BEFORE THE MISSOURI DENTAL BOARD

In the Matter of the Application of  

IRWIN BOE, D.D.S.  

Applicant.  

ORDER OF THE MISSOURI DENTAL BOARD ISSUING A PROBATIONARY DENTAL LICENSE TO IRWIN BOE, D.D.S.

The Missouri Dental Board ("Board") hereby issues its ORDER granting the DENTAL LICENSE of Irwin Boe, D.D.S. (hereafter "Applicant"), License No. 2019031949 subject to THREE (3) YEARS PROBATION under terms and conditions described below, pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Applicant may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board’s decision to issue a probated license. Such written request must be filed with the Administrative Hearing Commission within 30 days of delivery or mailing of this Order of the Board. The written request should be addressed to the Administrative Hearing Commission, United States Post Office Building, 131 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Board’s decision shall be considered waived. Should Applicant file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.
I.

Based upon the foregoing, the Board hereby states:

**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 2000, for the purpose of executing and enforcing the provisions of Chapter 332.

2. Applicant currently resides at 5940 Lamar Avenue, Mission, Kansas 66202.

3. On or about April 1, 2019, Applicant applied for licensure as a dentist. On his application, Applicant indicated active licensure in the State of Kansas. On the licensure application, Applicant answered “No” to the following question:

   . . .

   3. Have you ever had any professional license, certification, registration, or permit, revoked, suspended, placed on probation, censured, reprimanded, fined or otherwise subject to any type of disciplinary action? If yes, attach a full explanation.

4. On or about April 1, 2019, Applicant was notified by the Board office that verification of Applicant’s Kansas licensure was required in order for further processing of the licensure application.

5. On or about April 15, 2019, the Kansas Dental Board provided a *Verification of Licensure*, dated April 10, 2019. The *Verification* reflected that there had been Kansas Dental Board action taken against Applicant’s Kansas Dentist license.

6. The Kansas Dental Board provided a copy of a *Stipulation and Consent Order* entered on April 21, 2017. The Order reflected that Applicant had committed one or more acts, which violated Kansas law and would justify the revocation or imposition of disciplinary action against Applicant’s Kansas license. The listed acts included lack of treatment or progress records
to support patient billing records, standard of care issues, use of unlicensed dental assistant, and advertising violations. Applicant was subject to a $5,000.00 administrative fine, practice restrictions, and continuing education requirements.

7. The Applicant’s April 1, 2019 application, and the additional supporting documentation received from the Kansas Dental Board, were reviewed at the Board’s August 1 – 2 meeting.

II.

CONCLUSIONS OF LAW

8. The Board has authority to deny or refuse a license application pursuant to § 332.321.1, RSMo 2000, which provides:

The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

9. The Board has cause to deny or refuse Applicant’s application for a dental license pursuant to § 332.321.2 RSMo 2000, which provides:

The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registrator or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

. . .

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter imposed by another state, province, territory, federal agency or country upon grounds for which discipline is authorized in this state[.]
10. As a result of Applicant’s disciplinary action against his license by the State of Kansas, described in paragraphs 3 though 7 above, the Board has cause to deny or refuse Applicant’s application for a dental license pursuant to § 332.321.1, RSMo, and § 332.321.2(8), RSMo.

11. As an alternative to refusing to issue a license, the Board may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, RSMo, which provides:

Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

12. The Board issues this Order in lieu of denial of Applicant’s application for a dental license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Based on the foregoing, Applicant, Irwin Boe, D.D.S. is granted a dental license, which is hereby placed on PROBATION for a period of three (3) years from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Applicant shall be entitled to present himself and serve as a licensed dentist subject to the following terms and conditions:

1. GENERAL REQUIREMENTS
A. Applicant 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. Applicant 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 Order by no later than January 1 and July 1 during each year of the disciplinary period.

C. Applicant shall keep the Board apprised of his current home and work addresses and telephone numbers. Applicant shall inform the Board within ten days of any change of home or work address and home or work telephone number.

D. Applicant 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, Applicant shall timely renew his license and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain Applicant’s license in a current and active state.

F. If at any time during the disciplinary period, Applicant removes himself from the state of Missouri, ceases to be currently licensed under provisions of Chapter 332, or fails to advise the Board of his current place of business and residence, the time of his 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 § 332.321.6, RSMo.

G. During the disciplinary period, Applicant is to monitor his compliance with the terms and conditions of this Order.

H. If Applicant 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 imposition of the 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 Applicant not specifically mentioned in this document.

J. Applicant shall not allow his license to lapse.

This Order does not bind the Board or restrict the remedies available to it concerning any violation by Applicant of the terms and conditions of this Order, Chapter 332, RSMo (as amended), or the regulations promulgated thereunder.
SO ORDERED, EFFECTIVE THIS 19th DAY OF AUGUST, 2019.

MISSOURI DENTAL BOARD

[Signature]
Brian Barnett, Executive Director