

BEFORE THE KANSAS DENTAL BOARD

FILED
MAR - 8 2012
KANSAS DENTAL BOARD

In The Matter Of)
)
BRADLEY D. GRAF, D.D.S)
)
License No. 7159)

Case No. 12-33

EMERGENCY AGENCY ORDER TO SUSPEND LICENSE

Bradley D. Graf, D.D.S. ("Respondent") is currently authorized to practice dentistry in the State of Kansas by reason of the Kansas Dental Board ("Board") having issued him License No. 7159.

It has come to the attention of the Board's Investigation Member that the Respondent has committed fraud, deceit, or misrepresentation in obtaining a license to practice dentistry in the State of Kansas and habitually used intoxicants or drugs which have rendered him unfit for the practice of dentistry.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enters the following Emergency Agency Order, pursuant to K.S.A. 77-536 and K.S.A. 65-1449.

I. FINDINGS OF FACT

For purposes of this Emergency Agency Order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent License No. 7159, which entitled him to practice dentistry in the State of Kansas ("Respondent's License").
2. On or about August 10, 1998, Respondent was originally issued a license to practice dentistry in the State of Kansas.
3. On or about March 1, 2001, Respondent's License to practice dentistry in the State of Kansas was cancelled for non-renewal.

4. On or about February 9, 2012, Respondent submitted an application for reinstatement of his license to practice dentistry in the State of Kansas.

5. In his reinstatement application, Respondent answered "No" to the following question: "Have you been found guilty or pled no contest to any felony or class A misdemeanor?"

6. In his reinstatement application, Respondent answered "No" to the following question: "Have you suffered from any impairment which would affect your ability to safely practice?"

7. In his reinstatement application, Respondent answered "No" to the following question: "Do you have an investigation pending with any state licensing board?"

8. On or about February 22, 2012, Respondent's application for reinstatement to practice dentistry in the State of Kansas was approved.

9. On or about March 2, 2012, the Board received an Investigation Report from the Missouri Dental Board regarding the Respondent.

10. The Missouri Dental Board Investigation Report indicates that on or about January 3, 2012, Respondent attended the University of Florida, Florida Recovery Center ("Florida Recovery Center"), for a multidisciplinary evaluation to assess the existence of a possible substance use disorder as well as the Respondent's ability to practice dentistry with reasonable skill and safety.

11. The Respondent was referred to the Florida Recovery Center by the Missouri Dental Well-Being Program.

12. On or about January 3, 2012, Michael J. Herkov, Ph.D., ABPP, of the Florida Recovery Center completed a psychological evaluation of Respondent and stated, "These test

results would be consistent with methamphetamine use and may indicate more significant use than that performed by [Respondent].”

13. On or about January 3, 2012, Scott A. Teitelbaum, M.D., F.A.A.P., F.A.S.A.M., of the Florida Recovery Center completed an outpatient addiction medicine evaluation of Respondent, wherein Respondent admitted to repeated methamphetamine use and having 2 DUIs somewhere between 2004 and 2005, and made the following recommendations:

a. “[Respondent] should refrain from practicing dentistry as he cannot practice with reasonable skill and safety at this time.”

b. “[Respondent] should seek treatment for his methamphetamine dependence and associated psychiatric and psychological problems at a residential level of care and at an institution with expertise in treating health care professions.”

c. “Following adequate treatment and documented sobriety, [Respondent] may be reconsidered to return to the practice of dentistry, provided he is monitored by and per the Missouri Dental Wellness Program.”

14. On or about January 5, 2012, Martha E. Brown, M.D., completed a consultation evaluation of Respondent and concluded as follows: “Currently, I do not feel that [Respondent] can practice with reasonable skill and safety. He needs long term residential treatment in a facility that is knowledgable (sic) about and treats professionals.”

II. CONCLUSIONS OF LAW AND FACT

For purposes of this Emergency Agency Order, the Board’s Investigation Member makes the following conclusions of law and fact:

1. Respondent’s continuation in the practice of dentistry would constitute an immediate danger to the public health, safety, or welfare. The least restrictive way to prevent or

avoid the immediate danger Respondent poses to the public health, safety, or welfare is to suspend Respondent's license.

2. There is cause to believe that the acts committed by Respondent could form a basis for discipline of Respondent's license, including revocation or suspension, pursuant to various provisions of the Kansas Dental Practices Act, K.S.A. 65-1421 *et seq.*, including the following: K.S.A. 65-1436(a)(1); K.S.A. 65-1436(a)(2); and K.S.A. 65-1436(a)(3), as further defined by K.S.A. 65-1436(e)(3).

III. EMERGENCY ORDER

Pursuant to K.S.A. 77-536 and K.S.A. 65-1449, and based upon the foregoing findings and conclusions, Respondent's License is hereby SUSPENDED until further order of the Board, effective immediately.

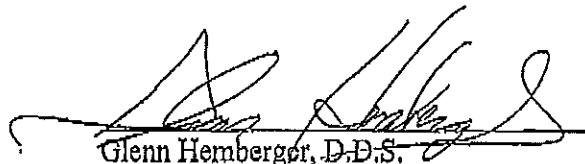
Within fifteen (15) days after service of this Emergency Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Emergency Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

B. Lane Hemsley
Executive Director
Kansas Dental Board
900 SW Jackson, Room 564-S
Topeka, KS 66612

IT IS SO ORDERED.

3/7/2012
Date


Glenn Hemberger, D.D.S.
Investigation Member
Kansas Dental Board

CERTIFICATE OF SERVICE

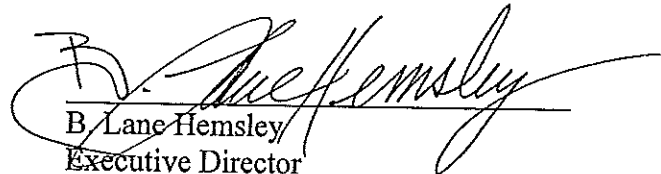
I hereby certify that I did, on the 8th day of March, 2012, deposit in the United States mail, postage prepaid, a true and correct copy of the foregoing, properly addressed to the following:

Bradley D. Graf, D.D.S.
1309 W. Swallow
Springfield, MO 65810

Randall J. Forbes
Frieden, Unrein & Forbes
555 S. Kansas Ave., Suite 303
Topeka, KS 66603

And a copy certified mail, return receipt delivery to:

Bradley D. Graf, D.D.S.
1309 W. Swallow
Springfield, MO 65810


B. Lane Hemsley
Executive Director
Kansas Dental Board