

BEFORE THE KANSAS DENTAL BOARD

FILED

In the Matter of the Licensure of:)
)
CHARISSE C. FRISCH-BACHRODT,)
D.D.S.)
Kansas License No. 6734)
_____)

Case No. 12-148

APR 25 2014

KANSAS DENTAL BOARD

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Dental Board (the "Board") and Charisse C. Frisch-Bachrodt, D.D.S. (the "Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein & Forbes, LLP, 1414 S.W. Ashworth Place, Suite 201, Topeka, KS 66604. The Respondent is represented herein by her attorney, Patrick J. Murphy of Wallace, Saunders, Austin, Brown & Enochs, Chartered, 200 W. Douglas, Suite 400, Wichita, KS 67202.

2. The Board is the Kansas agency vested with the authority, pursuant to K.S.A. 74-1404 and K.S.A. 74-1406, to carry out and enforce the provisions of the Kansas Dental Law, K.S.A. 65-1401 *et seq.*, including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas license to practice dentistry.

3. The Respondent is presently entitled to engage in the practice of dentistry in the State of Kansas by reason of the Board having issued her Kansas license number 6734. At all times relevant hereto, the Respondent has held a current license to engage in the practice of dentistry in the State of Kansas.

4. The Board's Investigation Member has determined that there are reasonable grounds to believe that the Respondent has committed an act or acts in violation of the Kansas Dental Act, K.S.A. 65-1401 *et seq.*

5. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board finds, that:

PATIENT LB:

A. On April 26, 2010, a panoramic x-ray was taken and on July 13, 2010, an ortho consult is indicated by Respondent. The panoramic and a set of pre-treatment study models are the only orthodontic records Respondent's records reflect for this patient. Respondent's records for this patient fail to include cephalometric x-ray and/or tracings, pre-treatment and post-treatment photographs and post-treatment radiographs or models.

PATIENT ZB:

A. On April 4, 2012, Respondent began an ortho consult and panoramic x-ray were completed. Respondent's records for this patient fail to include cephalometric x-ray and/or tracings and pre-treatment photographs.

PATIENT JC:

A. On August 13, 2013, Respondent treated this patient for a toothache and a PA x-ray was taken of tooth #28. Respondent's records fail to include written notes in the treatment record of the diagnosis and the treatment Respondent provided or recommended.

PATIENT CH:

A. On June 25, 2013 and July 22, 2013, Respondent completed extractions. On both occasions, Respondent's records indicate the pain medication Lortab and antibiotic were prescribed. Respondent's records fail to include the strength, quantity and the directions ordered for the prescriptions. The Respondent's records also fail to contain a periodontal chart for this patient.

PATIENT SI:

A. On May 15, 2013, Respondent treated this patient and prescribed antibiotic. The Respondent's records fail to include the quantity and the directions ordered for the prescription.

PATIENT JF:

A. On March 6, 2013, Respondent treated this patient for ortho evaluation. Respondent's records fail to include cephalometric x-ray and/or tracings and pre-treatment photographs.

B. The Respondent placed occlusal restorations on teeth #2, 15, 18 and 31 using Fuji IX as the final restorative material. Fuji IX is not recommended for use as a final restorative material.

PATIENT JM:

A. On June 7, 2011, Respondent performed an ortho evaluation on this patient. Respondent's records fail to include cephalometric x-ray and/or tracings, pre-treatment photographs and periodontal charting.

PATIENT ON:

A. On January 4, 2011, Respondent performed an ortho consult on this 11 ½ year old patient and placed bands on January 12, 2011. When the bands were placed by Respondent, all eight deciduous molars and the upper deciduous cuspids were present. Respondent's orthodontic treatment plan stated "7 & 10 spacing issues' and '6 & 11 impacted and erupting into 7 & 10'." Respondent's orthodontic records consist only of a panoramic x-ray. Respondent's records describe decay on teeth #3, 14, 19, 20 and 31 restored with Fuji IX.

PATIENT BS:

A. On September 14, 2013, Respondent placed Fuji IX restorations on the facial of teeth #21 and 22 and the buccal of teeth #29 and 30. Respondent's records fail to include the diagnosis, the reason for the restorations, the reason for using Fuji IX over a more traditional composite material and periodontal charting for this mature patient.

PATIENT VS:

A. On March 23, 2010 and April 20, 2010, Respondent performed deep scaling and root planing on this patient with full mouth periodontal charting in the records. Respondent performed follow-up recall visits and cleanings on February 7, 2011; July 13, 2011; November 15, 2011; May 22, 2012; November 26, 2012; and August 7, 2013, but failed to record periodontal measurements or other data recorded at any of these subsequent visits.

PATIENT MS:

A. On November 16, 2011, Respondent performed a new patient exam and prepared a treatment plan for this patient. Respondent's records fail to include periodontal charting in the record.

B. On September 9, 2013, Respondent treated this patient for a toothache and a periapical x-ray was taken of tooth #29. Respondent's records indicate an extraction appointment was scheduled and "infection present: Rx." Respondent's records fail to include the drug prescribed, the strength, quantity or the direction for use of the prescribed drug.

PATIENT SS:

A. In February 2007 and July 2009, Respondent provided orthodontic treatment for this patient. Respondent's records consist of a panoramic x-ray and pre-treatment study models.

Respondent's records fail to include cephalometric x-ray or tracings and pre-treatment photographs.

B. On October 23, 2012, Respondent obtained bitewing x-rays revealing large areas of decay on several teeth. Respondent's records fail to include charting or comments regarding the disease present.

PATIENT JSM:

A. On August 16, 2005, Respondent performed an ortho consult and a panoramic x-ray was taken. Respondent's records fail to include cephalometric x-rays or tracings.

B. From October 2005 until September 2007, Respondent provided orthodontic treatment to this 12-14 year old patient. On August 28, 2013, Respondent used Fuji IX to restore teeth #2, 14 and 15. Respondent's records fail to include the reason for the restorations and the reason Fuji IX was used rather than a more traditional composite.

PATIENT RW:

A. Respondent's office has treated this patient, who is now 60 years old, since May 1965. Respondent's records fail to include any periodontal charting.

PATIENT TW:

A. On August 26, 2013, Respondent performed a new patient exam for this healthy 42 year old new patient. Respondent's records fail to include periodontal charting.

6. The Respondent agrees and consents, and the Board finds and concludes, that the following disposition is just and appropriate under the circumstances:

A. CONTINUING EDUCATION. Respondent agrees and consents that within six (6) months of the effective date of this Stipulation and Consent Order she shall successfully complete three (3) hours continuing dental education courses in recordkeeping and

six (6) hours continuing dental education in orthodontic diagnosis and recordkeeping which must include cephalometric analysis. All courses must be pre-approved by the Board's Investigative Committee. It is the responsibility of the Respondent to identify the courses and submit them for approval in time to successfully complete them within the six (6) month period. Respondent must provide the Board with confirmation from each entity which administers a course that Respondent has successfully completed the course. All continuing education required by this Stipulation and Consent Order shall be separate and in addition to any continuing education required for the renewal of Respondent's dental license.

B. ADMINISTRATIVE FINE. Respondent agrees, and the Board further orders the Respondent to pay an administrative fine in the amount of One Thousand Dollars (\$1,000.00), within six (6) months of the entry of this Order.

C. LICENSE LIMITATION. Respondent agrees and consents that her dental license shall be limited such that she is prohibited from accepting any new orthodontic case(s) until the continuing dental education courses specified in Section A herein have been successfully completed.

D. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order she must, and the Board further orders the Respondent to:

1. Comply fully with this Stipulation and Consent Order; and
2. Comply fully with the Kansas Dental Act, the Board's rules and regulations and all state and federal laws relating to Kansas dentists.

7. Respondent agrees that all information in the possession of the Board's Investigation Committee, its staff, its investigators and its attorney regarding the complaints

which led to this disciplinary action, the investigation of the complaints and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Stipulation and Consent Order, with or without the presence of the Respondent or her attorney. In the event that this Stipulation and Consent Order is not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Consent Order or the information mentioned in the preceding sentence and further agrees to waive any claim of due process violation or the right to seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.

8. The stipulations and orders contained herein shall not become binding until this Stipulation and Consent Order is approved and entered by the Board. The Respondent acknowledges that the approval of the Board's attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Consent Order.

9. The Respondent agrees that this Stipulation and Consent Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it. The Respondent further agrees that the Kansas Dental Act, K.S.A. 65-1421 *et seq.*, is constitutional on its face and as applied in this case.

10. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

11. The Respondent acknowledges that she has the following rights:

A. To have formal notice of charges served upon her;

B. To file a response to the charges;

C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and

D. To take advantage of all applicable provisions of the Kansas Administrative Procedures Act and the Act For Judicial Review and Civil Enforcement of Agency Action.

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against her to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order.

12. The Respondent acknowledges that she enters into this Stipulation and Consent Order freely and voluntarily after the opportunity for consultation with counsel of her choosing. The Respondent further acknowledges that she has read this Stipulation and Consent Order in its entirety, that she understands its legal consequences and that she agrees that none of its terms are unconscionable, arbitrary or capricious.

13. Time is of the essence to this Stipulation and Consent Order. Respondent acknowledges and agrees that any violation of this Stipulation and Consent Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against her. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Consent Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Consent Order.

14. This Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Consent Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Consent Order shall be given full force and effect.

15. Upon execution by all parties and entry as an order by the Board, this Stipulation and Consent Order shall be a public record in the custody of the Board.

16. This Stipulation and Consent Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's President or the President's authorized representative.

17. The Respondent acknowledges that she has been advised by the Board that she would have the right within 15 days after service of this Stipulation and Consent Order to file a petition for reconsideration with the Board and the right within 30 days after service of the Stipulation and Consent Order to file a petition for judicial review in the District Court of Shawnee County, Kansas, or other court of competent jurisdiction, in accordance with the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.*, and to serve such a petition for judicial review on the Kansas Dental Board by serving B. Lane Hemsley, its Executive Director, at 900 SW Jackson, Room 564-S, Topeka, KS 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 25 day of April, 2014.

KANSAS DENTAL BOARD

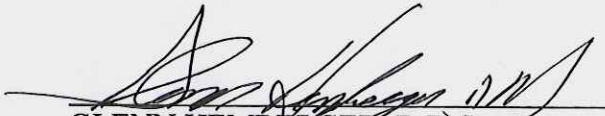
By: 

GLENN HEMBERGER, DDS
President


AGREED AND APPROVED BY:


CHARISSE, C. FRISCH-BACHIRODT, D.D.S

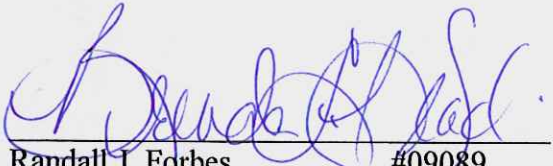
3-27-14
Date


GLENN HEMBERGER, D.D.S.
Investigation Committee Chairman

4/3/14
Date


Patrick J. Murphy
Wallace, Saunders, Austin, Brown & Enochs, Chartered
200 W. Douglas, Suite 400
Wichita, KS 67202
Respondent's Attorney's Name & Address

3/31/14
Date


Randall J. Forbes #09089
Brenda L. Head, #15657
FRIEDEN, UNREIN & FORBES, LLP
1414 S.W. Ashworth Place, Suite 201
Topeka, Kansas 66604
TEL: (785) 354-1100
FAX: (785) 354-1113
Disciplinary Counsel for the Kansas Dental Board

4-2-14
Date

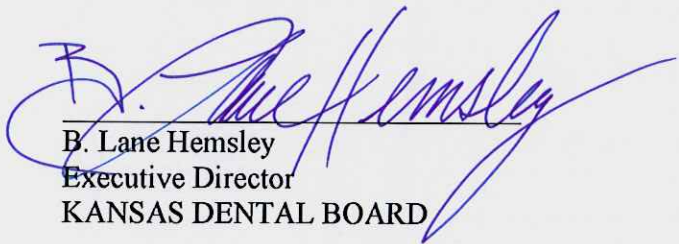
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **STIPULATION AND CONSENT ORDER** was served by depositing same in the United States mail, postage prepaid, this 28th day of April, 2014, addressed to:

Randall J. Forbes
Brenda L. Head
FRIEDEN, UNREIN & FORBES, LLP
1414 S.W. Ashworth Place, Suite 201
Topeka, KS 66604

Charisse C. Frisch-Bachrodt, D.D.S.
136 N. Gorin
PO Box 188
Clearwater, KS 67026

Patrick J. Murphy
Wallace, Saunders, Austin, Brown & Enochs, Chartered
200 W. Douglas, Suite 400
Wichita, KS 67202


B. Lane Hemsley
Executive Director
KANSAS DENTAL BOARD