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BEFORE THE KANSAS DENTAL BOARD

KANSAS DENTAL BOARD

In The Matter Of)

Brian H. Jenkins, D.D.S.)
License No. 7100)
_____)

Case No. 1567-01

MODIFICATION OF BOARD ORDER – MAY CHANGE EMPLOYER

The Board issued a Final Order on October 4, 2007 in which the licensee was granted a suspended license. The suspension was lifted on March 7, 2008 and his practice was limited to practicing dentistry at GraceMed Health Clinic in Wichita, Kansas until further order of the Board. The findings and conclusions contained in the Board's prior orders are incorporated herein by reference.

On this day, October 30, 2009 the Board considered Licensee's request to modify his Order to all allow him to become employed by another Kansas licensee, Dr. Irwin Boe. Based upon the testimony of Dr. Jenkins and Dr. Irwin Boe and after reviewing information provided by Dr. Jenkins, the Board makes the following finds and conclusions:

1. Dr. Boe owns two dental practices and no other dentists are employed as part of these practices.
2. Dr. Boe proposes that he employ Dr. Jenkins with the intent that Dr. Jenkins would purchase the practice after a few years. Dr. Boe wishes to pursue other interests.
3. The compensation to be paid to Dr. Jenkins, as an employee of Dr. Boe, would be determined, in part, based upon Dr. Jenkins' production. According to Dr. Jenkins' testimony, his prior disciplinary problems were, at least in part, the result of his allowing the desire to make money overwhelm his better judgment.

4. Dr. Jenkins has not yet completed the HAPN Program he entered into through the Kansas Dental Impaired Provider Program.

5. The practice setting described by Drs. Jenkins and Boe would not be the same kind of structured and supervised practice as presently exists for Dr. Jenkins at the GraceMed Clinic.

6. The compensation agreement that Drs. Jenkins and Boe propose for Dr. Jenkins would cause Dr. Jenkins to be faced with the same temptations that, according to Dr. Jenkins, lead to his prior disciplinary matters.

7. Based upon the foregoing findings, the Board concludes that it would be unwise to permit Dr. Jenkins to practice in the kind of situation proposed by Dr. Boe, at least until Dr. Jenkins successfully completes his contract with the HAPN program.

The Order of October 4, 2007 is modified to the extent that Dr. Jenkins may work under similar circumstances for other similar employers to GraceMed until the HAPN contract is successfully completed. Within fifteen (15) days after service of this Final 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 Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Betty Wright
Executive Director
Kansas Dental Board
900 SW Jackson, Room 564-S
Topeka, KS 66612

ENTERED AND EFFECTIVE this 25th day of November, 2009.

KANSAS DENTAL BOARD
By: Richard Darnall

Dr. Richard Darnall, DDS President

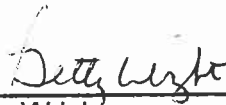
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25th day of November, 2009, deposit in the United States mail, postage prepaid, certified return receipt requested, a copy of the foregoing Modification of Board Order, properly addressed to the following:

Brian H. Jenkins, DDS
4002 Sweet Bay Ct.
Wichita, KS 67226

Richard T. Merker
WALLACE, SAUNDERS, AUSTIN...
PO Box 12290
10111 West 87th St.
Overland Park, KS 66282

Randall J. Forbes
FRIEDEN & FORBES
PO Box 639
Topeka, KS 66601-0639



Betty Wright
Executive Director
Kansas Dental Board