on January 1, April 1, July 1 and October 1 of each year outlining his or her findings.

40. 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.

41. 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.

42. 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 and in addition to any additional continuing education required in paragraph fourteen (14) herein. This course must be taken within the first twenty four (24) 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.

43. Licensee shall take and successfully complete the jurisprudence exam within the first twenty four (24) months of the effective date of this Order.

44. Upon the expiration and successful completion of the disciplinary period, Licensee's license to practice dentistry in the State of Missouri, shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that Licensee has violated any term or condition of this agreement, 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 Licensee.

45. If the Missouri Dental Board determines upon a proper hearing, that Respondent, Donald T. Roberts, D.D.S., has violated a term or condition of the terms of his discipline as set forth herein, or had otherwise failed to comply with the provisions of chapter 332 RSMo (2002), which violation would be actionable in a proceeding before the Missouri Dental Board as provided by 4 C.S.C. 110-2.160, 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.

The provisions of this Order become effective immediately from the date of this Order.

**IT IS SO ORDERED ON THIS 26<sup>th</sup> DAY OF APRIL, 2007.**

**MISSOURI DENTAL BOARD**

BY:

  
\_\_\_\_\_  
**Sharlene Rimiller, Executive Director**

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI DENTAL BOARD AND DONALD R. ROBERTS, D.D.S.**

COME NOW the licensee, Donald R. Roberts, D.D.S. ("Licensee"), and the Missouri Dental Board ("Board") and enter in to this Settlement Agreement for the purpose of resolving the question of whether Licensee's license as a dentist will be subject to discipline.

Pursuant to the terms of §536.060, RSMo 2002, the parties hereto waive the right to a hearing of the issues stipulated in this Agreement by the Administrative Hearing Commission ("AHC") of the state of Missouri and, additionally, the right to disciplinary hearing before the Board under §621.110, RSMo 2002, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Licensee acknowledges that he understands the various rights and privileges afforded him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven 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 a ruling on questions of law by an Administrative Hearing Commissioner; and, subsequently, the right to a disciplinary hearing before the Board at which time he may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against his license. Being aware of these rights provided her by operation of law, Donald R. Roberts, D.D.S., 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 him.

Licensee acknowledges that he has received a copy of the complaint filed with the Board, investigative report, and other documents relied upon by the Board in determining there was cause for discipline against his license. Licensee acknowledges that the Board and its attorney followed the procedures enumerated in Section 621.045, RSMo 2002, including but not limited to:

- (1) providing Licensee with a written description of the specific conduct for which discipline is sought, and a citation to the law and rules violated, together with copies of any documents which are the basis thereof;
- (2) waiting to offer a settlement proposal to Licensee until more than thirty (30) days after providing the above-mentioned description, citation, and documents;
- (3) allowing Licensee at least sixty (60) days from the date of mailing to consider the Board's initial settlement offer and discuss the terms of such settlement offer with the Board;
- (4) advising Licensee that Licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen (15) days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of Licensee;
- (5) advising Licensee that Licensee has the right to consult an attorney at Licensee's own expense in any contact pursuant to Section 621.045.3 by the Board or its counsel.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this agreement are true and stipulates with the Board that Licensee's license as a dentist, number 012542, is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621 and Chapter 332, RSMo 2002, Dentistry.

### JOINT STIPULATION OF FACT

1. The Missouri Dental Board ("Board") is an agency of the state of Missouri created and established pursuant to Section 332.021 RSMo 2002, for the purposes of administering and enforcing the provisions of Chapter 332, RSMo, Dentistry.

2. Licensee is licensed by the Board as a dentist, license number 012542. Licensee's license to practice dentistry is now, and was at all times stated herein, current and active.

3. Periodically since June 11, 2002, Respondent has practiced dentistry under the influence of alcohol.

4. Periodically since June 11, 2002, Respondent's dental practice has been impaired by Respondent's alcohol consumption in that:

- a. Respondent has smelled of stale alcohol while working on patients,
- b. Respondent has repeatedly cancelled patient appointments when intoxicated;
- c. Respondent has repeatedly cancelled patient appointments when Respondent was suffering from the effects of alcohol consumption that kept him from practicing dentistry.
- d. Respondent has repeatedly vomited in the office after alcohol consumption during the work day when patients were scheduled.

5. Periodically since June 11, 2002, Respondent has repeatedly suffered from uncontrollable tremors while working on patients.

6 On July 16, 2002, Respondent admitted he would test positive for alcohol while he was in the office practicing dentistry.

### JOINT CONCLUSIONS OF LAW

4. Section 332 321.2, in relevant part, provides that Petitioner may discipline a license to practice dentistry and certificate of registration for the following reasons:

...(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 . . .

5. The conduct of Respondent, as alleged herein, constitutes incompetency, misconduct, gross negligence in the performance of, or relating to one's ability to perform the functions or duties of a dentist, violation of professional trust and confidence and being unable to practice as a dentist with reasonable skill and safety to patients by reason of or because of an illness, drunkenness, excessive use of drugs, narcotics or chemicals or as the result of a physical condition.

## JOINT AGREED DISCIPLINARY ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under authority of §621.045.3, RSMo 2002.

1. Licensee's license to practice dentistry shall be placed on PROBATION for a period of five (5) years ("disciplinary period"). During Licensee's probation, Licensee shall be entitled to engage in the practice of dentistry under Chapter 332, RSMo, provided he adheres to all of the terms of this Settlement Agreement

2. 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.

3. Licensee shall submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, stating truthfully whether he has complied with all the terms and conditions of this Settlement Agreement by no later than January 1 and July 1 during each year of the disciplinary period.

4. Licensee shall keep the Board apprised of his 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.

5. 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.

6. During the disciplinary period, Licensee shall timely renew his 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.

7. If at any time during the disciplinary period Licensee 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, Licensee 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 Licensee 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 Licensee not specifically mentioned in this document.

11. During the duration of his discipline, Licensee shall submit himself to and contract with the Missouri Dental Well Being Committee ("Committee"). Licensee shall undergo and submit to any evaluations and treatment recommended by the Committee. Licensee shall at his own expense submit to an examination and evaluation by a psychiatrist for the purposes of determining whether medications would be beneficial to Licensee and for the purpose of maintaining Licensee on medications. Within fifteen (15) days of entering the

Committee, Licensee shall cause the Committee to send written notification to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, confirming that Licensee has joined the program. Licensee shall also direct the Committee to forward an evaluation report to the Board detailing the treating professional's findings, specification of DSM IV diagnosis/es, prognosis and treatment recommendations within fifteen (15) days of completing the evaluation. Licensee shall follow all recommendations for treatment or aftercare made by the treating professional. Licensee shall show this Settlement Agreement to each treating professional

12. Licensee shall execute a medical release or other appropriate release that shall remain in effect for the entire period covered by this Settlement Agreement authorizing the Board to obtain records of Licensee's treatment for chemical dependency and/or psychiatric care. Licensee shall not take any action to cancel this release. Licensee shall take any and all steps necessary to continue the release in effect and shall provide a new release when requested.

13. Licensee shall cause a letter of ongoing treatment evaluation from each treating professional to be submitted to the Board by January 1, April 1, July 1 and October 1 during each year of the disciplinary period beginning the effective date of this Settlement Agreement.

- (a) The letter shall include an evaluation of Licensee's current progress and status related to the treatment recommendations/plan and Licensee's current prognosis and treatment recommendations/plan.
- (b) The letter shall be sent by the treating professional and/or the Committee addressed to: Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102.

14. If the treatment of Licensee is successfully completed at any time during the period covered by this Settlement Agreement, Licensee shall cause the treating professional and/or the Committee to submit a letter of final evaluation/summary that includes a statement

that Licensee has successfully completed treatment and indicates whether Licensee should continue a 12-step program. If continuance in a 12-step program is recommended, Licensee shall comply with terms of documentation as outlined in paragraph 15 herein.

15. If attendance is recommended, Licensee shall submit evidence of weekly (or recommended) attendance at Alcoholics Anonymous, Narcotics Anonymous, or other support groups meetings to the Board by January 1, April 1, July 1 and October 1 during each year of the disciplinary period beginning the effective date of this Settlement Agreement. The documentation shall include the date, time, and place of the meeting and shall bear a signature or abbreviated signature of another person verifying attendance.

16. During the disciplinary period, Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Licensee's discipline.

17. 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 (10) 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 fluid 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.

18. Licensee shall inform any professional preparing a prescription for Licensee that Licensee is chemically dependent.

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

20. 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 and in addition to any additional continuing education required in paragraph twenty (20) herein. This course must be taken within the first twelve (12) months of the effective date of this Settlement Agreement. 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.

21. Licensee shall keep the Board apprised in writing of the names, addresses and phone numbers of all of his health care providers during the disciplinary period and shall provide written release to the provider(s) authorizing the Board to obtain Licensee's treatment records and reports from the provider(s).

22. Upon request Licensee shall sign a written release authorizing his health care providers to disclose Licensee's treatment records and reports to the Board.

23. Licensee shall attend Caudaceus Groups as recommended by the Committee and shall provide documentation of attendance to the Board on or before January 1, April 1, July 1 and October 1 of each year of the disciplinary period.

24. Licensee shall attend marriage counseling as recommended by the Committee and shall provide documentation of attendance to the Board on or before January 1, April 1, July 1 and October 1 of each year of the disciplinary period. Licensee shall provide the name, address and telephone number of the marriage counselor to the Board. Licensee shall execute all necessary releases to allow the Board to obtain records and information from the marriage counselor verifying Licensee's attendance at counseling sessions, and the dates of sessions scheduled by the counselor. If at anytime the marriage counselor is of the opinion that Licensee has obtained the maximum benefit of marriage counseling or marriage counseling is terminated, the marriage counselor shall provide the Board with written notice that counseling has ceased or *is terminated and the reason for such cessation or termination*. Licensee shall provide the Board and marriage counselor with all necessary releases to allow the marriage counselor to provide the Board information as outlined in this paragraph.

25. Licensee shall only practice dentistry under the general supervision of a Missouri licensed dentist approved by the Board who shall inspect Licensee's office and patient charts monthly and shall talk with and obtain feedback from Licensee's staff on the operation of the office, treatment of patients and Licensee's use or lack of control of tremors. The supervisory dentist shall file written reports with the Board quarterly on January 1, April 1, July 1 and October 1 of each year outlining his or her findings.

26. Licensee shall at his own expense wear and receive the placement of an Ankle Monitoring Device as recommended by the Committee to monitor alcohol and drug consumption. Licensee shall execute all releases necessary to allow the Board to obtain the results of such monitoring.

27. Licensee shall follow all recommendations of the evaluation obtained from Metro Atlanta Recovery Residences, Inc. and provide all necessary releases to allow the Board to monitor Licensee's Compliance with said recommendations.

28. The parties to this Settlement Agreement understand that the Board will maintain this Agreement as an open and public record of the Board as provided in Chapters 332, 610 and 620, RSMo

29. Upon the expiration and successful completion of the disciplinary period, Licensee's license to practice dentistry in the State of Missouri, shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that Licensee has violated any term or condition of this agreement, 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 Licensee.

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

31. If the Board determines that Licensee has violated a term or condition of this agreement, which violation would also be actionable in a proceeding before the AHC 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 such violation

32. In consideration of the foregoing, the parties consent to this Settlement Agreement and Waiver of Hearing Before the AHC and the Board based upon the facts stipulated in this Agreement.

33. **Donald R. Roberts, D.D.S., AS EVIDENCED BY THE INITIALS ON THE APPROPRIATE LINE**

\_\_\_\_\_ REQUESTS  
DRR DOES NOT REQUEST

**THE AHC TO DETERMINE IF THE FACTS SET FORTH HEREIN ARE GROUNDS FOR DISCIPLINING LICENSEE'S LICENSE AS A DENTIST IN THE STATE OF MISSOURI.**

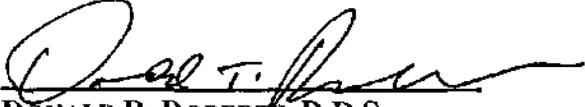
34. If Licensee has requested review, Licensee and the Board jointly request that the AHC determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the AHC determines that the

agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

35. If Licensee has not requested review by the Administrative Hearing Commission, the agreement goes into effect 15 days after the document is signed by the Executive Director.

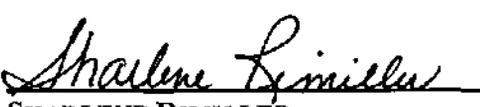
36. Licensee, together with his heirs and assigns, and his attorneys, does hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including but not limited to any claims for attorneys fees and expenses, including any claims pursuant to Section 536.087, RSMo, or any claim arising under 42 United States Code 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of its settlement. Licensee acknowledges that this paragraph is severable from remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law or administrative tribunal deems this Agreement or any portion thereof void or unenforceable.

**LICENSEE**

  
DONALD R. ROBERTS, D.D.S.

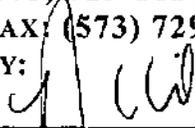
3/22/04  
DATE

**MISSOURI DENTAL BOARD**

  
SHARLENE RIMILLER  
EXECUTIVE DIRECTOR  
MISSOURI DENTAL BOARD

4-2-04  
DATE

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\_\_\_\_\_  
Nanci R. Wisdom #39359  
ATTORNEY FOR PETITIONER

03-31-04  
\_\_\_\_\_  
DATE