CONSENT ORDER


On July 29, 2002, 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 paragraphs 6(a)(6) of his joint disciplinary order and that pursuant to 4 CSR 110-2.161 and 332.321.3 RSMo (1998) 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:

Respondent, Dean O. Cansler's, D.D.S., license and certificate of registration will be placed on probation for a period of time up through and including January 5, 2005 conditioned upon Respondent's compliance with Section 332 RSMo and the rules and regulations promulgated by the Missouri Dental Board pursuant thereto and the specific conditions of probation set forth as follows:
(1) Respondent must keep the Board apprised at all times, in writing, of current work and home addresses and telephone numbers during periods of suspension and probation.

(2) Dean O. Cansler, D.D.S. shall not use controlled substances or any prescription drugs unless the same has been prescribed for him by a practitioner lawfully authorized to prescribe such drugs in the course of treatment of a medical ailment. Dean O. Cansler, D.D.S. shall inform and ensure that any practitioner who prescribes, administers or dispenses a controlled substance to him in the course of their professional treatment of him, shall submit to the Board within ten calendar days of the prescribing, administering or otherwise dispensing of a controlled substance, a written statement indicating the following: the controlled substance prescribed, administered or dispensed; the amount and strength, if applicable; and the medical purpose necessitating the utilization of the controlled substance. If a controlled substance is necessary for treatment for an extended period of time, the treating practitioner will include the estimated length of time Dean O. Cansler, D.D.S. would be required to be maintained on the controlled substance medication.

(3) Dean O. Cansler, D.D.S. shall not dispense any controlled substances other than by prescribing.

(4) Respondent shall provide the Board with unannounced, observed urinalysis at Respondent’s expense. It is the intent of this paragraph that upon demand by an investigator employed by the Missouri Dental Board or other duly authorized employee of the Board, Respondent shall provide a urine specimen to be analyzed to determine compliance with the terms of this agreement. The investigator or other authorized employee shall observe Respondent while he voids the required sample for urinalysis. Said urinalysis shall be conducted at the expense of Respondent.

(5) Respondent must cooperate with the Board investigator when he makes periodic visits to determine compliance with probation terms.

(6) During his probation, Dean O. Cansler, D.D.S., will complete in addition to the continuing education required by statute and rules promulgated thereto,
nine (9) hours of continuing education in the area of controlled substances. Said continuing education hours shall be presented by Board approved sponsors and Dean O. Cansler, D.D.S., shall submit written proof from the sponsor of the completion of these continuing education hours within thirty (30) days of meeting this requirement.

(7) During his probation, Dean O. Cansler, D.D.S., will complete in addition to the continuing education required by statute and rules promulgated thereto, fifty-one and one half (51.5) hours of continuing education. Said continuing education hours shall be presented by Board approved sponsors and Dean O. Cansler, D.D.S., shall submit written proof from the sponsor of the completion of these continuing education hours within thirty (30) days of meeting this requirement.

(8) Upon the successful completion of the probationary period provided herein, Respondent’s certificate of registration and license to practice dentistry in the State of Missouri shall be fully and unconditionally restored.

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 1994, 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.

IT IS SO ORDERED THIS 29TH DAY OF July, 2002.

[Signature]
Sharlene Rimeller, Executive Director
MISSOURI DENTAL BOARD
BEFORE THE MISSOURI DENTAL BOARD
STATE OF MISSOURI

RECEIVED
JUL 29 2002

MISSOURI DENTAL BOARD,
P.O. BOX 1357
3605 Missouri Blvd.
Jefferson City, Missouri 65102
Petitioner,

v.

DEAN O. CANSLER, D.D.S.,
1031 West Washington
Marshfield, Missouri 65706

Cause No. 99-2336DD

WAIVER OF HEARING, JOINT STIPULATION
AND REQUEST FOR CONSENT ORDER

COMES NOW, Petitioner, Missouri Dental Board, by and through its attorney,
Nanci R. Wisdom, and Respondent, Dean O. Cansler, D.D.S., appears in person and by
and through his attorney, Richard E. Dorr, 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, Petitioner, and
Respondent, Dean O. Cansler, D.D.S., hereby stipulate and agree to the following:

1. Respondent, Dean O. Cansler, D.D.S., 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 Missouri Dental Board concerning the charges pending against him; and the right to appeal a decision in favor of the Missouri Dental Board on the basis that said decision is not supported by substantial and competent evidence. Being familiar with these and other attendant rights provided Respondent 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. Petitioner 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. Respondent, Dean O. Cansler, D.D.S., 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 Petitioner.

4. Respondent, Dean O. Cansler, D.D.S., admits the allegations contained in the Statement of Charges in this case except those contained in Paragraphs 9 and 11 for which he admits only the following:

9. Failing to obtain a total of seventy-five (75) hours of continuing education during the time referenced in Paragraph five (5) constitutes a violation of Section 332.321.2(6) RSMo in that it is a violation of this chapter and the regulations adopted pursuant to the chapter.

11. Respondent Dean O. Cansler's, D.D.S., actions as outlined in Paragraph ten (10) constitutes misrepresentation pursuant to section 332.321.2(3) RSMo and is a violation thereof.
Respondent Dean O. Cansler, D.D.S. further admits that the Missouri Dental Board has jurisdiction to render discipline against the his license and certificate of registration under the provisions of Chapter 332 and previous Order entered by the Administrative Hearing Commission and the Missouri Dental Board. Section 621.110 RSMo and State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150 (Mo. App. 1974).

5. Respondent, Dean O. Cansler, D.D.S., admits that the actions alleged in the Statement of Charges admitted herein could give grounds to the Missouri Dental Board to impose discipline, including revocation of Respondent, Dean O. Cansler's D.D.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 1994 which terms are embodied in this document as part of this Joint Stipulation, to-wit:

A. Respondent, Dean O. Cansler's, D.D.S., license and certificate of registration will be placed on probation for a period of time up through and including January 5, 2005 conditioned upon Respondent's compliance with Section 332 RSMo and the rules and regulations promulgated by the Missouri Dental Board pursuant thereto and the specific conditions of probation set forth as follows:

(1) Respondent must keep the Board apprised at all times, in writing, of current work and home
addresses and telephone numbers during periods of suspension and probation.

(2) Dean O. Carsler, D.D.S. shall not use controlled substances or any prescription drugs unless the same has been prescribed for him by a practitioner lawfully authorized to prescribe such drugs in the course of treatment of a medical ailment. Dean O. Carsler, D.D.S. shall inform and ensure that any practitioner who prescribes, administers or dispenses a controlled substance to him in the course of their professional treatment of him, shall submit to the Board within ten calendar days of the prescribing, administering or otherwise dispensing of a controlled substance, a written statement indicating the following: the controlled substance prescribed, administered or dispensed; the amount and strength, if applicable; and the medical purpose necessitating the utilization of the controlled substance. If a controlled substance is necessary for treatment for an extended period of time, the treating practitioner will include the estimated length of time Dean O. Carsler, D.D.S. would be required to be maintained on the controlled substance medication.

(3) Dean O. Carsler, D.D.S. shall not dispense any controlled substances other than by prescribing.

(4) Respondent shall provide the Board with unannounced, observed urinalysis at Respondent’s expense. It is the intent of this paragraph that upon demand by an investigator employed by the Missouri Dental Board or other duly authorized employee of the Board, Respondent shall provide a urine specimen to be analyzed to determine compliance with the terms of this agreement. The investigator or other authorized employee shall observe Respondent while he voids the required sample for urinalysis. Said urinalysis shall be conducted at the expense of Respondent.
(5) Respondent must cooperate with the Board investigator when he makes periodic visits to determine compliance with probation terms.

(6) During his probation, Dean O. Cansler, D.D.S., will complete in addition to the continuing education required by statute and rules promulgated therefor, nine (9) hours of continuing education in the area of controlled substances. Said continuing education hours shall be presented by Board approved sponsors and Dean O. Cansler, D.D.S., shall submit written proof from the sponsor of the completion of these continuing education hours within thirty (30) days of meeting this requirement.

(7) During his probation, Dean O. Cansler, D.D.S., will complete in addition to the continuing education required by statute and rules promulgated therefor, fifty-one and one half (51.5) hours of continuing education. Said continuing education hours shall be presented by Board approved sponsors and Dean O. Cansler, D.D.S., shall submit written proof from the sponsor of the completion of these continuing education hours within thirty (30) days of meeting this requirement.

(8) Upon the successful completion of the probationary period provided herein, Respondent’s certificate of registration and license to practice dentistry in the State of Missouri shall be fully and unconditionally restored.

7. 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 1994, 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.

8. It is specifically understood and agreed by the parties hereto that, in the event the Missouri Dental Board proceeds under paragraph six (6) 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 Respondent 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 Petitioner are true and that as a result thereof, Petitioner has the right to subject the license of Respondent to discipline pursuant to the provisions of Section 337.321.3 and 621.110 RSMo as set forth herein.

[Signature]
Dean O. Canaler, D.D.S., Respondent

[Date]

2/26/02
BLACKWELL SANDERS PEPPER MARTIN LLP

Richard B. Dorr
901 St. Louis, Suite 1900
Springfield, Missouri 65806
Telephone: (417) 268-4050
Facsimile: (417) 268-4040
Attorney for Respondent

4.26.02
Date

NANCI R. WISDOM
ATTORNEY AT LAW
P.O. BOX 983
107 WEST FOURTH ST.
SALEM, MISSOURI 65560
(573) 729-8630 PHONE
(573) 729-8640 FAX

BY:
Nanci R. Wisdom #39359
Attorney for Petitioner

05-02-02
Date

Sharlene Bumiller
Sharlene Bumiller, Executive Director
Missouri Bar Board
7-24-02
Date
BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

MISSOURI DENTAL BOARD,
P.O. BOX 1357
3605 Missouri Blvd.
Jefferson City, Missouri 65102
Petitioner,

v.

DEAN O. CANSLER, D.D.S.,
1031 West Washington
Marshfield, Missouri 65706

Cause No. 99-2336DB

WAIVER OF HEARING, JOINT STIPULATION
AND REQUEST FOR CONSENT ORDER

COMES NOW, Petitioner, Missouri Dental Board, by and through its attorney, Nanci R. Wisdom, and Respondent, Dean O. Cansler, D.D.S., appears in person and by and through his attorney, Charity Elmer, and move, pursuant to the provisions of 4 CSR 20-2.130 and Missouri Revised Statutes Section 536.060 as applicable to this Commission by the provisions of Section 621.135 RSMo 1994, and jointly state that the parties waive their right to a hearing before the Administrative Hearing Commission in the above referenced cause, enter this Joint Stipulation and request that a Consent Order be granted by this Commission consistent with the contents of this document. In support to their motion, Petitioner, and Respondent, Dean O. Cansler, D.D.S., hereby stipulate and agree to the following:

1. Respondent, Dean O. Cansler, D.D.S., 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 a fair and impartial Administrative Hearing Commissioner concerning the charges pending against him; and the right to appeal a decision in favor of the Petitioner, Missouri Dental Board, by the Administrative Hearing Commission on the basis that said decision is not supported by substantial and competent evidence. Being familiar with these and other attendant rights provided Respondent 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. Petitioner 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. Respondent, Dean O. Cansler, D.D.S., 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 Petitioner.

4. Respondent, Dean O. Cansler, D.D.S., admits the allegations contained in the Amended Complaint of Petitioner in Cause No. 99-2336DB. An further admits that said conduct falls within the intendment of Section 332.321 and Section 332.361 RSMo (1994), as applicable to each allegation contained in the Amended Complaint and further
admits that said conduct subjects his license to discipline under the provisions of Section 332.321 RSMo (1994), as applicable to the allegations contained in the Amended Complaint.

5. 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 1994 which terms are embodied in this document as part of this Joint Stipulation, to-wit:

A. Petitioner, Missouri Dental Board, shall suspend Respondent’s, Dean O. Cansler, D.D.S., license and certificate to practice dentistry in the State of Missouri for a period of thirty (30) days to begin December 13, 1999.

B. Upon completion of the suspension as imposed herein, Petitioner, Missouri Dental Board, shall conditionally restore Respondent’s, Dean O. Cansler, D.D.S., certificate of registration and license to practice dentistry in the State of Missouri and Respondent, Dean O. Cansler, D.D.S., will be placed on probation for a period of five (5) years from and after the expiration date of suspension conditioned upon Respondent’s compliance with Section 332 RSMo and the rules and regulations promulgated by the Missouri Dental Board pursuant thereto and the specific conditions of probation set forth as follows:

(1) Respondent must keep the Board apprised at all times, in writing, of current work and home addresses and telephone numbers during periods of suspension and probation.

(2) Dean O. Cansler, D.D.S. shall not use controlled substances or any prescription drugs unless the same has been prescribed for him by a practitioner lawfully authorized to prescribe such drugs in the course of treatment of a medical ailment. Dean O. Cansler, D.D.S. shall inform and ensure that any practitioner who prescribes, administers or dispenses a controlled substance to him in the
course of their professional treatment of him, shall submit to the Board within ten calendar days of the prescribing, administering or otherwise dispensing of a controlled substance, a written statement indicating the following: the controlled substance prescribed, administered or dispensed; the amount and strength, if applicable; and the medical purpose necessitating the utilization of the controlled substance. If a controlled substance is necessary for treatment for an extended period of time, the treating practitioner will include the estimated length of time Dean O. Cansler, D.D.S. would be required to be maintained on the controlled substance medication.

(3) Dean O. Cansler, D.D.S. shall not dispense any controlled substances other than by prescribing.

(4) Respondent shall provide the Board with unannounced, observed urinalysis at Respondent’s expense. It is the intent of this paragraph that upon demand by an investigator employed by the Missouri Dental Board or other duly authorized employee of the Board, Respondent shall provide a urine specimen to be analyzed to determine compliance with the terms of this agreement. The investigator or other authorized employee shall observe Respondent while he voids the required sample for urinalysis. Said urinalysis shall be conducted at the expense of Respondent.

(5) Respondent must cooperate with the Board investigator when he makes periodic visits to determine compliance with probation terms.

(6) During his probation, Dean O. Cansler, D.D.S., will complete in addition to the continuing education required by statute and rules promulgated thereto, fifteen (15) hours of continuing education in the area of controlled substances. Said continuing education hours shall be presented by Board approved sponsors and Dean O. Cansler, D.D.S., shall submit written proof from the sponsor of the
completion of these continuing education hours within thirty (30) days of meeting this requirement.

(7) Upon the successful completion of the five (5) year probationary period provided herein, Respondent's certificate of registration and license to practice dentistry in the State of Missouri shall be fully and unconditionally restored.

6. 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 1994, 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 “Waiver of Hearing, Joint Stipulation and Consent Order”, in its selection of remedies concerning such violation.

7. I: is specifically understood and agreed by the parties hereto that, in the event the Missouri Dental Board proceeds under paragraph six (6) 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 bylaw with respect to disciplinary action to which Respondent may be subject.

8. I: is specifically agreed an understood by the parties hereto that the dates of suspension contained in this document shall not commence until this document has been approved by the Administrative Hearing Commission.
WHEREFORE, based upon the foregoing, the parties mutually request the Administrative Hearing Commission to issue an order based upon the consent of all parties finding that the allegations in the Amended Complaint heretofore filed in the above styled cause by Petitioner are true and that as a result thereof, Petitioner has the right to subject the license of Respondent to discipline pursuant to the provisions of Section 332.321 as set forth herein, and that this cause be closed.

MISSOURI DENTAL BOARD:

BY: Sharlene Rimiller
Executive Director

12-9-99
Date

BLACKWELL SANDERS PEPER MARTIN LLP
Charity Elmer Mo. Bar No. 48287
901 St. Louis, Suite 1900
Springfield, Missouri 65806
Telephone: (417) 268-4000
Facsimile: (417) 268-4040

Atorneys for Respondent

12-7-99
Date

NANCI R. WISDOM
ATTORNEY AT LAW
P.O. BOX 983
107 WEST FOURTH ST.
SALEM, MISSOURI 65560
(573) 729-8630 PHONE
(573) 729-8640 FAX

BY: Nanci R. Wisdom #39359
Atorney for Petitioner

12-08-99
Date
Before the
Administrative Hearing Commission
State of Missouri

MISSOURI DENTAL BOARD,

Petitioner,

vs.

DEAN O. CANSLER, D.D.S.,

Respondent.

No. 99-2336 DB

CONSENT ORDER


On December 9, 1999, Petitioner filed its Request for Leave to File Amended Complaint and we received its Amended Complaint. We grant the request and consider the Amended Complaint filed as of December 9, 1999. Also on December 9, 1999, the parties filed a “Waiver of Hearing, Joint Stipulation and Request for Consent Order.” Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under section 332.321.2(15) and 332.361.2(4), RSMo 1994. We incorporate the parties’ proposed findings of fact and conclusions of law into this Consent Order under Regulation 1 CSR 15-2.450(1)(B). We certify the record to the licensing agency under section 621.110, RSMo 1994.

No statute authorizes us to determine whether the agency has complied with the provisions of section 621.045.3. This is consistent with the holding that we have no role in superintending agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. V. Administrative Hearing Comm’s*, 700 S.W. 2d 445, 450 (Mo. Banc 1985). Therefore, we do not determine whether the agency complied.

SO ORDERED on December 10, 1999.

WILLARD C. REINE
Commissioner
BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

MISSOURI DENTAL BOARD, )
P.O. BOX 1357 )
3605 Missouri Blvd. )
Jefferson City, Missouri 65102 ) Petitioner,

v. )

DEAN O. CANSLER, D.D.S., )
1031 West Washington, )
Marshfield, MO 65706 )
Respondent.

Cause No.: 99-2336DB

AMENDED COMPLAINT

COMES NOW Petitioner, Missouri Dental Board, by and through its attorney and
states and alleges as follows:

1. The Missouri Dental Board is an agency of the State of Missouri, created and
established pursuant to Missouri Revised Statute sections 332.021 to 332.061 for the
purpose of executing and enforcing the provisions of Chapter 332 Dentistry.

2. Respondent is and at all times herein relevant, has been a licensed and certified
dentist in the State of Missouri.

3. Respondent is and at all times herein relevant, has been and is properly
licensed by the Bureau of Narcotics and Dangerous Drugs and the Drug Enforcement
Administration to distribute or dispense controlled substances pursuant to Missouri
Revised Statutes sections 195.005 to 195.425 and the rules promulgated pursuant thereto.

4. This Commission has jurisdiction to hear this Complaint pursuant to the
provisions in the Missouri Revised Statute section 621.045.
5. That on or about the following dates, Respondent made the following purchases from IDE Interstate, Inc.:

a) 03-05-96 – Five hundred (500) tabs of 10.0 mg diazepam
b) 06-25-96 – Five hundred (500) tabs of 10.0 mg diazepam
c) 09-09-96 – Five hundred (500) tabs of 10.0 mg diazepam
d) 03-05-97 – Five hundred (500) tabs of 10.0 mg diazepam
e) 05-29-97 – Five hundred (500) tabs of 10.0 mg diazepam
f) 05-29-97 – Five hundred (500) tabs of 10.0 mg diazepam
g) 05-29-97 – Five hundred (500) tabs of 7.5/500 Hydrocodone/APAP
h) 02-13-96 – Five hundred (500) tabs of 7.5/750 Hydrocodone/APAP
i) 05-23-96 – Five hundred (500) tabs of 7.5/750 Hydrocodone/APAP
j) 06-25-96 – Five hundred (500) tabs of 7.5/750 Hydrocodone/APAP
k) 09-09-96 - Five hundred (500) tabs of 7.5/750 Hydrocodone/APAP
l) 11-18-96 - Five hundred (500) tabs of 7.5/750 Hydrocodone/APAP
m) 03-06-97 - Five hundred (500) tabs of 7.5/750 Hydrocodone/APAP
n) 04-24-97 - Five hundred (500) tabs of 7.5/750 Hydrocodone/APAP

6. That the following drugs are controlled substances under Missouri Revised Statute section 195.017:

a) Diazepam is a Schedule IV controlled substance pursuant to Missouri Revised Statute Section 195.017.

b) Hydrocodone/APAP is a Schedule III controlled substance pursuant to Missouri Revised Statute Section 195.017.
COUNT I

COMES NOW Petitioner, Missouri Dental Board, by and through its attorney and
for Count I of its Complaint states as follows:

7. In regards to the controlled substances listed in paragraph five (5):

a) Respondent failed to maintain receipt records as required by 195.050.6 RSMo
   (1994) and 19 CSR 30-1.030(3)(C).

b) Respondent failed to provide a biennial inventory as required by 195.050.6
   RSMo (1994) and 19 CSR 30-1.030(3)(B),(I).

c) Respondent failed to maintain dispensing logs as required by 195.050.6 RSMo
   (1994) and 19 CSR 30-1.030(3)(S), I, 3.

d) Respondent failed to dispense controlled substances in child-proof containers
   as required by 19 CSR 30-1.035(3)(B).

e) Respondent failed to use proper dispensing labels for controlled substances as
   required by 19 CSR 30-1.035(3)(C).

8. Missouri Revised Statute section 332.361.2 provides that a registered and
   currently licensed dentist may possess, have under his control, administer, dispense or
   distribute a controlled substance only to the extent that:

   . . . (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.

9. Missouri Revised Statute section 332.321.2 provides that the Missouri Dental
   Board file a Complaint against a dentist licensed to practice in Missouri under the
   following circumstances:

   . . . (15) Violation of the drug laws or rules and regulations of this state, or any
   other state or the federal government.
10. That as a result of the foregoing, Respondent has failed to comply with Missouri Revised Statute section 332.321.2(15) and section 332.361.2(4).

11. That Missouri Revised Statute section 332.321.3 gives Petitioner the authority to take disciplinary action against the dentist licensed to practice dentistry in the State of Missouri for violations enumerated in Missouri Revised Statute section 332.321.2.

WHEREFORE, based on the foregoing, Petitioner prays this Commission to enter an order finding that it has caused to take disciplinary action against Respondent or, in the alternative, this matter be set for an evidentiary hearing.

NANCI R. WISDOM, L.C.
ATTORNEY AT LAW
P.O. BOX 983
107 W. FOURTH STREET
SALEM, MISSOURI 65560
(573) 729-8630
FAX (573) 729-8640

BY:

Nanci R. Wisdom  #39359
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent by regular U.S. Mail to Charity Elmer, Attorney for Respondent, 901 St. Louis, Suite 190C, Springfield, Missouri 65806, on this 8th day of December, 1999.

Nanci R. Wisdom