

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

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

Petitioner)

v.)

RICHARD E. WORKMAN, D.M.D.)
1200 Network Centre Drive, Ste. #2)
Effingham, IL 62401)

Respondent)

No.: DB 06 20

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

COMES NOW, Petitioner, Missouri Dental Board (“Board”), by and through its attorney, Nanci R. Wisdom, and Respondent, Richard E. Workman, D.M.D. (“Licensee”), in person and without counsel and jointly state that the parties waive their right to a hearing before the Missouri Dental Board in the above referenced cause, enter this Joint Stipulation and request that a Consent Order be granted by this Board consistent with the contents of this document. In support to their motion, The Board and Licensee hereby stipulate and agree to the following:

1. Licensee acknowledges that he is familiar with the various rights and privileges afforded him 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 the Board concerning the charges pending against him; and the right to appeal a decision in favor of the Board on the basis that 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. Licensee admits the allegations contained in the Statement of Charges in this case attached as Exhibit "A". And further admits that the Board has jurisdiction to render discipline against the license and certificate of registration of Licensee under the provisions of Chapter 332 and previous Settlement Agreement Between the Missouri Dental Board and Richard E. Workman, D.M.D. Section 621.110 RSMo and State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150 (Mo. App. 1974).

5. Licensee admits that his actions that his actions as set forth in the Statement of Charges give grounds to the Board to impose discipline, including revocation of Licensee's license and certificate of registration, suspension up to three

years of said license and certificate of registration, probation up to five years of said license and certificate of registration, or a combination of suspension and probation. See Section 332.321.3 RSMo and Section 621.110 RSMo.

6. Based on the foregoing, the parties mutually agree and stipulate that the following terms shall constitute the disciplinary action taken by the Missouri Dental Board pursuant to the provisions of Section 661.110 RSMo (2002) and Chapter 332 which terms are embodied in this document as part of this Joint Stipulation. The terms of discipline shall include that the dental license of Licensee shall be:

a. Licensee's license to practice dentistry in the State of Missouri is hereby placed on probation for five (5) years from the effective fifteen days after the date of this Order ("period of probation"). During the period of probation, Licensee shall timely renew his license, timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain his license in a current and active state. During the period of probation, Licensee shall be entitled to practice dentistry in the state of Missouri, provided he adheres to all the terms of this agreement.

b. During the period of probation, Licensee shall keep the 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.

c. During the period of probation, Licensee shall comply with all provisions of Chapter 332, RSMo, all rules and regulations of the 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.

d. 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.

e. 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.

f. Licensee shall pay all required fees for licensing and maintain his license in a current and active state.

7. If the Board, in its sole discretion, determines upon a proper showing, that Licensee has violated a term or condition of the suspension of his license, the terms of his probation as set forth herein, or has otherwise failed to comply with the provisions of Chapter 332 RSMo, which violation would be actionable in a proceeding before the Administrative Hearing Commission, or in a Circuit Court, the Board may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this document, in its selection of remedies concerning such violation.

8. It is specifically understood and agreed by the parties hereto that, in the event the Board proceeds under paragraph seven (7) above, of this Joint Stipulation, the Board shall not be bound by the type of, nor the duration of discipline specified in this document, but the Board shall have all the rights and powers granted to it by law with respect to disciplinary action to which Licensee may be subject.

WHEREFORE, based upon the foregoing, the parties mutually request the Missouri Dental Board to issue an order based upon the consent of all parties finding that the allegations in the Statement of Charges heretofore filed in the above styled cause by the Board are true and that as a result thereof, the Board has the right to subject the license of Licensee to discipline pursuant to the provisions of Section 332.321.3 and 621.110 RSMo as set forth herein.



Richard E. Workman, Respondent

9/29/06

Date



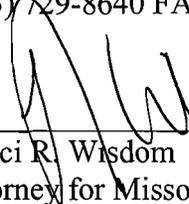
Sharlene Rimiller, Executive Director
Missouri Dental Board

10-20-06

Date

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BY:



Nanci R. Wisdom #39359
Attorney for Missouri Dental Board

10-10-06

Date

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

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

v.)

CAUSE NO.: DB -06- 20

RICHARD E. WORKMAN, D.M.D.)
1200 Network Centre Drive)
Suite 2)
Effingham, IL 62401)
Respondent.)

STATEMENT OF CHARGES

COMES NOW Nanci R. Wisdom and states to the Missouri Dental Board as follows:

1. That she is a private attorney for the Missouri Dental Board.
2. That on or about June 15, 2005, the Missouri Dental Board and Richard E. Workman, D.M.D., in conjunction with Petitioner's counsel, Nanci R. Wisdom, entered into an Informal Consent Agreement entitled Settlement Agreement Between the Missouri Dental Board and Richard E. Workman, D.M.D.
3. By terms of that agreement, the license and certificate of registration of Respondent, Richard E. Workman, D.M.D., was placed on probation for a period of three (3) years subject to certain conditions of probation among which were as follows:
 - a. During the period of probation, Licensee shall comply with all provisions of Chapter 332, RSMo, all rules and regulations of the Missouri Dental

EXHIBIT A

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.

4. Respondent, Richard E. Workman, D.M.D., is and was at all times relevant herein the owner of all dental practices affiliated with Heartland Dental Care.

5. Respondent, Richard E. Workman, D.M.D., is and was at all times relevant herein responsible for the advertising of all dental practices affiliated with Heartland Dental Care.

6. On or about October 31, 2005, and June 27, 2006, Respondent Richard E. Workman, D.M.D. through Heartland Dental Care advertised on the internet, among others, the following:

- a. Dentures
- b. No fear dentistry
- c. Smile makeover
- d. Teeth whitening
- e. Treating gum disease

7. No specialists are affiliated with Heartland Dental Care.

8. No disclaimer required by 4 CSR 110-2.110(6) was used when advertising the terms "dentures" and "treating gum disease" which imply specialties in prosthodontics and periodontics.

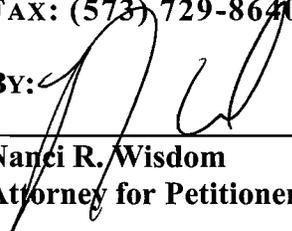
9. No disclaimer required by 4 CSR 110-2.110(7) was used when advertising the terms "no fear dentistry", "smile makeover" and "teeth whitening" which are non-specialty interest areas not recognized by the American Dental Association.

10. Respondent, Richard E. Workman, D.M.D., failed to adhere to all state laws and rules and regulations.

11. That by his actions as outlined herein, Richard E. Workman, D.M.D. violated the terms of his probation under the Informal Consent Agreement.

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, Richard E. Workman, D.M.D., based upon the charges made, 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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BY: 

**Nanci R. Wisdom #39359
Attorney for Petitioner**

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CONSENT ORDER

Nanci R. Wisdom, attorney for the Missouri Dental Board, filed a Statement of Charges 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 October 16, 2006 the parties filed a "Waiver of Hearing, Joint Stipulation and Request for Consent Order." 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 paragraph 3 of the Joint Agreed Disciplinary Order of his Settlement Agreement Between the Missouri Dental Board and Richard E. Workman, D.M.D. and that 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' proposed findings of fact and conclusions of law into this Consent Order. Contained in the "Waiver of Hearing, Joint Stipulation and Request for Consent Order" and Order the following discipline by consent:

- (A). The license and certificate of registration of Respondent, Richard E. Workman, D.M.D., to practice dentistry in Missouri shall be placed upon probation for a period of five (5) years.

(B). Respondent's, Richard E. Workman's, D.M.D, probation shall be conditioned upon the following grounds:

(1) During the period of probation, Licensee shall keep the 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.

(2) During the period of probation, Licensee shall comply with all provisions of Chapter 332, RSMo, all rules and regulations of the 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.

(3) 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.

(4) 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.

(5) Licensee shall pay all required fees for licensing and maintain his license in a current and active state.

(6) During the period of probation, Licensee shall timely renew his license, timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain his license in a current and active state.

During the period of probation, Licensee shall be entitled to practice dentistry in the state of Missouri, provided he adheres to all the terms of this agreement.

If the Missouri Dental Board, in its sole discretion, determines upon a proper showing, that Respondent has violated a term or condition of the suspension of his license, the terms of his probation as set forth herein, or has otherwise failed to comply with the provisions of Chapter 332 RSMo, which violation would be actionable in a proceeding 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 this document, in its selection of remedies concerning such violation.

This Order shall become effective and the discipline shall begin on the 20th day of October, 2006.

IT IS SO ORDERED THIS 20th DAY OF October, 2006.



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