

**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.:** 02-0248 DB
)

CHARLES M. WALLER, D.D.S.)
272 Blue Haven Beach Road)
Camdenton, MO 65020)
Respondent.)

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

On July 22, 2006, the Missouri Dental Board held a Hearing on the Notice of Hearing on First Amended Statement of Charges in the above-styled cause. Said hearing was held at the Doubletree Hotel & Conference Center, 16625 Swingley Road in Chesterfield, Missouri, for the purpose of determining the truth of the allegations contained in the First Amended Statement of Charges filed with the Missouri Dental Board on April 5, 2006, alleging that Respondent, Charles M. Waller, D.D.S., had violated the terms of his discipline. The Missouri Dental Board was represented by Nanci R. Wisdom, outside counsel for Missouri Dental Board, Respondent, Charles M. Waller, D.D.S., was present in person and with counsel, Terry Allen. Assistant Attorney General, Amy Braudis, advised the Missouri Dental Board on legal matters. The Missouri Dental Board heard evidence on the allegations contained in the First Amended Statement of Charges and heard evidence offered in mitigation of said charges by

Respondent, Charles M. Waller, D.D.S. The Board heard testimony of Michael Boeger, Charles M. Waller, D.D.S., and Irena Waller. Petitioner's Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 and Respondent's Exhibits A, B, C, D, F, G, H, I and J 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 First Amended Statement of Charges and whether further disciplinary action should be taken concerning the certificate and license of the Respondent.

FINDINGS OF FACT

1. The Missouri Dental Board ("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. Respondent Charles M. Waller, D.D.S. ("Respondent") is licensed by the Board as a dentist. Respondent's Missouri license was at all times relevant herein, and is now, current and active.

3. That on or about November 2, 1988, Respondent's license to practice dentistry and certificate of registration was placed on probation for three years from November 2, 1988 to November 2, 1991 in a case involving quality of care and fraud issues.

4. That on or about March 7, 1995, Respondent's license to practice dentistry and certificate of registration was suspended from March 7, 1995 to June 6, 1995 followed by five (5) years probation in a case involving fraud issues.

5. That on or about September 6, 1996, Respondent's license to practice dentistry and certificate of registration was revoked in a case involving violation of controlled substances laws. The case was styled Missouri Dental Board v. Charles M. Waller, D.D.S., Administrative Hearing Commission Cause Number 95-001962DB.

6. On or about December 1, 2002, Respondent was issued a probated license conditioned as follows:

(D) Dr. Waller 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.

7. Respondent's Bureau of Narcotic and Dangerous Drug ("BNDD") controlled substance registration terminated on February 11, 2005.

8. From February 11, 2005 to June 20, 2005, Respondent did not possess a controlled substance registration.

9. Respondent wrote prescriptions for controlled substances without possessing a controlled substance registration as follows:

<u>Date</u>	<u>Drug</u>	<u>Qty</u>	<u>Patient</u>
02/02/2005	OXYCOD/APAP 5 500mg cap	20	KM
02/03/2005	DIAZEPAM 10 mg tab	1	CZ
02/04/2005	OXYCOD/APAP 5 500mg cap	16	TZ
02/07/2005	HYDROCO/APAP 7 5 750 tab	20	TZ
02/14/2005	HYDROCO/APAP 5 500 mg tab	24	RC
02/14/2005	HYDROCO/APAP 5 500 mg tab	16	KJ
02/24/2005	APAP/CODEINE300 30 mg tab	16	ANB
03/08/2005	HYDROCO/APAP 5 500 mg tab	16	EZ
03/10/2005	HYDROCO/APAP 5 500 mg tab	12	PC
03/10/2005	HYDROCO/APAP 5 500 mg tab	20	ST
03/17/2005	HYDROCO/APAP 5 500 mg tab	20	LM
03/22/2005	HYDROCO/APAP 7 5 750 tab	40	BS
03/28/2005	MEPERIDINE 50 mg tab	1	CB
03/28/2005	DIAZEPAM 10 mg tab	1	CB

03/28/2005	HYDROCO/APAP 5 500 mg tab	20	BS
03/28/2005	HYDROCO/APAP 5 500 mg tab	20	LNH
03/30/2005	DIAZEPAM 10 mg tab	1	JC
04/04/2005	HYDROCO/APAP 5 500 mg tab	20	WN
<u>Date</u>	<u>Drug</u>	<u>Qty</u>	<u>Patient</u>
04/04/2005	DIAZEPAM 10 mg tab	2	WN
04/05/2005	HYDROCO/APAP 7 5 750 tab	20	RB
04/05/2005	HYDROCO/APAP 5 500 mg tab	20	TB
04/06/2005	HYDROCO/APAP 5 500 mg tab	20	JC
04/08/2005	HYDROCODONE/APAP ELX	200	AK
04/08/2005	HYDROCO/APAP 7 5 750 tab	12	RB
04/08/2005	HYDROCO/APAP 5 500 mg tab	20	MLC
04/11/2005	DIAZEPAM 10 mg tab	2	LB
04/13/2005	HYDROCO/APAP 7 5 750 tab	20	AM
04/14/2005	HYDROCO/APAP 7 5 750 tab	20	BS
04/18/2005	HYDROCO/APAP 7 5 750 tab	20	AC
04/19/2005	HYDROCO/APAP 5 500 mg tab	20	JAE
04/19/2005	HYDROCO/APAP 7 5 750 tab	20	AM
04/22/2005	DIAZEPAM 10 mg tab	2	SN
04/22/2005	HYDROCO/APAP 7 5 750 tab	20	SN
04/25/2005	HYDROCO/APAP 5 500 mg tab	20	DMP
04/26/2005	APAP/CODEINE 120 12/SELX	120	DR
04/26/2005	OXYCOD/APAP 5 325 mg tab	20	AMC
04/26/2005	HYDROCO/APAP 7 5 750 tab	20	LDC, Jr.
04/27/2005	HYDROCO/APAP 7 5 750 tab	20	AMV, II
04/27/2005	HYDROCO/APAP 7 5 750 tab	20	LB
04/29/2005	HYDROCO/APAP 7 5 750 tab	20	RM
04/29/2005	HYDROCO/APAP 7 5 750 tab	20	LB
05/02/2005	HYDROCO/APAP 7 5 750 tab	20	MLC
05/02/2005	HYDROCO/APAP 7 5 750 tab	20	DH
05/04/2005	HYDROCO/APAP 7 5 750 tab	20	KC, III

<u>Date</u>	<u>Drug</u>	<u>Qty</u>	<u>Patient</u>
05/11/2005	DIAZEPAM 10 mg tab	1	CMN
05/12/2005	HYDROCO/APAP 7 5 750 tab	20	RB
05/12/2005	HYDROCO/APAP 7 5 750 tab	20	CMN
05/12/2005	HYDROCO/APAP 7 5 750 tab	20	JAB
05/13/2005	HYDROCO/APAP 5 500 mg tab	20	CM
05/16/2005	HYDROCO/APAP 7 5 750 tab	20	CMN
05/23/2005	HYDROCO/APAP 7 5 750 tab	20	CC
05/23/2005	HYDROCO/APAP 7 5 750 tab	20	CL
05/24/2005	HYDROCO/APAP 7 5 750 tab	20	JS
05/24/2005	HYDROCO/APAP 7 5 750 tab	20	LH
05/25/2005	HYDROCO/APAP 7 5 750 tab	20	DL
05/26/2005	HYDROCO/APAP 7 5 750 tab	20	JW
05/26/2005	HYDROCO/APAP 7 5 750 tab	20	TNH
05/27/2005	OXYCO/APAP 7 5 500 tab	20	WW
05/27/2005	HYDROCO/APAP 7 5 750 tab	20	JS
05/27/2005	HYDROCO/APAP 7 5 750 tab	20	JKS
05/31/2005	OXYCOD/APAP 5 500mg cap	20	PB
05/31/2005	HYDROCO/APAP 7 5 750 tab	12	TNH
06/01/2005	DIAZEPAM 10 mg tab	1	CG
06/07/2005	HYDROCO/APAP 7 5 750 tab	20	RB
02/01/2005	OXYCOD/APAP 5 500mg cap	20	JMK
02/24/2005	HYDROCO/APAP 7 5 750 tab	16	KDF
03/23/2005	HYDROCO/APAP 7 5 750 tab	20	NB
04/07/2005	OXYCOD/APAP 5 500mg cap	20	WN
04/12/2005	HYDROCO/APAP 5 500 mg tab	20	AB
04/14/2005	HYDROCO/APAP 7 5 750 tab	20	JAE
04/22/2005	HYDROCO/APAP 7 5 750 tab	20	TB
02/01/2005	HYDROCO/APAP 7 5 750 tab	24	BRM
02/01/2005	CLINDAMYCIN 150mg	30	DP
02/01/2005	HYDROCO/APAP 7 5 750 tab	20	DP
02/01/2005	HYDROCO/APAP 5 500 mg t	20	MP
02/07/2005	TRAMADOL HCL 50 mg	24	SL
02/08/2005	HYDROCO/APAP 7 5 750 tab	20	SD
02/10/2005	CLINDAMYCIN 150mg	24	KF
02/10/2005	HYDROCO/APAP 7 5 750 tab	16	KF
02/17/2005	HYDROCO/APAP 7 5 750 tab	16	KF
02/17/2005	CLINDAMYCIN 150mg	24	KF
02/28/2005	HYDROCO/APAP 7 5 750 tab	12	KF
02/28/2005	HYDROCO/APAP 5 500 mg t	12	AM
03/02/2005	CLINDAMYCIN 150mg	12	KF
03/02/2005	DIAZEPAM 10 mg tab	1	TD
03/02/2005	HYDROCO/APAP 7 5 750 tab	12	KF
03/02/2005	MEPERIDINE 50 mg	2	TD

<u>Date</u>	<u>Drug</u>	<u>Qty</u>	<u>Patient</u>
03/03/2005	HYDROCO/APAP 5 500 mg t	20	TD
03/03/2005	CLINDAMYCIN 150mg	24	TD
03/08/2005	PROPO-N/APAP 100-650	24	VC
03/08/2005	CLINDAMYCIN 300 mg	24	VC
03/09/2005	HYDROCO/APAP 7 5 750 tab	20	BF
03/09/2005	PROPO-N/APAP 100-650	20	RF
03/09/2005	CLINDAMYCIN 150mg	24	RF
03/10/2005	OXYCOD/APAP 5 500mg cap	20	RS
03/11/2005	CLINDAMYCIN 150mg	30	SSK
03/14/2005	HYDROCO/APAP 5 500 mg t	20	AM
03/14/2005	HYDROCO/APAP 7 5 750 tab	20	SSK
03/15/2005	HYDROCO/APAP 7 5 750 tab	20	GWK
03/15/2005	CLINDAMYCIN 150mg	24	GWK
03/15/2005	CLINDAMYCIN 150mg	24	JW
03/15/2005	HYDROCO/APAP 7 5 750 tab	20	JW
03/16/2005	HYDROCO/APAP 7 5 750 tab	20	LM
03/16/2005	HYDROCO/APAP 7 5 750 tab	24	RJS
03/16/2005	CLINDAMYCIN 150mg	24	RJS
03/18/2005	HYDROCO/APAP 5 500 mg t	20	RF
03/18/2005	CLINDAMYCIN 150mg	20	BF
03/21/2005	HYDROCO/APAP 7 5 750 tab	12	LM
03/23/2005	OXYCOD/APAP 5 500mg cap	20	SD
03/23/2005	CLINDAMYCIN 150mg	24	SD
03/24/2005	HYDROCO/APAP 5 500 mg t	26	NBM
03/28/2005	HYDROCO/APAP 5 500 mg t	20	NH
03/28/2005	CLINDAMYCIN 150mg	24	NH
03/29/2005	HYDROCO/APAP 5 500 mg t	20	RB
03/29/2005	CLINDAMYCIN 150mg	24	RB
04/01/2005	CLINDAMYCIN 150mg	24	SG
04/01/2005	HYDROCO/APAP 5 500 mg t	20	JC
04/01/2005	CLINDAMYCIN 150mg	24	JC
04/06/2005	HYDROCO/APAP 7 5 750 tab	20	JS
04/06/2005	CLINDAMYCIN 150mg	24	JS
04/07/2005	HYDROCO/APAP 7 5 750 tab	20	DS
04/07/2005	CLINDAMYCIN 150mg	24	DS
04/07/2005	HYDROCO/APAP 7 5 750 tab	20	RK
04/07/2005	CLINDAMYCIN 150mg	24	RK
04/07/2005	PROPO-N/APAP 100-650	24	KL
04/07/2005	CLINDAMYCIN 150mg	24	KL
04/14/2005	HYDROCO/APAP 5 500 mg t	20	JM
04/15/2005	DIAZEPAM 10 mg tab	2	MC
04/20/2005	HYDROCO/APAP 7 5 750 tab	20	MM
04/20/2005	CLINDAMYCIN 150mg	24	MM
04/25/2005	CLINDAMYCIN 150mg	24	TR

<u>Date</u>	<u>Drug</u>	<u>Qty</u>	<u>Patient</u>
04/25/2005	HYDROCO/APAP 5 500 mg t	20	TR
04/28/2005	TRAMADOL HCL 50 mg	12	JS
04/28/2005	ENDOCET 7 5-325 m	20	MM
04/28/2005	CLINDAMYCIN 150mg	24	MM
04/29/2005	HYDROCO/APAP 7 5 750 tab	20	TG
04/29/2005	CLINDAMYCIN 150mg	24	TG
04/29/2005	PROPO-N/APAP 100-650	20	WG
04/29/2005	CLINDAMYCIN 150mg	24	WG
05/02/2005	ENDOCET 7 5-325 m	20	MM
05/05/2005	HYDROCO/APAP 7 5 750 tab	20	JW
05/05/2005	CLINDAMYCIN 150mg	24	JW
05/05/2005	ZITHROMAX Z-PAK	6	RB
05/05/2005	CLINDAMYCIN 150mg	24	RW
05/05/2005	HYDROCO/APAP 7 5 750 tab	20	RW
05/09/2005	HYDROCO/APAP 7 5 750 tab	20	JWG
05/09/2005	CLINDAMYCIN 150mg	24	JWG
05/10/2005	HYDROCO/APAP 5 500 mg t	20	KL
05/13/2005	DIAZEPAM 10 mg tab	1	RW
05/13/2005	HYDROCO/APAP 5 500 mg t	20	LM
05/13/2005	CLINDAMYCIN 150mg	24	RW
05/16/2005	ZITHROMAX 250 mg	6	RB
05/18/2005	CLINDAMYCIN 150mg	24	JD
05/23/2005	CLINDAMYCIN 150mg	24	DM
05/23/2005	HYDROCO/APAP 7 5 750 tab	20	DM
05/23/2005	HYDROCO/APAP 7 5 750 tab	20	DB
05/23/2005	CLINDAMYCIN 150mg	24	DB
05/24/2005	HYDROCO/APAP 7 5 750 tab	20	PB
05/24/2005	CLINDAMYCIN 150mg	24	PB
05/27/2005	HYDROCO/APAP 7 5 750 tab	20	CM
05/27/2005	CLINDAMYCIN 150mg	24	CM
05/31/2005	HYDROCO/APAP 7 5 750 tab	20	MW
05/31/2005	CLINDAMYCIN 150mg	24	MW
06/01/2005	DIAZEPAM 10 mg tab	1	KR
06/01/2005	CLINDAMYCIN 150mg	24	TR
06/02/2005	HYDROCO/APAP 7 5 750 tab	20	JLT
06/02/2005	CLINDAMYCIN 150mg	24	JLT
06/03/2005	HYDROCO/APAP 7 5 750 tab	16	CM
06/06/2005	CLINDAMYCIN 150mg	24	SF
06/06/2005	HYDROCO/APAP 7 5 750 tab	20	SF
06/06/2005	HYDROCO/APAP 7 5 750 tab	20	TR
06/06/2005	KETOROLAC 10 mg	20	JD
06/08/2005	PERIOGARD 0 12%	480	TR
06/08/2005	CLINDAMYCIN 150mg	24	TR
06/08/2005	HYDROCO/APAP 7 5 750 tab	20	TR

<u>Date</u>	<u>Drug</u>	<u>Qty</u>	<u>Patient</u>
06/10/2005	PERIOGARD 0 12%	480	CG
06/10/2005	HYDROCO/APAP 7 5 750 tab	20	CG
06/10/2005	CLINDAMYCIN 150mg	24	CG
06/15/2005	CLINDAMYCIN 150mg	24	LW
06/15/2005	TRAMADOL HCL 50 mg	24	LW
06/15/2005	TRAMADOL HCL 50 mg	24	SR
06/16/2005	CLINDAMYCIN 150mg	24	KR
06/16/2005	TRAMADOL HCL 50 mg	24	KR
06/17/2005	TRAMADOL HCL 50 mg	24	TO
06/17/2005	CLINDAMYCIN 150mg	24	TO

10. Respondent failed to inform BNDD of a change in his practice location within thirty (30) days of a move as required by 19 CSR 30-1.023(2)(A).

11. On June 8, 2005, BNDD received information that Respondent changed his practice location on January 10, 2005.

12. On June 8, 2005, BNDD informed Respondent in writing that his registration was closed effective February 11, 2005, because his practice address changed on January 10, 2005.

13. On June 13, 2005, Respondent phoned Mike Boeger of BNDD and told him he had informed the Drug Enforcement Agency (“DEA”), the Board, and BNDD of his address change in January of 2005, and that the BNDD notification must have gotten lost in the mail.

14. Since June 13, 2005 including at the hearing in this matter, Respondent has maintained his statements to Mike Boeger on June 13, 2005, were true.

15. Respondent and his wife, Irena Waller, testified to problems with mail service in their area and stated the required notices were mailed to BNDD and DEA.

16. Respondent testified to conversations in late 2004 with Barb Sindo of DEA in which a potential address change was discussed.

17. Respondent informed the Missouri Dental Board of his address change on January 3, 2005 as required by his disciplinary order.

18. Respondent testified he did not make a final decision to move until late in 2004 or early 2005.

19. Respondent testified he gave a document to a staff person in the office in which he worked to mail to DEA notifying DEA of Respondent's address change. Respondent did not follow up to make certain the document was mailed.

20. Respondent did not inform DEA of his address change until June 13, 2005. DEA requires notices of address changes to be in writing.

21. Respondent misrepresented the status of his notification of address change with DEA to Mike Boeger on June 13, 2005.

CONCLUSIONS OF LAW

22. 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. Section 621.110 RSMo and State Board of the Registration for the Healing Arts v. Masters, 512 S.W.2d 150 (Mo. App. 1974).

23. 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;

24. Respondent prescribed controlled substances between February 11, 2005 and June 20, 2005 without a valid state BNDD registration in violation of Section 33.2361.2(1) RSMo.

25. Respondent misrepresented to Mike Boeger of BNDD on June 13, 2005 that he had informed DEA of his address change in January 2005 when in fact he had not so informed DEA.

26. Section 332.321.2 (5) and (13) states as follows:

(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.

27. The actions of Respondent as outlined herein constitute a misrepresentation of the status of his DEA registration pursuant to Section 332.321.2 (5) RSMo and a violation of a professional trust and confidence pursuant to Section 332.321.2 (13) RSMo.

28. 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 Section 332.321.3 and Section 621.110 RSMo.

29. That the actions of Respondent as set forth herein constitute violations of the terms of his probation, in particular the following term:

(D) Dr. Waller 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.

DISCIPLINE

IT IS THE ORDER OF THE MISSOURI DENTAL BOARD THAT: The license and certificate of registration of Respondent Charles M. Waller, D.D.S., to practice dentistry in the State of Missouri shall be disciplined as follows:

30. Respondent's license to practice dentistry shall be suspended for a period of fourteen (14) days beginning December 15, 2007; and shall be placed on a period of probation for five (5) years beginning the effective date of this Order ("disciplinary period"). Respondent shall return his dental license, wall-hanging-certificate, pocket card, and all other indicia of licensure to the Board no later than the day before the first day of suspension 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.

THE FOLLOWING CONDITIONS OF DISCIPLINE SHALL BE ADHERED TO BY RESPONDENT DURING THE COMPLETE DISCIPLINARY PERIOD:

31. Respondent 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. Respondent shall notify the Board within ten (10) days of any change in this information.

32. Respondent 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 Unites States.

33. Respondent shall appear before the Board or one of its representatives for a personal interview upon the Board's request.

34. Pursuant to section 332.321.6, RSMo, if at any time during the period of probation Respondent 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.

35. Respondent 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 Agreement by no later than January 1 and July 1 during each year of the disciplinary period.

36. Respondent shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain Respondent's license in a current and active state.

THE FOLLOWING CONDITIONS OF DISCIPLINE SHALL BE ADHERED TO BY RESPONDENT UNTIL DECEMBER 1, 2007:

37. Respondent shall not practice dentistry in a solo practice environment. Respondent shall only practice dentistry under the supervision of a dentist licensed in good standing in the State of Missouri and approved by the Board.

38. The supervision of Respondent as referenced in paragraph 37 above shall be that Respondent shall only practice dentistry as an employee and on a salary with no opportunity for commission income or income based on a percentage of money proceeds or income to the dental practice, or number of patients entering into the dental practice or any income based on marketing incentive program.

39. Respondent shall not be involved in any way in the billing, bookkeeping or management functions of the practice of dentistry.

40. Respondent shall not have under his control, prescribe, administer, dispense or distribute controlled substances, except Respondent may have under his control controlled substances prescribed for him for his personal use by a physician, so long as, Respondent complies with paragraphs 44 and 53.

41. Respondent 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 Respondent's treatment records and reports from the provider(s).

42. Upon request, Respondent shall sign a written release authorizing his health care providers to disclose his treatment records and reports to the Board.

43. Respondent shall cause a letter of ongoing treatment evaluation from any mental health treating professional treating Respondent 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 Order.

44. Respondent shall inform any professional preparing a prescription for him of his mental health diagnosis and history.

45. Respondent shall cause a letter of ongoing treatment evaluation from any treating professional treating Respondent for tremors 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 Order.

46. Respondent shall maintain his membership in and participate in the Missouri Dental Well Being Program under the auspices of the Missouri Well Being Committee ("Committee"), Respondent shall cause the Committee to send written

notification to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, confirming that Respondent is a member of the program. Respondent shall follow all recommendations of the Committee.

47. Respondent shall cause a letter of ongoing treatment evaluation from any 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 Agreement.

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

48. If the treatment of Respondent for chemical dependency is successfully completed at any time during the period covered by this Order, Respondent shall cause the treating professional and/or the Committee to submit a letter of final evaluation/summary that includes a statement that Respondent has successfully completed treatment. If continuance in a 12-step program is recommended, Respondent shall comply with terms of documentation as outlined in Paragraph 47.

49. If attendance is recommended, Respondent shall submit evidence of weekly (or recommended) attendance at Alcoholics Anonymous, Narcotics Anonymous, or other support group 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.

50. Respondent shall inform any professional preparing a prescription for Respondent that he is chemically dependent.

51. Respondent shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this Order.

52. Respondent shall submit to random biological testing, at Respondent's expense, as required by the Missouri Dental Board. Respondent 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 controlled substance or alcohol not supported by a valid prescription shall constitute a violation of Respondent's discipline.

53. Respondent shall abstain completely from the personal use or possession of controlled substances and dangerous drugs as defined by state and federal law unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with Respondent has a bona fide physician-patient or dentist-patient relationship. Respondent shall forward to the Board written documentation of any such prescription, including, at a minimum, the controlled substance prescribed and amount prescribed, within ten (10) days of the date of issuance of the prescription along with a report detailing the condition for which said substance has been prescribed. Respondent shall also cause to be furnished within ten (10) days of the date of issuance of the prescription a written report from the practitioner who prescribed the controlled substance. The practitioner's report shall detail the substance prescribed, the amount prescribed, and the

condition for which the prescription was issued. In addition, Respondent shall execute a medical authorization allowing the Board access to the patient records of Respondent maintained by said practitioner.

54. Respondent shall abstain from the consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Respondent's discipline.

55. Respondent shall maintain his membership in and participate in the Missouri Dental Well Being Program under the auspices of the Missouri Well Being Committee ("Committee"), Respondent shall cause the Committee to send written notification to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, confirming that Respondent is a member of the program. Respondent shall follow all recommendations of the Committee.

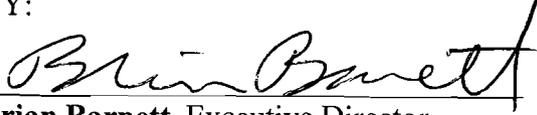
If the Missouri Dental Board determines upon a proper hearing, that Respondent Charles M. Waller, D.D.S., has violated a term or condition of the terms of his discipline as set forth herein, or had otherwise failed to comply with the provisions of chapter 332 RSMo, which violation would be actionable 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 on the date of this Order is executed.

IT IS SO ORDERED ON THIS 20th DAY OF NOVEMBER, 2007.

MISSOURI DENTAL BOARD

BY:


Brian Barnett, Executive Director