

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI DENTAL BOARD,

Petitioner,

vs.

RONALD L. SHULER, D.D.S.,

Respondent.

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No. 06-0493 DB

CONSENT ORDER

The licensing authority filed a complaint. Section 621.045, RSMo Supp. 2006, gives us jurisdiction.

On August 1, 2007, the parties filed a "Waiver of Hearing, Joint Stipulation, and Request for Consent Order." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under § 332.321.2(6) and (15), RSMo 2000. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order. We certify the record to the licensing agency under § 621.110, RSMo 2000.

The only issue before this Commission is whether the stipulated conduct constitutes cause to discipline the license. The appropriate disciplinary action is not within our power to decide; that is subject to the licensing authority's decision or the parties' agreement. Section 621.110, RSMo 2000.

No statute authorizes us to determine whether the agency has complied with the provisions of § 621.045.3. RSMo Supp. 2005. We have no power to superintend agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied with such procedures.

SO ORDERED on August 6, 2007.

Handwritten signature of Terry M. Jarrett in black ink.

TERRY M. JARRETT
Commissioner

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

MISSOURI DENTAL BOARD,)
)
 Petitioner,)
)
v.)
)
RONALD L. SHULER, D.D.S.,)
)
 Respondent.)

Case No. 06-0493 DB

FILED
AUG 01 2007
ADMINISTRATIVE HEARING
COMMISSION

**WAIVER OF HEARING, JOINT STIPULATION, AND
REQUEST FOR CONSENT ORDER**

COMES NOW Petitioner, Missouri Dental Board, (himeinafter "Board")by and through its attorney, Nanci R. Wisdom, and Respondent, Ronald L. Shuler, D.D.S., (himeinafter "Licensee") in person and with counsel, John L. Roark, and pursuant to the provisions of 4 C.S.R. 20-2.130 and Missouri Revised Statutes Section 536.060 as applicable to this Commission by the provisions of Section 621.135 RSMo, and jointly state that the parties waive their right to a hearing before the Administrative Hearing Commission in the above-referenced cause, enter this Joint Stipulation consistent with the content of this document. In support of their motion, the board and Licensee, himeby stipulate and agree to the following:

1. License, acknowledges that he is familiar with the various rights and privileges afforded by operation of law, including the right to a hearing on the charges against him; the right to appear and be represented by counsel; the right to have all

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

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

3. Licensee is and at all times relevant to this cause was, the holder of a current and valid license to practice dentistry and certificate of registration issued by The Board.

4. That the First Amended Complaint of the Board in the above-styled cause is attached hereto as Exhibit A and made a part hereof by reference.

5. Licensee admits the allegations contained in the First Amended Complaint of the Board in cause number 06-1082 DB and further admits that said conduct falls within the intentment of Section 332.321 RSMo as applicable to each allegations

contained in the First Amended Complaint and further admits that said conduct subjects him license to discipline under the provisions of Section 332.321 RSMo as applicable to the allegations contained in the First Amended Complaint.

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

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 Supp.

7. Licensee's license to practice dentistry shall be placed on probation for a period of five (5) years. During Licensee's probation, Licensee shall be allowed to practice dentistry under Chapter 332, RSMo, provided he adheres to all of the terms of this Joint Agreed Disciplinary Order.

8. During the period of probation, Licensee shall keep the Missouri Dental Board apprised at all times in writing of his current home and work addresses and telephone numbers at each place of employment. Licensee shall notify the Board within ten (10) days of any change in this information.

9. During the period of probation, Licensee shall comply with all provisions of Chapter 332, RSMo, all rules and regulations of the Missouri Dental Board, and all federal and state laws, rules and regulations. "State" here includes the state of Missouri and all other states and territories of the United States.

10. During the period of probation, Licensee shall appear before the Board or one of its representatives for a personal interview upon the Board's request.

11. Pursuant to section 332.321.6, RSMo, if at any time during the period of probation Licensee removes himself from the state of Missouri, ceases to be currently licensed under the provisions of Chapter 332, or fails to keep the Missouri Dental Board advised of his current place of business and residence, the time of his absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

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

13. Licensee shall take the continuing education course in ethics sponsored by the University of Missouri-Kansas City or its equivalent offered by a Board approved sponsor. 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 eighteen (18) months of the effective date of this Joint Agreed Disciplinary 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.

14. Within one hundred and eighty (180) days of the beginning of the probation period, Licensee shall take and successfully complete the jurisprudence exam for dentists in the state of Missouri.

15. The parties to this Joint Agreed Disciplinary Order understand that the Board will maintain this Joint Agreed Disciplinary Order as an open and public record of the Board as provided in Chapters 332, 610 and 620, RSMo.

16. 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.

17. 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.

18. 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 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 such violation.

WHEREFORE, based upon the foregoing, the parties mutually request that the Administrative Hearing Commission issue a Consent Order embodying the terms and conditions of this "Waiver of Hearing, Joint Stipulation, and Request for Consent Order" in the above-styled cause, and that cause number 06-0493 DB be closed.

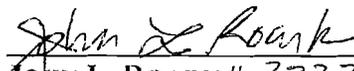


RONALD M. SHULER, D.D.S.

7-24-7

Date

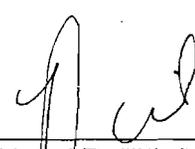
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JOHN L. ROARK # 33237
Attorney for Licensee

July 24, 2007

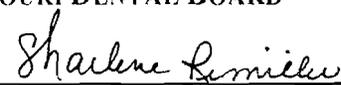
Date

BY:


Nanci R. Wisdom #39359
Attorney for Petitioner

07-24-07

Date

MISSOURI DENTAL BOARD
BY: 

SHARLENE RIMILLER,
EXECUTIVE DIRECTOR

8-1-07

Date

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

MISSOURI DENTAL BOARD,)
P.O. BOX 1357)
3605 Missouri Blvd.)
Jefferson City, Missouri 65102)
Petitioner,)

v.)

RONALD L. SHULER, D.D.S.)
3225 Cunningham Drive)
Sedalia, MO 65301)
Respondent.)

CAUSE NO.: 06 -0493 DB

FIRST AMENDED COMPLAINT

RECEIVED
AUG 01 2007
Administrative Hearing Commission

FILED
AUG 01 2007
ADMINISTRATIVE HEARING
COMMISSION

COMES NOW Petitioner, Missouri Dental Board, by and through its attorney Nanci R. Wisdom and for its First Amended Complaint in the above-referenced matter states and alleges as follows:

1. The Petitioner Missouri Dental Board is an agency of the State of Missouri, created and established pursuant to Missouri Revised Statute sections 332.021 to 332.061 for the purpose of executing and enforcing the provisions of Chapter 332 Dentistry.

2. Respondent Ronald L. Shuler, D.D.S. is and at all times herein relevant, has been a licensed and certified dentist in the State of Missouri.

3. This Commission has jurisdiction to hear this First Amended Complaint pursuant to the provision in the Missouri Revised Statute section 621.045.

4. At all times relevant herein, Respondent possessed a valid certification from the Bureau of Narcotics and Dangerous Drugs (hereinafter "BNDD").

5. Respondent moved his practice location from 801 West 47th Street, Suite 110, Kansas City, MO 64112 to 303 South Osage, Tipton, MO 65081 and failed to inform the Bureau of Narcotics and Dangerous Drugs (hereinafter "BNDD") of this change in practice location for a period of more than six months in violation of 19 CSR 30-1.023.

6. On or about the following dates, Respondent, issued the following prescriptions for controlled substances to the following patients, but failed to document the prescription in the patient record as required by 19 CSR 30-1.048(2):

<u>Date</u>	<u>Patient</u>	<u>Prescription</u>
02-20-06	JS	15 tabs hydrocodone/APAP 7.5/500 mg
03-29-06	JS	20 tabs hydrocodone/APAP 7.5/500 mg
05-15-06	JS	15 tabs hydrocodone/APAP 7.5/500 mg
05-12-06	BS	100 Histinex HC
06-01-06	CB	20 tabs Oxycodone/APAP 5/325 mg
06-20-06	CB	20 tabs Oxycodone/APAP 5/325 mg
07-12-06	CB	15 tabs Oxycodone/APAP 5/325 mg
08-07-06	CB	20 tabs Oxycodone/APAP 5/325 mg
08-28-06	CB	20 tabs Oxycodone/APAP 5/325 mg
05-16-06	BH	15 tabs hydrocodone/APAP 7.5/500mg
05-22-06	BH	20 tabs hydrocodone/APAP 7.5/500mg
05-23-06	BH	15 tabs Oxycodone/APAP 5/400mg
05-26-06	BH	15 tabs hydrocodone/APAP 7.5/500mg

05-30-06	BH	15 tabs Oxycodone 5 mg
05-30-06	JP	15 tabs hydrocodone/APAP 7.5/500mg
06-05-06	JP	20 tabs hydrocodone/APAP 7.5/500mg
06-26-06	JP	15 tabs hydrocodone/APAP 7.5/500mg
08-28-06	JP	15 tabs hydrocodone/APAP 7.5/500mg
09-11-06	JP	15 tabs hydrocodone/APAP 7.5/500mg

7. Hydrocodone/APAP, Oxycodone and Histinex are Schedule III controlled substances.

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

... (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;

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

9. That as a result of the foregoing, Respondent Ronald L. Shuler, D.D.S. has failed to comply with Missouri Revised Statute section 332.321.2.

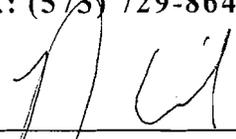
10. That Missouri Revised Statute section 332.321.3 gives Petitioner Missouri Dental Board the authority to take disciplinary action against the dentist licensed to practice dentistry in the State of Missouri for violations enumerated in Missouri Revised Statute section 332.321.2.

WHEREFORE, based on the foregoing, Petitioner prays this Commission to enter

an order finding that it has cause to take disciplinary action against Respondent Ronald L. Shuler, D.D.S. in the First Amended Complaint or, in the alternative, this matter be set for an evidentiary hearing.

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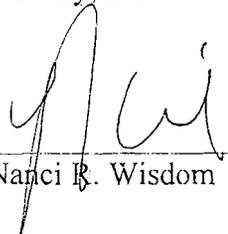
BY:



Nanci R. Wisdom #39359
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was hand delivered to John L. Roark, Attorney for Respondent, at 111 South Ninth Street, Suite 200, Columbia, MO 65201 on this 24th day of July, 2007.



Nanci R. Wisdom