

FILED

JAN 31 2012.

BEFORE THE KANSAS DENTAL BOARD

In The Matter Of)
)
KELLEY A. SHEPARD, R.D.H.)
License No. 1608)
_____)

File No. 06-1852-1608

KANSAS DENTAL BOARD

FINAL AGENCY ORDER

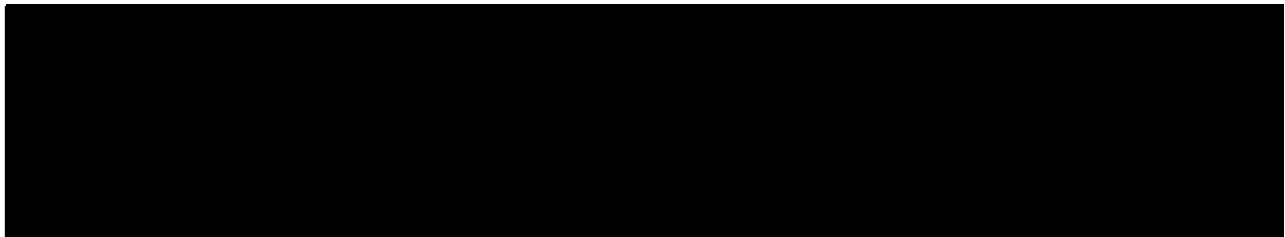
Pursuant to the authority granted to the Kansas Dental Board (the "Board") by the Kansas Dental Practices Act, K.S.A. 65-1421 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Agency Order. The Board makes the following findings, conclusions, and orders:

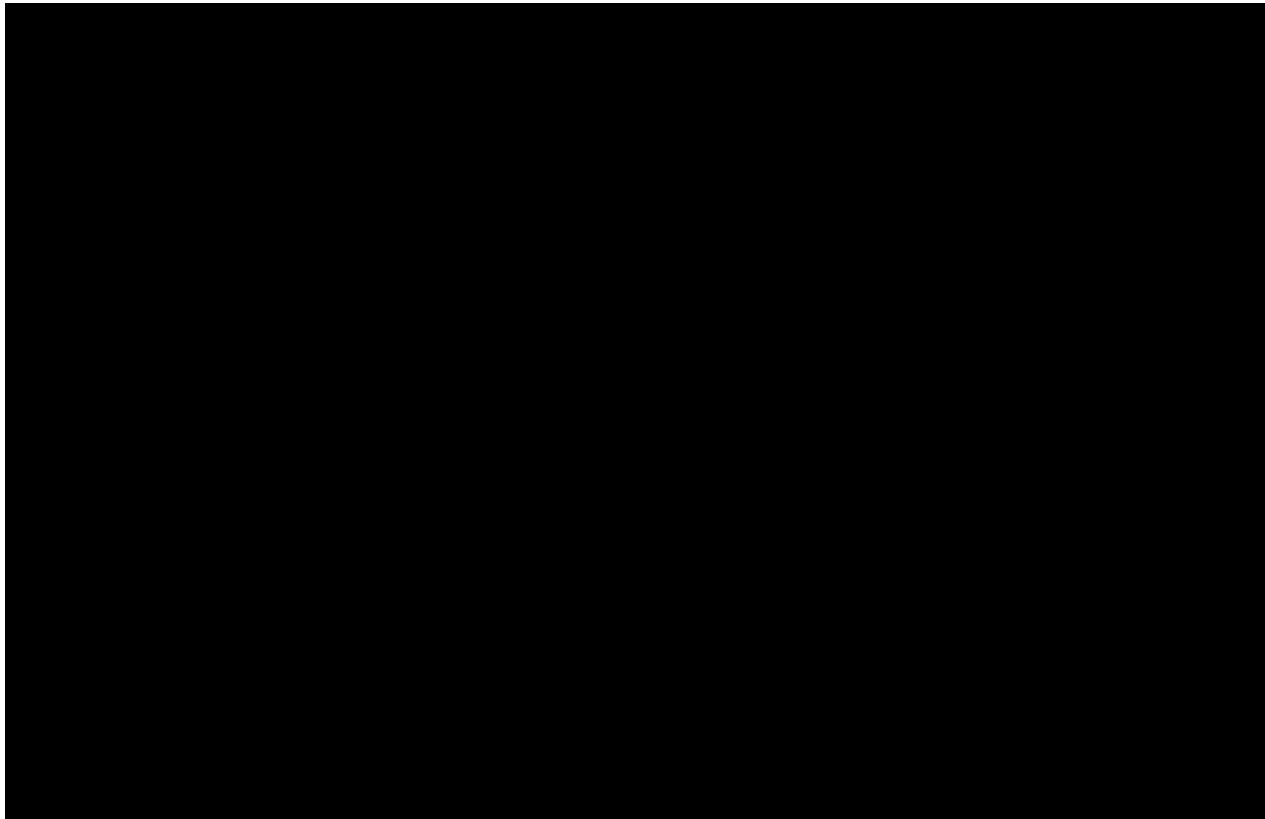
FINDINGS OF FACT

1. Kelley A. Shepard, R.D.H. ("Shepard") is presently licensed to engage in the practice of dental hygiene in the State of Kansas by reason of the Board having issued her Kansas license number 1608.

2. On September 2, 2010, a Final Agency Order was issued for Shepard. A true and correct copy of the Final Agency Order dated September 2, 2010, is attached hereto and incorporated herein as Exhibit A.

3. In the Final Agency Order dated September 2, 2010, Shepard's license to practice dental hygiene in the State of Kansas was reinstated subject to the following conditions and limitations:





B. Until further order of the Board, Shepard shall practice dental hygiene in the State of Kansas only under the “direct supervision” of a licensed dentist, as “direct supervision” is defined by K.S.A. 65-1456(d).

C. Before practicing dental hygiene in the State of Kansas, Shepard shall pass a refresher course approved by the Board.

4. On or about December 28, 2011, Shepard requested a hearing before the Board in order to request the ability to practice dental hygiene under both “direct supervision” and “general supervision” of a licensed dentist as defined by K.S.A. 65-1456(d).

5. On January 20, 2012, a hearing was held before the Board regarding Shepard’s request to practice dental hygiene under both “direct supervision” and “general supervision” of a licensed dentist as defined by K.S.A. 65-1456(d).

CONCLUSIONS OF LAW AND FACT

6. Effective September 17, 2011, [REDACTED]

7. On November 29, 2010, Shepard successfully completed the Johnson County Community College Dental Hygiene Refresher Program for Dental Hygienists, which was approved in February 2001 by the Kansas Dental Board pursuant to K.A.R. 71-3-8.

8. Based upon the evidence, the Board finds that sufficient proof [REDACTED] was established to permit Shepard to practice dental hygiene in the State of Kansas under both “direct supervision” and “general supervision” of a licensed dentist as defined by K.S.A. 65-1456(d).

ORDER

9. Based upon the foregoing findings of fact and conclusions of law, the Board hereby orders as follows:

A. Shepard’s limitation of practicing dental hygiene in the State of Kansas only under the “direct supervision” of a licensed dentist as defined by K.S.A. 65-1456(d) is hereby terminated.

B. Shepard is hereby permitted to practice dental hygiene in the State of Kansas under both “direct supervision” and “general supervision” of a licensed dentist as defined by K.S.A. 65-1456(d).

C. Shepard’s license to practice dental hygiene in the State of Kansas is fully reinstated with no conditions and limitations.

NOTICES

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

11. Within the time limits established in K.S.A. 77-613, either party may file a petition for judicial review of this Final Agency Order in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* The agency officer designated to receive service of a petition for judicial review is:

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

IT IS SO ORDERED.



Glenn Hemberger, D.D.S.
President
Kansas Dental Board

1/27/2011

Date

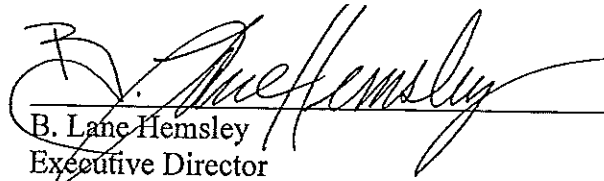
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by depositing the same in the United States mail, postage prepaid, this 21st day of January, 2012, and properly addressed to:

Kelley A. Shepard, R.D.H.
2804 W. 120th Terrace
Leawood, Kansas 66209

Mark W. Stafford, Esq.
Holbrook & Osborn, P.A.
107 S.W. 6th Avenue
Topeka, Kansas 66603

Randall J. Forbes, Esq.
Frieden, Unrein & Forbes, LLP
555 South Kansas Avenue, Suite 303
Topeka, Kansas 66603


B. Lane Hemsley
Executive Director
Kansas Dental Board

FILED

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KANSAS DENTAL BOARD

BEFORE THE KANSAS DENTAL BOARD

In The Matter Of)
)
KELLEY A. SHEPARD, R.D.H.)
License No. 1608)
_____)

File No. 06-1852-1608

FINAL AGENCY ORDER

Kelley A. Shepard ("Shepard") submitted an application to the Kansas Dental Board (the "Board") for reinstatement of her license to practice dental hygiene in the State of Kansas. The application was received by the Board on March 31, 2010. On June 9, 2010, a Summary Order of Denial was entered denying the application. Shepard timely filed a request for a hearing. A hearing was held before the Board on August 20, 2010. After considering the evidence submitted at the hearing, the Board enters the following final agency order.

I. FINDINGS OF FACT

1. On April 10, 2007, in a prior proceeding, an Initial Order was entered by Presiding Officer Edward J. Gashler revoking Shepard's license to practice dental hygiene in the State of Kansas. Among the findings in the Initial Order were that [REDACTED]

[REDACTED]

[REDACTED] No request for review was made and that Initial Order became a final order.

2. At the August 20, 2010 hearing, Shepard testified [REDACTED]
[REDACTED]



3. Numerous individuals wrote letters in support of Shepard's application for reinstatement. Those letters were admitted into evidence at the hearing and are a part of the record.

4. Shepard expressed a willingness to [REDACTED]

5. Shepard has continued to obtain continuing dental hygiene education since her license was revoked.

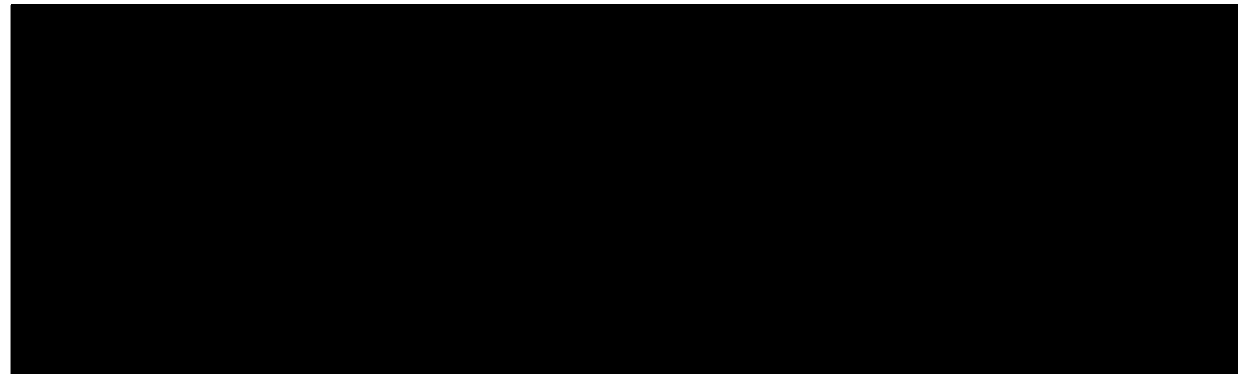
II. CONCLUSIONS OF LAW AND FACT

Based upon the evidence and the foregoing findings of fact, the Board finds that sufficient proof [REDACTED] was established to reinstate Shepard's license to practice dental hygiene in the State of Kansas subject to certain conditions and limitations.

III. ORDER

Shepard's license to practice dental hygiene in the State of Kansas is reinstated subject to the following conditions and limitations:

1. Before practicing dental hygiene in the State of Kansas, Shepard [REDACTED]



2. Until further order of the Board, Shepard shall practice dental hygiene in the State of Kansas only under the direct supervision of a licensed dentist, as direct supervision is defined at K.S.A. 65-1456(d).

3. Before practicing dental hygiene in the State of Kansas, Shepard shall pass a refresher course approved by the Board.

IV. NOTICES

Shepard is hereby notified as follows:

1. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

2. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency 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 S.W. Jackson Street, Room 564-S
Topeka, KS 66612

IT IS SO ORDERED.

Aug. 31, 2010
Date

Denise L Maus, RDH
DENISE MAUS, R.D.H.
President
Kansas Dental Board

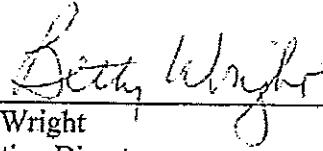
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3rd day of September, 2010, deposit in the United States mail, postage prepaid, certified return receipt requested, a copy of the foregoing FINAL AGENCY ORDER, properly addressed to the following:

Kelley Ann Shepard, R.D.H.
6443 W, 150th Street
Overland Park, Kansas 66223

Jennifer E. Bazin
107 SW 6th Street, Suite 210
Topeka, KS 66603

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



Betty Wright
Executive Director
Kansas Dental Board