BEFORE THE MISSOURI DENTAL BOARD

In the Matter of the Application of

DEREK P. GRZANICH, D.D.S.

Applicant.

ORDER OF THE MISSOURI DENTAL BOARD ISSUING A PROBATIONARY DENTAL LICENSE TO DEREK P. GRZANICH, D.D.S.

The Missouri Dental Board ("Board") hereby issues its ORDER granting the DENTAL LICENSE of Derek P. Grzanich, D.D.S. (hereafter "Grzanich"), License No. 2019005751 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, Grzanich 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 Grzanich 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. Derek P. Grzanich currently resides at 7010 Stevenson Drive, Missouri City, Texas 77459.

3. On or about March 19, 2018, Grzanich applied for licensure as a dentist. On his application, Grzanich answered yes to the following question:

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

4. At the time of application, Grzanich had an active license from the State of Texas, with an expiration date of September 2019, and an active license from the State of Illinois, with an expiration date of September 2021.

5. Grzanich attached a statement regarding his answer to question 3 on the application. Grzanich stated that his Texas dental license was disciplined as a result of a patient complaint in 2015, regarding patient records. Grzanich stated he moonlighted while in Residency in a practice he came to realize was not reputable. Grzanich stated that, as it was not his practice, he was not given access to the electronic dental records of the patient. His records were to be scanned into the patient’s chart, but apparently never were. Grzanich noted that the practice was in shambles and soon after went into bankruptcy. Grzanich asserted that his attorney recommended he enter into the Settlement with the Texas Board and that he
“reluctantly” did so. A copy of Grzanich’s Agreed Settlement Order with the Texas State Board of Dental Examiners was reviewed by the Board.

6. On or about August 31, 2018, Grzanich entered into an Agreed Settlement Order with the Texas State Board of Dental Examiners as a result of failure to maintain and keep adequate dental records and falling below the minimum standard of care during the treatment of a patient. The Board issued Grzanich the sanction of a Warning, ordered him to pay administrative monetary fines in the amount of $1,500.00, ordered him to complete six hours of approved continuing education courses in addition to his annual continuing education requirements, in the area of risk management and record-keeping, and ordered him to take and pass the Texas jurisprudence assessment.

7. Grzanich has no disciplinary history in the State of Illinois.

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.

7. The Board has cause to deny or refuse Grzanich’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 registration 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[.]

8. As a result of Grzanich’s disciplinary action against his license by the State of Texas, described in paragraphs 4 through 8 above, the Board has cause to deny or refuse Grzanich’s application for a dental license pursuant to § 332.321.1, RSMo, and § 332.321.2(8), RSMo.

9. 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.

10. The Board issues this Order in lieu of denial of Grzanich’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, Derek P. Grzanich, D.D.S. is granted a dental license, which is hereby placed on PROBATION for a period of three (3) year from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Grzanich shall be entitled to present himself and serve as a licensed dentist subject to the following terms and conditions:
I. GENERAL REQUIREMENTS

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

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

F. If at any time during the disciplinary period, Grzanich 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, Grzanich shall accept and comply with unannounced visits from the Board’s representatives to monitor his compliance with the terms and conditions of this Order.

H. If Grzanich 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 Grzanich not specifically mentioned in this document.

J. Grzanich 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 Respondent of the terms and conditions of this Order, Chapter 332, RSMo (as amended), or the regulations promulgated thereunder.

SO ORDERED, EFFECTIVE THIS 19 DAY OF FEBRUARY, 2019.

MISSOURI DENTAL BOARD

[Signature]
Brian Barnett, Executive Director