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SETTLEMENT AGREEMENT BETWEEN MISSOURI DENTAL BOARD AND TYURIA L. WILLIAMS, R.D.H. MISSOURI DENTAL BOARD

Come now Tyuria D. Williams, R.D.H., ("Licensee") and the Missouri Dental Board ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether Licensee's license as a dentist will be subject to additional discipline.

Pursuant to the terms of § 324.042, RSMo,¹ the parties hereto waive the right to a hearing by the Board regarding cause to take additional discipline against the Licensee's license.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to present evidence on her own behalf at the hearing; the right to a decision upon the record concerning the charges pending against her and, subsequently, the right to present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee 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 her.

Licensee acknowledges that she has received a copy of the investigative report and other documents relied upon by the Board in determining there was cause to discipline her license, along with citations to law and/or regulations the Board believes was violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's license, numbered 003642 is subject to additional disciplinary action by the Board in accordance with the provisions of Chapters 324 and 332, RSMo.

¹ All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

Thu
10/25/13
RDN

Joint Stipulation of Fact and Conclusions of Law

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.

2. Licensee Tyuria D. Williams, R.D.H. is licensed by the Board as a dental hygienist, License No. 003642. Licensee's Missouri license is current and active. As stated below, Licensee's license was suspended from April 10, 2011 through August 15, 2012 pursuant to § 324.010, RSMo. Licensee's license is currently on probation.

3. On or about November 16, 2010, Licensee and the Board entered into a Settlement Agreement (November 2010 Settlement Agreement) placing Licensee's license on probation for a period of five years (disciplinary period).

4. During the disciplinary period, Licensee was entitled to engage in the practice of dental hygiene under Chapter 332, RSMo, provided that Licensee adhered to all the terms and conditions of the Settlement Agreement.

5. Page 4, paragraph I.A. of the November 2010 Settlement Agreement stated, as a term and condition, that:

Ms. Williams shall take and pass the Board's designated jurisprudence examination within nine (9) months of the start of the disciplinary period[.] Failure to take and pass the examination during the first nine (9) months of the disciplinary period shall constitute a violation of this agreement.

6. Page 5, paragraph II.D. of the November 2010 Settlement Agreement stated, as a term and condition that 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.

7. Licensee was required to take and pass the Board's jurisprudence examination within nine months of the start of her disciplinary period, which began on or about November 16, 2010.

8. On or about April 10, 2011, Licensee's license was suspended pursuant to § 324.010, RSMo, for failure to file state income tax returns and/or pay state tax liabilities. The suspension of Licensee's license ended on August 15, 2012 when the Board received a Certificate of Compliance for HB600 Suspension from the Missouri Department of Revenue, advising that Licensee was tax compliant.

9. During the time Licensee's license was suspended pursuant to § 324.010, RSMo (one year, four months and five days), Licensee's probation in the November 2010 Settlement Agreement was tolled. Due to the tolling of Licensee's probation, the period for Licensee to take and pass the jurisprudence examination was extended to January 10, 2013.

10. Licensee failed to take and pass the jurisprudence examination on or before January 10, 2013. The Board's inspector reminded Licensee of the requirement. Licensee took the jurisprudence examination on March 13, 2013 and failed the examination with a score of 72 (a score of 80 is required to pass the examination).

11. Pursuant to § 332.261.4, RSMo, Licensee was required to obtain thirty hours of Board-approved continuing education between December 1, 2010 and November 20, 2012 in order to renew her license.

12. On or about December 11, 2012, the Board sent Licensee a letter requesting documentation of her compliance with the requirement to obtain thirty hours of continuing education during the preceding reporting period.

13. On or about January 20, 2013, a Board inspector informed Licensee that the Board had not received evidence of her compliance with the continuing education requirement.

14. On or about February 8, 2013, the Board received documentation from Licensee demonstrating Licensee completed four hours of continuing education. Licensee stated that she completed an additional eight hours of continuing education but that she did not have documentation for those hours.

15. On or about October 12, 2012, Licensee renewed her dental hygiene license online. Licensee answered "No" to question 9 which asked "Since the preceding renewal period, have you had any professional license, certification, registration or permit revoked, suspended, placed on probation, censured, reprimanded, fine or otherwise subject to any type of disciplinary action?"

16. On or about April 12, 2011, the Board notified Licensee by certified mail that pursuant to § 324.010, RSMo, her dental hygiene license was suspended on April 10, 2011 by the Department of Revenue for failure to file and/or pay Missouri income taxes. Accordingly, Licensee should have answered "Yes" to question 9.

17. On her October 12, 2012 renewal, Licensee answered "Yes" to the question number six which stated "I have earned thirty (30) hours of Board-approved continuing education during the current time block

(December 1, 2010 through November 30, 2012) and have maintained all my continuing education documentation." Licensee did not obtain and maintain record of thirty hours of continuing education, as stated in paragraph 14 above, and therefore Licensee should have answered "No" to question 6.

18. The Board has jurisdiction pursuant to the November 2010 Settlement Agreement to determine whether Licensee has violated the terms and conditions of the November 2010 Settlement Agreement.

19. The Board also has jurisdiction pursuant to § 324.042, RSMo, to determine whether Licensee has violated the terms and conditions of the November 2010 Settlement Agreement. Section 324.042, RSMo, states, in pertinent part:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

20. Section 332.261.4, RSMo, states, in relevant part:

To renew a license, each dental hygienist shall submit satisfactory evidence of completion of thirty hours of continuing education during the two-year period immediately preceding the renewal period. Each dental hygienist shall maintain documentation of completion of the required continuing education hours as provided by rule. Failure to obtain the required continuing education hours, submit satisfactory evidence, or maintain documentation is a violation of section 332.321 and may subject the licensee to discipline.

21. Licensee's conduct -- her failure to timely take and pass the jurisprudence examination, failure to obtain the required continuing education, and two misrepresentations on her renewal application in answering questions six and nine, as described in paragraphs 3 through 17 above -- constitutes cause to impose additional discipline against Licensee's license pursuant to the November 2010 Settlement Agreement and § 324.042, RSMo.

22. The November 2010 Settlement Agreement and § 324.042, RSMo, allow the Board to take such disciplinary action that the Board deems appropriate for failure to comply with the terms of the November 2010 Settlement Agreement.

23. The Board has determined that this Order is necessary to ensure the protection of the public.

Joint Agreed Disciplinary Order

24. Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the probation violation order entered by the Board in this matter under the authority of § 324.042, RSMo.

25. The terms of discipline shall include that Licensee's dental hygienist license, license number 003642, be **SUSPENDED FOR 15 DAYS**. Said suspension is to run from December 20, 2013 through January 3, 2014. During the fifteen day suspension, the probation on Licensee's license issued in the November 2010 Settlement Agreement shall be stayed. Upon completion of the fifteen day suspension, Licensee's license shall then immediately be placed on **PROBATION** for a period to continue through April 25, 2017 ("disciplinary period"). Upon successful completion of the disciplinary period, Licensee's license shall be fully restored with no restriction, limitation or probation of any kind.

During Licensee's probation, Licensee shall be entitled to engage in the practice of dental hygiene under Chapter 332, RSMo, provided she adheres to all of the terms of this Settlement Agreement including the completion of the following:

I. GENERAL REQUIREMENTS

- A. Ms. Williams shall meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.
- B. Ms. Williams shall submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, stating truthfully whether she has complied with all the terms and conditions of this Order by no later than January 1 and July 1 during each year of the disciplinary period.
- C. Ms. Williams shall keep the Board apprised of her current home and work addresses and telephone numbers. Ms. Williams shall inform the Board within ten days of any change of home or work address and home or work telephone number.
- D. Ms. Williams shall comply with all provisions of the Dental Practice Act, Chapter 332, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.
- E. During the disciplinary period, Ms. Williams shall timely renew her license and timely pay all fees required for licensing and comply with all other board requirement necessary to maintain Ms. Williams' license in a current and active state.
- F. If at any time during the disciplinary period, Ms. Williams removes herself from the state of Missouri, ceases to be currently licensed under the provisions of Chapter 332, or fails to advise the Board of her current place of business and residence, the time of her absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the

time of discipline so imposed in accordance with § 332.321.9, RSMo.

- G. During the disciplinary period, Ms. Williams shall accept and comply with unannounced visits from the Board's representatives to monitor her compliance with the terms and conditions of this Order.
- H. If Ms. Williams 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, including revocation.
- I. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 332, RSMo, by Ms. Williams not specifically mentioned in this document.

II. ADDITIONAL REQUIREMENTS

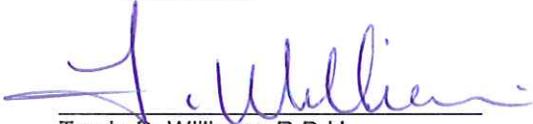
- A. Ms. Williams shall not allow her license to lapse.
- B. Ms. Williams shall notify, within 15 days of the effective date of this Order, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Ms. Williams practices or has privileges of Ms. Williams' disciplinary status. Notification shall be in writing and Ms. Williams shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative

26. The parties to this Agreement understand that the Missouri Dental Board will maintain this Agreement as an open record of the Board as provided in Chapters 332, 610 and 324, RSMo.

27. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

28. Licensee, together with her heirs and assigns, and her attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former Board 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 attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 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 this settlement agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

LICENSEE



Tyuria D. Williams, R.D.H.

Date 10/25/13

BOARD



Brian Barnett,
Executive Director
Missouri Dental Board

Date 11/4/13

2011-001788



Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Jane A. Rackers, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Director

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573-751-8216 FAX
800-735-2966 TTY
800-735-2466 Voice Relay Missouri
dental@pr.mo.gov
<http://www.pr.mo.gov>

Brian Barnett
Executive Director

April 12, 2011

Tyuria L. Williams, R.D.H.
2635 Victor St
Kansas City, MO 64128

Certified Article Number

7160 3901 9845 0049 6963

SENDERS RECORD

Dear Ms. Williams:

The Missouri Department of Revenue has notified this agency that despite notices of imminent suspension you are still not in compliance with section 324.010 RSMo., which requires the suspension of the professional license of individuals who have failed to file state tax returns and/or pay their state tax liabilities.

By law, your license was suspended on April 10, 2011.

The continued practice of your profession with a suspended license subjects you to criminal and administrative penalties. You must not practice your profession until **after** you receive a letter of compliance from the Department of Revenue **and complete our reinstatement requirements**. You must return your license to this office within ten days of the date this letter was mailed.

The first step to reinstate your license is to obtain a letter of tax compliance from the Department of Revenue. You can reach the Department of Revenue at (573)751-7200.

It is important to understand that the Missouri Dental Board has not been involved in this suspension process other than to send you notice that the Department of Revenue was going to suspend your license if you did not get into compliance with them. This agency cannot intervene with the Department of Revenue on your behalf. You must resolve your tax issues directly with the Department of Revenue.

Sincerely yours,

A handwritten signature in black ink that reads "Brian Barnett".

Executive Director

NOV 09 2010

**SETTLEMENT AGREEMENT BETWEEN MISSOURI DENTAL BOARD
AND TYURIA L. WILLIAMS, R.D.H.**

MISSOURI DENTAL BOAR

Come now Tyuria L. Williams, R.D.H. ("Ms. Williams") and the Missouri Dental Board ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether Ms. Williams' license as a dental hygienist will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo 2000, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline Ms. Williams' license, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo 2000.

Ms. Williams acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to present evidence on her 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 her and, subsequently, the right to a disciplinary hearing before the Board at which time she may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Ms. Williams 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 her.

Ms. Williams acknowledges that she has received a copy of the investigative report and other documents relied upon by the Board in determining there was cause to discipline her license, along with citations to law and/or regulations the Board believes were violated.

For the purpose of settling this dispute, Ms. Williams stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Ms. Williams' license, numbered 003642 is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621, Cum. Supp. 2009 and Chapter 332, RSMo.

Joint Stipulation of Fact and Conclusions of Law

1. The Missouri Dental Board ("Board") is an agency of the State of Missouri created and established pursuant to § 332.021, RSMo 2000, for the purpose of executing and enforcing the provisions of Chapter 332.
2. Tyuria L. Williams, R.D.H. is licensed by the Board as a dental hygienist, License No. 003642. Ms. Williams' Missouri license was at all times relevant herein, and is now, current and active.
3. On or about October 7, 1997, the Board issued Ms. Williams a license to practice as a dental hygienist in the state of Missouri.
4. Ms. Williams failed to submit the required renewal fee and application to renew her dental hygienist license prior to November 30, 2008.
5. On December 1, 2008, Ms. Williams' license to practice as a dental hygienist expired.
6. In late 2008, Dr. Zavon Kanion, DDS hired Ms. Williams as a hygienist. Ms. Williams worked a regular hygienist schedule, including but not limited to seeing patients, from December 1, 2008 through October 26, 2009 without a valid dental hygienist license.
7. In an interview with Board Investigator Mark Dudenhoeffer (Dudenhoeffer), Ms. Williams stated that on or about October 11, 2009, she realized her dental hygienist license had expired in November, 2008.
8. In an interview with Dudenhoeffer, Dr. Kanion stated that on or about October 26, 2009, Ms. Williams informed Dr. Kanion that she had been working since December 1, 2008 on an expired license. Dr. Kanion suspended Ms. Williams from practicing as a dental hygienist until she was properly licensed. Dr. Kanion also stated that he had a check written "that same date" to be sent to the Board for Ms. Williams' reinstatement.
9. Dudenhoeffer obtained a copy of Dr. Kanion's check from the Board's records. The check was dated October 21, 2009, and made out to the Missouri Dental Board in the amount of \$230.00. The "for" line of the check stated "Tyuria Williams 003642" and the word "reinstatement" was printed at the top of the check.

Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.045.3, RSMo 2000:

The terms of discipline shall include that the dental hygiene license be placed on **PROBATION** for a period of five (5) years ("disciplinary period"). During Ms. Williams' probation, Ms. Williams shall be entitled to engage in the practice of dental hygiene under Chapter 332, RSMo, provided she adheres to all of the terms of her Settlement Agreement.

I. REQUIREMENTS REGARDING CONTINUING EDUCATION

Jurisprudence Examination

A. Ms. Williams shall take and pass the Board's designated jurisprudence examination within nine (9) months of the start of the disciplinary period. Ms. Williams shall contact the Board office to request a current law packet and permission to sit for the jurisprudence examination no less than thirty (30) days prior to the date Ms. Williams desires to take the examination. Ms. Williams shall submit the required re-examination fee to the Board prior to taking the examination. Failure to take and pass the examination during the first nine (9) months of the disciplinary period shall constitute a violation of this agreement

II. GENERAL REQUIREMENTS

- A. Ms. Williams shall meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.
- B. Ms. Williams shall submit reports to the Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, stating truthfully whether she has complied with all the terms and conditions of this Order by no later than January 1 and July 1 during each year of the disciplinary period.
- C. Ms. Williams shall keep the Board apprised of her current home and work addresses and telephone numbers. Ms. Williams shall inform the Board within ten days of any change of home or work address and home or work telephone number.

- D. Ms. Williams shall comply with all provisions of the Dental Practice Act, Chapter 332, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.
- E. During the disciplinary period, Ms. Williams shall timely renew her license and timely pay all fees required for licensing and comply with all other board requirement necessary to maintain Ms. Williams' license in a current and active state.
- F. If at any time during the disciplinary period, Ms. Williams removes herself from the state of Missouri, ceases to be currently licensed under the provisions of Chapter 332, or fails to advise the Board of her current place of business and residence, the time of her absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with § 332.321.9, RSMo.
- G. During the disciplinary period, Ms. Williams shall accept and comply with unannounced visits from the Board's representatives to monitor her compliance with the terms and conditions of this Order.
- H. If Ms. Williams 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, including revocation.
- I. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 332, RSMo, by Ms. Williams not specifically mentioned in this document.

III. ADDITIONAL REQUIREMENTS

- A. Ms. Williams shall not allow her license to lapse.
- B. The terms of discipline apply even if Ms. Williams places her license on inactive status.
- C. Ms. Williams shall notify, within 15 days of the effective date of this Order, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Ms. Williams practices or has privileges of Ms. Williams' disciplinary status. Notification shall be in writing and Ms. Williams shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

* * * *

1. The parties to this Agreement understand that the Missouri Dental Board will maintain this Agreement as an open record of the Board as provided in Chapters 332, 610, 620, RSMo.

2. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

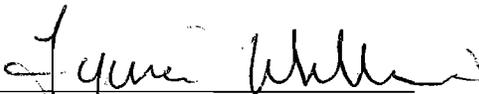
3. Ms. Williams, together with her heirs and assigns, and his attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 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 this settlement agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

4. If no contested case has been filed, Ms. Williams understands that she has the right, either at the time the settlement agreement is signed by all parties, or within fifteen days thereafter, to submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Ms. Williams' license. If Ms. Williams desires the Administrative Hearing Commission to review this Agreement, Ms. Williams may submit this request to: **Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.**

5. If Ms. Williams has requested review, Ms. Williams and the Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Ms. Williams' license and issue findings of act and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Ms. Williams' license. Effective the date the Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Ms. Williams' license, the agreed upon discipline set forth herein shall go into effect.

6. If Ms. Williams does not request review by the Administrative Hearing Commission, the agreement goes in to effect fifteen (15) days after the document is signed by the Executive Director.

LICENSEE


Tyuria L. Williams, RDH

Date 10/28/10

BOARD


Brian Barnett,
Executive Director
Missouri Dental Board

Date 11/16/10