

**BEFORE THE KANSAS DENTAL BOARD
OF THE STATE OF KANSAS**

In the Matter of the Licensure of:)
)
CHARLOTTE TURNER-WILLIAMS, D.D.S.)
Kansas License No. 60019)
_____)

Case No. 12-133

FILED

NOV 08 2012

EMERGENCY SUSPENSION ORDER

KANSAS DENTAL BOARD

The Kansas Dental Board (“Board”) issued Charlotte Turner-Williams, D.D.S. (“Respondent”) Kansas License No. 60019 authorizing her to practice dentistry in the State of Kansas (“Kansas License”).

It has been brought to the attention of the Board’s Investigation Member: that the Respondent’s Kansas License No. 60019 contains restrictions which have prohibited her since August 22, 2012 from prescribing any controlled substances under federal or state law; and that during the period from October 1 to 26, 2012, the Respondent issued to various patients approximately 89 separate prescriptions for controlled substances, including hydrocodone-acetaminophen, acetaminophen-codeine, lorazepam and diazepam, in violation of the restrictions on her Kansas License.

After investigation and consideration of the foregoing, the Board’s Investigation Member, acting pursuant to authority granted to him by the Board and pursuant to the provisions of K.S.A. 77-536 and K.S.A. 65-1449, issues the following findings of fact, conclusions of law and emergency order on behalf of the Board:

FINDINGS OF FACT

1. The Respondent was previously subject to disciplinary action by the Board in the administrative proceedings styled *Matter of the Licensure of Charlotte Turner-Williams, D.D.S., Kansas License No. 60019*, Case Nos. 08-102, 09-43 & 10-101 and OAH No. 12DB0004 (Kan. Dental Bd.). In that prior case, Presiding Officer Edward Gaschler issued and mailed to the parties an Initial Order on July 20, 2012 which concludes:

“Based upon the respondent's excessive, inappropriate, and improper prescribing of controlled substances, the dental license of the respondent is hereby restricted pursuant to K.S.A. 65-1436(b)(3) in that the respondent is hereby prohibited from prescribing any controlled substances under federal and/or state law. This restriction shall continue indefinitely until removed by the petitioner upon a showing by the respondent that she is professionally competent to prescribe controlled substances under federal and/or state law.”

See Initial Order (dated July 20, 2012) at *Conclusion* ¶ 1 (emphasis added).

2. The Initial Order referenced in Finding of Fact No. 1 above contains a “Notice Regarding Review” which expressly informed the Respondent as follows:

“Pursuant to K.S.A. 77-527, either party may appeal this Initial Order. A petition for review must be filed within 15 days from the date of this Initial Order. Failure to timely request review may preclude further judicial review. If neither party requests a review, this Initial Order becomes final and binding on the 30th day following its mailing. Petitions for review shall be mailed or personally delivered to: B. Lane Hemsley, Executive Director, Kansas Dental Board, 900 SW Jackson, Room 564-S, Topeka, Kansas 66612-1230.”

However, none of the parties, including the Respondent, sought administrative review of this Initial Order within the time prescribed by law and the Board did not elect to review the Initial Order on its own motion. Therefore, in accordance with the Notice Regarding Review quoted above, the Respondent was informed that the restrictions on her Kansas License became final

and binding no later than August 22, 2012, and that she was thereafter prohibited from prescribing any controlled substances under federal and/or state law.¹

3. In an effort to determine whether the Respondent was practicing dentistry in compliance with the restrictions on her Kansas License, Board Staff subsequently obtained from the Kansas State Board of Pharmacy information compiled and maintained under the Prescription Monitoring Program (“PMP”) regarding the substance of all prescriptions issued by the Respondent that were presented to and filled by any Kansas pharmacy in October of 2012. This PMP information reflects that from October 1 to 26, 2012, the Respondent issued to various patients approximately 89 separate prescriptions for 1,392 tablets of controlled substances, including: 81 prescriptions for 1,279 tablets of hydrocodone-acetaminophen; 2 prescriptions for 30 tablets of acetaminophen-codeine; 3 prescriptions for 36 tablets of lorazepam; and 3 prescriptions for 47 tablets of diazepam.

4. Hydrocodone-acetaminophen, acetaminophen-codeine, lorazepam and diazepam are each classified as a controlled substance under the Controlled Substances Act, enacted as Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. § 801 *et seq.*, and the Kansas Uniform Controlled Substances Act, K.S.A. 65-6101 *et seq.*

5. It strongly appears under the circumstances that the Respondent has practiced dentistry for an extended period of time in willful or reckless disregard of the prescription restrictions on her Kansas License and that the Respondent does not recognize or respect the Board’s regulatory authority under the Kansas Dental Practices Act.

6. The Respondent is expressly prohibited from prescribing any controlled substances under federal and state law in order to prevent or avoid any imminent danger to members of the

¹ To the best of the Board’s knowledge, the Respondent has also neither filed nor served the Board with any petition for judicial review of the Initial Order.

public posed by the Respondent's established history of excessive, inappropriate, and improper prescribing of such substances. Since the Respondent has failed and refused to comply with the prescription restrictions on her Kansas License, the Respondent's continued practice of dentistry would constitute an imminent danger to public health and safety requiring immediate state agency action and the least restrictive means of preventing or avoiding this imminent and continuing danger is immediate suspension of the Respondent's Kansas License.

CONCLUSIONS OF LAW

7. The Board is the duly constituted and acting agency of the State of Kansas authorized to administer and enforce the provisions of the Kansas Dental Practices Act, which is codified in article 14 of chapter 65 and article 14 of chapter 74 of the Kansas Statutes Annotated and amendments thereto ("KDPA" or "Act"). The undersigned Investigating Member has been duly authorized by the Board to initiate these administrative proceedings for an emergency adjudication and to issue this emergency suspension order in accordance with the provisions of K.S.A. 65-1449(b) and 77-536.

8. The Respondent, who holds Kansas License No. 60019 issued by the Board, is fully subject to the licensing, regulatory and enforcement authority of the Board under the KDPA and its implementing rules and regulations.

9. Pursuant to the provisions of K.S.A. 65-1449(b), there is probable cause to revoke or suspend the Respondent's Kansas License for any one or more of the reasons set forth in K.S.A. 65-1436(a)(6), 65-1436(a)(10) and/or 65-1436(a)(12), and the Respondent's continued practice of dentistry would constitute an imminent danger to public health and safety.

10. In accordance with K.S.A. 77-536, the Respondent's willful or reckless disregard of the prescription restrictions on her Kansas License requires immediate state agency action and

the least restrictive means of preventing or avoiding this imminent and continuing danger is immediate suspension of the Respondent's Kansas License.

EMERGENCY ORDER

Pursuant to K.S.A. 77-536 and K.S.A. 65-1449, and based upon the foregoing findings and conclusions, EFFECTIVE IMMEDIATELY upon service of this EMERGENCY SUSPENSION ORDER:

The Respondent's Kansas License No. 60019 is hereby temporarily suspended and the Respondent is hereby ordered to cease and desist from the practice of dentistry in this State during the period of such temporary suspension.

The period of this temporary suspension shall not be in effect for more than 90 days from the date on which this EMERGENCY SUSPENSION ORDER is served upon the Respondent. At the end of such 90-day period of time, the temporary suspension shall be automatically lifted without further action unless the Board has revoked or suspended the Respondent's Kansas License after notice and the opportunity for a hearing in accordance with applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*

Within fifteen (15) days after service of this EMERGENCY SUSPENSION ORDER, the Respondent may file a petition for reconsideration pursuant to the provisions of K.S.A. 77-529.

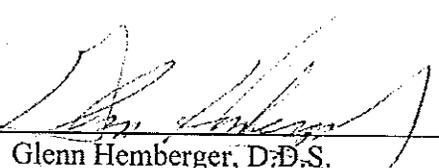
Within the time limits set forth in K.S.A. 77-613, the Respondent may seek judicial review of this EMERGENCY SUSPENSION ORDER to the fullest extent permitted under the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The agency officer designated to receive service of any 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. Dated this 8 day of November, 2012, at Topeka, Kansas.

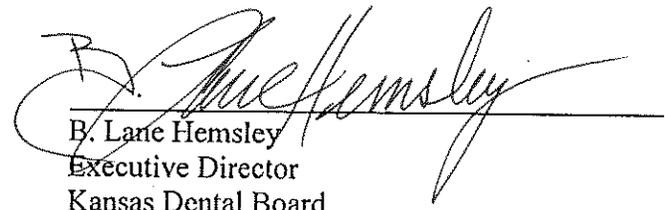
KANSAS DENTAL BOARD

By: 
By: Glenn Hemberger, D.D.S.
Investigation Member

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of November, 2012, a genuine copy of the above and foregoing EMERGENCY SUSPENSION ORDER was deposited in the United States mail, first class postage prepaid, and a genuine copy hereof was deposited on the same date in the United States certified mail, with return receipt requested, properly addressed to the Respondent as follows:

Charlotte Turner-Williams, D.D.S.
2010 East 21st Street
Wichita, Kansas 67214


B. Lane Hemsley
Executive Director
Kansas Dental Board