

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

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

vs.)

CAUSE NO.: DB-07-22

JAMES A. STEEN, D.M.D.)
1400 Triad Center Drive)
St. Peters, MO 63376)
 Respondent.)

CONSENT ORDER

Nanci R. Wisdom, attorney for the Missouri Dental Board, filed a Statement of Charges on April 24, 2006, pursuant to 4 CSR 110-2.161. The Missouri Dental Board has jurisdiction in this matter pursuant to 4 CSR 110-2.161 and Section 621.153 RSMo.

On January 9, 2007 the parties filed a "Stipulation". Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. We conclude that the licensee has violated the requirement of his probated licensure order the states as follows:

I. . .

C. 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.

Pursuant to 4 CSR 110-2.161 and 332.321.3 RSMo. the Board may impose discipline against his dental license. We incorporate the parties' Stipulations into Consent Order. Contained in the "Stipulation", the following discipline by consent:

Respondent James A. Steen's license to practice dentistry is voluntarily surrendered effective January 9, 2007.

IT IS SO ORDERED THIS 26th DAY OF February, 2007.

Sharlene Rimiller

**Sharlene Rimiller, Executive Director
MISSOURI DENTAL BOARD**

**BEFORE THE MISSOURI DENTAL BOARD
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MISSOURI DENTAL BOARD,)
P.O. Box 1367)
1605 Missouri Blvd.)
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Petitioner.)

v.)
JAMES A. STEEN, D.M.D.)
1400 Triad Center Drive)
St. Peters, MO 63376)
Respondent.)

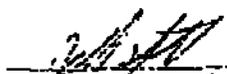
CAUSE NO.: DB07-22

STIPULATION

COMES NOW the parties to this action and hereby stipulate and agree as follows:

1. Respondent, James A. Steen, D.M.D. hereby admits the allegations contained in the Statement of Charges attached hereto as Exhibit A.
2. Respondent, James A. Steen, D.M.D. hereby voluntarily surrenders his License to Practice Dentistry and Certificate of Registration.
3. Petitioner, Missouri Dental Board hereby accepts the voluntary surrender of his License to Practice Dentistry and Certificate of Registration.

Respondent


James A. Steen, D.M. D.

Date: 1-9-07

MISSOURI DENTAL BOARD

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Sharon Rindler
Executive Director
Missouri Dental Board

By: *[Signature]*
Nancy Wisdom #39359
Attorney for Missouri Dental Board

Date _____

Date 01-09-07



5. Respondent James A. Steen's, D.M.D., dental license was placed on probation from February 26, 1991 to February 26, 1994 for violations of Missouri drug law.

6. Respondent James A. Steen's, D.M.D. dental license was suspended from December 20, 1996 to January 18, 1997 and placed on probation from January 18, 1997 to January 18, 2002 for violations of Missouri drug law.

7. In 1997, the Board determined that Respondent James A. Steen, D.M.D. had violated his probation described in paragraph 4 herein. As a result of this violation, Respondent's dental license was placed on probation from November 20, 1997 to November 20, 2002.

8. In 2000, the Board determined that once again Respondent James A. Steen, D.M.D. had violated his probation as described in paragraph 5 herein. As a result of this violation, Respondent, James A. Steen's, D.M.D. dental license was again suspended from August 2, 2000 to August 17, 2000 and from February 1, 2001 to February 15, 2001. Respondent James A. Steen's, D.M.D. dental license remained on the same probation as described in paragraph 6 herein.

9. Respondent James A. Steen's, D.M.D. dental license expired on November 20, 2002.

10. That on or about July 29, 2003, Respondent James A. Steen, D.M.D. was issued a probated license placing his license on probation for three years from July 29, 2003 to July 28, 2006, in a case involving failure to obtain and document continuing education, misrepresenting the status of his continuing education and practicing dentistry without a license.

11. Subsequently, on or about January 3, 2006, Respondent James A. Steen's, D.M.D. license to practice dentistry and certificate of registration was placed on probation for a period of three (3) years from January 18, 2006 to January 17, 2009 in a case involving improper records keeping of controlled substances. This discipline was issued in the form of an Informal Consent Agreement.

12. The probated license issued to Respondent James A. Steen, D.M.D. on or about July 29, 2003, placed Respondent James A. Steen's, D.M.D. license to practice dentistry on probation for a period of three (3) years conditioned as follows:

a. 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.

13. On or about the following dates, Respondent James A. Steen, D.M.D. prescribed the following controlled substances in the following names:

	<u>Date</u>	<u>Patient</u>	<u>Rx Number</u>	<u>Drug</u>
a.	4/01/05		2557247	Vicodin ES #30
b.	5/17/05		2577750	Vicodin ES #30
c.	6/08/05		1110825	Vicodin ES #30
d.	6/21/05		1115442	Vicodin ES #30
e.	7/05/05		1120299	Vicodin ES #30
f.	7/13/05		1123312	Vicodin ES #30
g.	8/02/05		2252741	Vicodin ES #30
h.	8/29/05		2261659	Vicodin ES #30
i.	9/03/05		4439014	Vicodin ES #30
j.	9/17/05		2268659	Vicodin ES #30
k.	10/13/05		2284762	Vicodin ES #30
l.	3/29/05		2025752	Percocet 10/650, #30
m.	4/22/05		332082	Vicodin ES #30
n.	4/29/05		333097	Percocet 10/325, #30
o.	5/19/05		2025899	Percocet 10/325, #30

p.	8/09/05		396086	Percocet 10/650, #40
q.	9/09/05		349473	Percocet 10/650, #40
r.	10/12/05		2026323	Percocet 10/650, #40
s.	10/31/05		1666113	Percocet 10/650, #40
t.	11/08/05		2026394	Percocet 10/650, #40
u.	12/05/05		2026465	Percocet 10/650, #40

v.	7/14/05		2026057	Percocet 10/650, #30
w.	8/23/05		2026171	Percocet 10/650, #40
x.	9/21/05		2026260	Percocet 10/650, #40

	<u>Date</u>	<u>Patient</u>	<u>Rx Number</u>	<u>Drug</u>
y.	10/05/05		1154833	Percocet 10/650, #40
z.	10/20/05		2026340	Percocet 10/650, #40
aa.	11/17/05		827923	Percocet 10/650, #40

bb.	10/13/05		353812	Percocet 10/650, #40
cc.	11/04/05		2226755	Percocet 10/650, #40
dd.	11/06/05		1669909	Percocet 10/650, #40

ee.	2/09/05		361059	Percocet 10/650, #30
ff.	11/09/05		413273	Percocet 10/650, #40
gg.	11/11/05		413975	Percocet 10/650, #40

14. Vicodin BS is a Schedule II controlled substance.

15. Percocet is a Schedule IV controlled substance.

16. The prescriptions in paragraph 13. a - k written in the name of [redacted]

[redacted] were telephoned to the pharmacy by [redacted], Respondent James A. Steen's, D.M.D. then girlfriend, with the authorization of James A. Steen, D.M.D.

17. The prescriptions in paragraph 13. a - k were picked up from the pharmacy by either [redacted] or Respondent James A. Steen, D.M.D. and used and/or possessed by [redacted] for purposes unrelated to the practice of dentistry.

18. The prescriptions in paragraph 13. l - gg written in the names of [redacted] and [redacted] were authorized by Respondent James A. Steen, D.M.D.

19. Respondent James A. Steen, D.M.D. received ten (10) tablets of controlled substance from each prescription described in paragraph 13. 1 - gg.

20. Respondent James A. Steen, D.M.D. then provided the tablets he received from the prescriptions described in paragraph 13. 1 - gg to his then girlfriend, , for purposes unrelated to the practice of dentistry.

21. When writing the prescriptions described in paragraph 13. 1 - aa, James A. Steen, D.M.D. left the name blank on the prescription.

22. With regard to the prescriptions described in paragraph 13, Respondent James A. Steen, D.M.D. issued 23 prescriptions that did not bear the recipient's address in violation of 21 CFR 1306.05(a).

23. With regard to the prescriptions described in paragraph 13. 1 - gg, Respondent James A. Steen, D.M.D. issued the controlled substance prescriptions with no name in violation of 19 CSR 30-1.031(1).

24. With regard to the prescriptions described in paragraph 13. 1 - gg, Respondent James A. Steen, D.M.D. arranged with : and : for him to receive ten tablets from each prescription in violation of 19 CSR 30-1.031(1).

25. Joyce Whelchel and Dana Walter returned ten tablets of each prescription described in paragraph 13. 1 - gg to Respondent James A. Steen, D.M.D. usually by placing the tablets in an envelope and placing the envelope in an unlocked drawer in the desk of Respondent James A. Steen, D.M.D.

26. Respondent James A. Steen, D.M.D. failed to keep the controlled substances described in paragraph 24 in a substantial locking cabinet in violation of 19 CSR 30-1.031(1).

27. Respondent James A. Steen, D.M.D. did not document the prescriptions described in paragraph 13 in patient charts in violation of 19 CSR 30-1.048(2) and §195.050.6 RSMo and §195.204 RSMo.

28. As outlined herein Respondent James A. Steen, D.M.D. issued prescriptions for controlled substances described in paragraph 13. 1 – gg so that controlled substances could be returned to Respondent James A. Steen, D.M.D. in violation of §195.070.1 RSMo.

29. As outlined herein, Respondent James A. Steen, D.M.D. issued the prescriptions for controlled substances described in paragraph 13. 1 – aa for purposes of treating the back pain of Joyce Welchel in violation of § 195.070.1 RSMo and §195.211 RSMo.

30. As outlined herein, Respondent James A. Steen, D.M.D. issued the prescriptions for controlled substances described in paragraph 13 for purposes of the hydrocodone and oxycodone addiction from which _____ suffered in violation of §195.070.1 and §195.211 RSMo.

31. As outlined herein, Respondent James A. Steen, D.M.D. prescribed and distributed portions of the controlled substances described in paragraph 13 to Jamie McCadden, a narcotic dependent person; and also dispensed more than one day's supply of these controlled substances to _____ and did so for more than three days in violation of 21 CFR 1306.07.

32. Respondent James A. Steen, D.M.D. accepted many of the controlled substances described in paragraph 13 from the pharmacy when he did not originally dispense the controlled substances in violation of §195.070.3 RSMo.

33. As outlined herein, Respondent James A. Steen, D.M.D. possessed controlled substances in an illegal manner in violation of §195.202 RSMo.

34. Respondent James A. Steen, D.M.D. issued the controlled substance prescriptions described in paragraph 13 without a bona fide dentist-patient relationship in violation of §195.211 and 332.361.2(2) RSMo.

35. With regard to the prescriptions described in paragraph 13, Respondent James A. Steen, D.M.D. failed to keep receipt records of the controlled substances he accepted and possessed in violation of 19 CSR 30-1.048(1) and §195.050.6 RSMo.

36. With regard to the prescriptions described in paragraph 13, Respondent James A. Steen, D.M.D. failed to maintain an initial inventory of the controlled substances he received in violation of 19 CSR 30-1.042(2)(A) and §195.050.6 RSMo.

37. With regard to the prescriptions described in paragraph 13, Respondent James A. Steen, D.M.D. failed to maintain a dispensing log of controlled substances he distributed and/or dispensed to _____ in violation of 19 CSR 30-1.048(1) and §195.050.6 RSMo.

38. Section 332.361.2 states that a dentist may only prescribe controlled substances so long as:

- (1) The dentist possesses the requisite valid federal and state registration to distribute or dispense controlled substances;
- (2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course of his professional practice of dentistry, and for no other reason;
- (3) A bona fide dentist-patient relationship exists; and

(4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.

39. §332. 321.2 (6) states that a dentist's license may be disciplined for the following:

... (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.

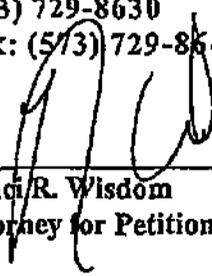
40. As outlined herein, the actions of Respondent James A. Steen, D.M.D. violate §332.361.2 (2), (3), and (4) and §332.321.2 (6) RSMo.

41. That by his actions as outlined herein, Respondent James A. Steen, D.M.D., violated the terms of his probation under the Order of this Board.

WHEREFORE, it is prayed that this Board hold a hearing for the purpose of determining whether sufficient cause exists for the taking of further disciplinary action against Respondent James A. Steen, D.M.D., based upon the charges made herein and that, in the event cause be found, that the Missouri Dental Board take such further disciplinary action as in its discretion it deems just and appropriate.

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