

FILED

AUG 29 2014

KANSAS DENTAL BOARD

BEFORE THE KANSAS DENTAL BOARD

In the matter of)	
)	
JENNIFER M. HUDSON, D.D.S)	Case Nos. 10-130, 11-57, 11-107
Kansas License No. 60387)	

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Dental Board (the "Board") and Jennifer M. Hudson, D.D.S. (the "Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein & Forbes, 1414 S.W. Ashworth Place, Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by her attorney, Richard T. Merker of Wallace, Saunders, Austin, Brown & Enochs, Chtd., 10111 W. 87th Street, Overland Park, Kansas 66212.

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 licensee 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 60387. 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 has received information, has investigated, and determined that reasonable grounds exist to believe that the Respondent has committed an act or

acts in violation of the Kansas Dental Act, K.S.A. 65-1401. The allegations in regard to said claims are contained in a Petition for Disciplinary Action (filed September 6, 2013) on cases known as Case Nos. 10-130, 11-57, and 11-107 and the allegations set forth in Counts I, II, III, IV, and V. The Respondent has filed an Answer to the Petition for Disciplinary Action (filed November 5, 2013) and has denied that Respondent has violated any regulations in regard to her dental license or has committed any inappropriate or illegal conduct or any other rules or regulations in reference to her licensure.

5. In the interest of avoiding the inconvenience, expense, uncertainty, and delay associated with this contested disciplinary proceeding, and resolving all disputes between the parties without any adjudication of the allegations set forth in the Board's Petition for Disciplinary Action, the Respondent hereby expressly stipulates and agrees, and Board finds and concludes and agrees, that the following disposition of the above-styled disciplinary proceeding is fair, just, and appropriate under the circumstances:

A. EFFECTIVE DATE. The Board and Respondent agree that the effective date of this Stipulation and Consent Order shall be September 1, 2014.

B. D-PREP. Respondent agrees, and the Board further orders Respondent to enroll in and participate in the Dentist Professional Review and Evaluation Program (D-PREP), and to complete the remediation curriculum prescribed by D-PREP, if any, at a location approved by the Board. Respondent must complete the D-PREP application and comply with all other conditions of the D-PREP application process within thirty (30) days of the effective date of this Stipulation and Consent Order.

C. SUSPENSION. Respondent agrees, and the Board further orders that Respondent's License to practice dentistry in the State of Kansas shall be SUSPENDED from the effective date of this Stipulation and Consent Order until Respondent completes D-PREP and the remediation curriculum prescribed by D-PREP, if any. During the term of suspension, Respondent shall not engage in the practice dentistry within the meaning of K.S.A. 65-1422; however, Respondent shall be permitted to own and operate Twin Lakes Dental, P.A., without interruption, and perform any administrative functions associated with owning and operating Twin Lakes Dental, P.A.

D. ADMINISTRATIVE FINE. Respondent agrees, and the Board further orders, the Respondent to pay the Board, within ten (10) days of the effective date of this Stipulation and Consent Order, an administrative fine of Seven Thousand Five Hundred Dollars (\$7,500.00).

E. 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.
3. Personally appear at the Board meeting immediately following Respondent's completion of the remediation curriculum prescribed by D-PREP, if any, or following

Respondent's completion of the D-PREP evaluation if no remediation curriculum is prescribed. It shall be the Respondent's responsibility to contact the Board's Executive Director to determine when and where to appear.

6. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and its attorney regarding the complaint which led to this disciplinary action, the investigation of the complaint 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 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.

7. 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.

8. 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.

9. This Stipulation and Consent Order 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.

10. 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.

11. The Respondent acknowledges that she enters into this Stipulation and Consent Order freely and voluntarily after 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. The pending Petition before the Kansas Dental Board in the matter of Jennifer M. Hudson, D.D.S., known as Case Nos. 10-130, 11-57, 11-107, and OAH No. 14DB0001 will be dismissed with prejudice with each party to pay their own court costs and attorneys fees.

17. The Respondent acknowledges that she has been advised by the Board that she would have the right within fifteen (15) days after service of this Stipulation and Consent Order to file a Petition for Reconsideration with the Board and the right within thirty (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 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 Direction, at 900 S.W. Jackson, Room 564-A, Topeka, Kansas 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 26 day of August, 2014.

KANSAS DENTAL BOARD

By



GLENN HEMBERGER, D.D.S.
President

AGREED AND APPROVED BY:



JENNIFER M. HUDSON, D.D.S.

Date

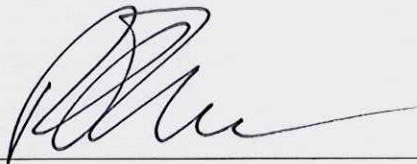
8-14-14



GLENN HEMBERGER, D.D.S.
Investigation Member

Date

8/26/14



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ATTORNEYS FOR RESPONDENT
JENNIFER M. HUDSON, D.D.S.

Date

8/18/14



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Topeka, KS 66604
(785) 354-1100 FAX (785) 354-1113

Date

8/22/14

ATTORNEYS FOR THE KANSAS
DENTAL BOARD

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND CONSENT ORDER was served by depositing the same in the United States Mail, postage prepaid, this 29th day of August, 2014, addressed to:

Randall J. Forbes
Timothy D. Resner
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B. Lane Hemsley, Executive Director
KANSAS DENTAL BOARD