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KANSAS DENTAL BOARD

BEFORE THE KANSAS DENTAL BOARD

In the Matter of)
)
LARRY C. HARGREAVES, D.D.S.)
)
Kansas License No. 4836)

Case No. 05-0647-4836b

STIPULATION AND FINAL AGENCY ORDER

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

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden & Forbes, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by his attorney, _____

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 him Kansas license number 4836. At all times relevant hereto, the Respondent has held a current license to engage in the practice of dentistry in the State of Kansas.

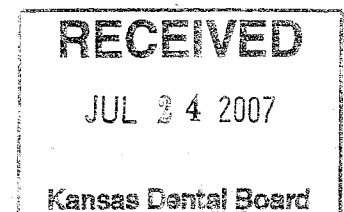
4. The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Respondent has committed an act or acts in violation of the Kansas Dental Act, K.S.A. 65-1401 *et seq.*

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5. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board that:

A. On or about May 3, 2005, the Board received a complaint alleging that Respondent acted in a manner that was below the standard of care in the administration of an oral sedative, liquid Versed, and treatment of Patient R.S., a 5 year old boy ("the Complaint").

B. As a result of the Complaint, a Board Inspector performed an investigation. The investigation revealed that on or about March 16, 2005, Patient R.S., a 5 year old boy, presented to Respondent's office for treatment with his mother, father, and grandfather. Respondent's treatment of Patient R.S. involved sedation. At the time Patient R.S. arrived at Respondent's office, other children were in Respondent's waiting room. After checking in, Patient R.S. was given a dose of an oral sedative, liquid Versed. While Respondent's representatives asked that Patient R.S. be kept calm and quiet, Patient R.S. was allowed to remain in the waiting room with other active children and not removed to another room. After approximately 60 to 90 minutes, the patient's mother informed Respondent's representatives that Patient R.S. was not groggy from the oral sedative. Patient R.S. was then given a second dose of liquid Versed, but was allowed to remain in the waiting room with other active children and not removed to another room. After the passage of an additional 15 minutes, Respondent advised that Patient R.S. would become sleepy at any moment. Patient R.S. was then removed to another room, where he was given a third dose of liquid Versed. Twenty minutes after the third dose was administered, Patient R.S. was taken into a treatment room and placed in a chair, where he exhibited signs of hyperactivity. Ultimately, the liquid Versed failed to sedate Patient R.S. A mask was then placed on Patient R.S.'s face. After 5 minutes, the gas had no effect. When the Respondent entered the treatment room, he decided to administer a local anesthetic and said,

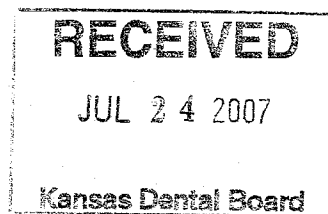


"We'll just give the patient shots to numb his mouth." At that point, Patient R.S. became upset, attempted to flee, and began thrashing in the chair. One of Respondent's representatives then asked Patient R.S.'s parents to help hold the child while the representative held the child's head. Under Respondent's supervision, Patient R.S. was restrained by his parents and one of Respondent's representatives. While Patient R.S. was restrained, Respondent administered a local anesthetic. Without allowing a minute to pass, Respondent extracted an infected tooth. Patient R.S. started screaming after the mask was removed and continued until after the extraction. The child was terrified. After extracting the tooth, Respondent ceased his treatment of Patient R.S. and made a referral to other dentists. After leaving Respondent's office, Patient R.S. remained hyperactive and never showed any signs of drowsiness.

C. The investigation further revealed that Respondent relies on the DOCS Program as his reference for actions pertaining to oral sedation and based his practice of using liquid Versed on young children from the DOCS Program. However, the DOCS Program teaches a protocol for patients 18 years of age and older.

D. As a result of the Complaint, the Respondent's office was inspected on or about July 31, 2006. During the inspection, the Respondent advised the Board Inspector that he no longer used Versed and had begun using Alprozalam for oral sedation. The Respondent also advised the Board Inspector that he was revising his office protocol for oral sedation to exclude young children.

E. On or about April 13, 2007, another inspection of the Respondent's office was performed to review records of minor children treated with oral sedation and the Respondent's revised office protocol for oral sedation. During the inspection, the Respondent advised the Board Inspector that he primarily used Alprozalam (Xanax) for oral sedation, but



occasionally used Triazolam (Halcion). The Board Inspector determined that the Respondent failed to maintain a drug log for Triazolam, record the amount of drugs purchased on the drug log, have proper reversal agents for either Alprozalam or Triazolam, and maintain adequate accountability for office drug inventory. When asked about the proper reversal agents for Alprozalam or Triazolam, Respondent indicated that he always kept a can of Coca-Cola or orange juice available to put more sugar into a patient's system. Neither Coca-Cola or orange juice is a proper reversal agent for Alprozalam or Triazolam. Additionally, the Respondent failed to keep records for controlled substances between January 18, 2006 and October 3, 2006, and did not have an explanation for the void in recordkeeping.

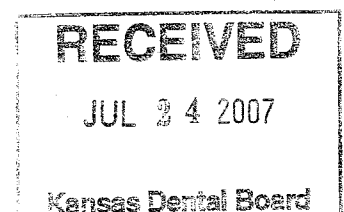
F. Under the circumstances of this case, the use of liquid Versed on Patient R.S., a five year old, constitutes a deviation from the applicable standard of care.

G. Under the circumstances of this case, the administration of three separate doses of liquid Versed to Patient R.S. constitutes a deviation from the applicable standard of care.

H. Under the circumstances of this case, the Respondent's failure to have the proper reversal agents for either Alprozalam or Triazolam constitutes deviations from the applicable standard of care.

I. Under the circumstances of this case, the Respondent failed to maintain adequate records for controlled substances between January 18, 2006 and October 3, 2006.

The Board finds and concludes that the aforesaid conduct is grounds for disciplinary action in the State of Kansas pursuant to K.S.A. 65-1436(b) and K.S.A. 65-1436(a)(3), as defined by K.S.A. 65-1436(c)(2), and K.S.A. 65-1436(a)(17).



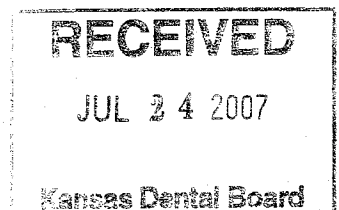
6. The Board finds and the Respondent agrees that the following disposition is just and appropriate under the circumstances:

A. ADMINISTRATIVE FINE. Respondent hereby agrees and consents to the Board entering an order requiring him to pay to the Board, within ten (10) days of the effective date to the Final Agency Order contemplated hereby, an administrative fine in the amount of Five Hundred Dollars (\$500).

B. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Final Agency Order he must:

1. Comply fully with this Stipulation and Final Agency 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 Member, its staff, its investigators and its attorney regarding the investigation which led to this disciplinary action 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 Final Agency Order and the Final Order provided for herein, with or without the presence of the Respondent or his attorney. In the event that this Stipulation and Final Agency Order and the Final Order provided for herein are not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Final Agency 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 contained herein shall not become binding until this Stipulation and Final Agency Action is approved by the Board and the Final Order provided for herein is 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 Final Agency Action or the Final Order provided for herein.

9. The Respondent agrees that this Stipulation and Final Agency Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and enter the Final Order provided for herein. 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 he has the following rights:

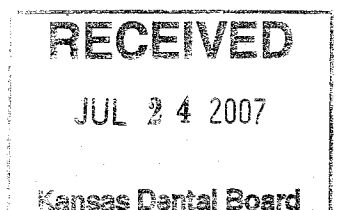
A. To have formal notice of charges served upon him;

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 him



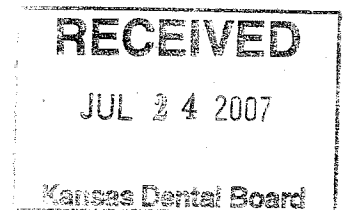
to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Final Agency Order and the Final Order provided for herein.

12. The Respondent acknowledges that he enters into this Stipulation and Final Agency Order freely and voluntarily after consultation with counsel of his choosing. The Respondent further acknowledges that he has read this Stipulation and Final Agency order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

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

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

15. Upon execution by all parties, this Stipulation and Final Agency Order shall be a public record in the custody of the Board.



16. This Stipulation and Final Agency 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 authorized representative.


17. For purposes of reporting to the National Practitioner's Data Bank, this matter shall be categorized as follows:

A. Adverse Action Classification: "1173 Publicly Available Fine/Monetary Penalty."

B. Basis For Action: "13 Negligence."

18. The Respondent acknowledges that he has been advised by the Board that he would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the Final Order provided for herein 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 Betty Wright, its Executive Director, at 900 SW Jackson, Room 564-S, Topeka, KS 66612. The Respondent hereby waives those rights.

AGREED AND ACCEPTED BY:



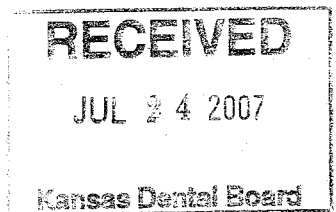
Larry C. Hargreaves, D.D.S.

7-19-07

Date

Robert Henson, D.D.S.
Investigation Member

Date



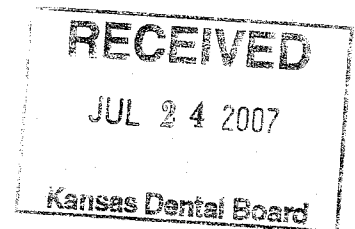
APPROVED BY:

Respondent's Attorney's Name & Address

Date

Randall J. Forbes, #09089
FRIEDEN & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
(785) 232-7266

Date



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In the Matter of)

LARRY C. HARGREAVES, D.D.S.)

Kansas License No. 4836)

Case No. 05-0647-4836b

FINAL ORDER

Upon motion duly made, seconded and passed, the Kansas Dental Board (the "Board") approves and accepts the within Stipulation and Final Agency Order and incorporates the provisions thereof as the Final Order of the Board.

On or about May 3, 2005, the Board received a complaint alleging that Respondent acted in a manner that was below the standard of care in the administration of an oral sedative, liquid Versed, and treatment of Patient R.S., a 5 year old boy ("the Complaint"). As a result of the Complaint, a Board Inspector performed an investigation. The investigation revealed that on or about March 16, 2005, Patient R.S., a 5 year old boy, presented to Respondent's office for treatment with his mother, father, and grandfather. Respondent's treatment of Patient R.S. involved sedation.

At the time Patient R.S. arrived at Respondent's office, other children were in Respondent's waiting room. After checking in, Patient R.S. was given a dose of an oral sedative, liquid Versed. While Respondent's representatives asked that Patient R.S. be kept calm and quiet, Patient R.S. was allowed to remain in the waiting room with other active children and not removed to another room. After approximately 60 to 90 minutes, the patient's mother informed Respondent's representatives that Patient R.S. was not groggy from the oral sedative. Patient R.S. was then given a second dose of liquid Versed, but was allowed to remain in the waiting room with other active children and not removed to another room. After the passage of an

additional 15 minutes, Respondent advised that Patient R.S. would become sleepy at any moment. Patient R.S. was then removed to another room, where he was given a third dose of liquid Versed. Twenty minutes after the third dose was administered, Patient R.S. was taken into a treatment room and placed in a chair, where he exhibited signs of hyperactivity. Ultimately, the liquid Versed failed to sedate Patient R.S.

A mask was then placed on Patient R.S.'s face. After 5 minutes, the gas had no effect. When the Respondent entered the treatment room, he decided to administer a local anesthetic and said, "We'll just give the patient shots to numb his mouth." At that point, Patient R.S. became upset, attempted to flee, and began thrashing in the chair. One of Respondent's representatives then asked Patient R.S.'s parents to help hold the child while the representative held the child's head. Under Respondent's supervision, Patient R.S. was restrained by his parents and one of Respondent's representatives. While Patient R.S. was restrained, Respondent administered a local anesthetic. Without allowing a minute to pass, Respondent extracted an infected tooth. Patient R.S. started screaming after the mask was removed and continued until after the extraction. The child was terrified. After extracting the tooth, Respondent ceased his treatment of Patient R.S. and made a referral to other dentists. After leaving Respondent's office, Patient R.S. remained hyperactive and never showed any signs of drowsiness.

The investigation further revealed that Respondent relies on the DOCS Program as his reference for actions pertaining to oral sedation and based his practice of using liquid Versed on young children from the DOCS Program. However, the DOCS Program teaches a protocol for patients 18 years of age and older.

As a result of the Complaint, the Respondent's office was inspected on or about July 31, 2006. During the inspection, the Respondent advised the Board Inspector that he no longer used

Versed and had begun using Alprozalam for oral sedation. The Respondent also advised the Board Inspector that he was revising his office protocol for oral sedation to exclude young children.

On or about April 13, 2007, another inspection of the Respondent's office was performed to review records of minor children treated with oral sedation and the Respondent's revised office protocol for oral sedation. During the inspection, the Respondent advised the Board Inspector that he primarily used Alprozalam (Xanax) for oral sedation, but occasionally used Triazolam (Halcion). The Board Inspector determined that the Respondent failed to maintain a drug log for Triazolam, record the amount of drugs purchased on the drug log, have proper reversal agents for either Alprozalam or Triazolam, and maintain adequate accountability for office drug inventory. When asked about the proper reversal agents for Alprozalam or Triazolam, Respondent indicated that he always kept a can of Coca-Cola or orange juice available to put more sugar into a patient's system. Neither Coca-Cola or orange juice is a proper reversal agent for Alprozalam or Triazolam. Additionally, the Respondent failed to keep records for controlled substances between January 18, 2006 and October 3, 2006, and did not have an explanation for the void in recordkeeping.

Under the circumstances of this case, the administration of three separate doses of liquid Versed to Patient R.S., without recognizing the effect on Patient R.S., constitutes a deviation from the applicable standard of care. Under the circumstances of this case, the Respondent's failure to have the proper reversal agents for either Alprozalam or Triazolam constitutes deviations from the applicable standard of care. Under the circumstances of this case, the Respondent failed to maintain adequate records for controlled substances between January 18, 2006 and October 3, 2006.

The Board finds and concludes that the aforesaid conduct is grounds for disciplinary action in the State of Kansas pursuant to K.S.A. 65-1436(b) and K.S.A. 65-1436(a)(3), as defined by K.S.A. 65-1436(c)(2), and K.S.A. 65-1436(a)(17).

The Board further finds and concludes that the following disposition is just and appropriate under the circumstances:

A. ADMINISTRATIVE FINE. Within ten (10) days of the effective date to this Final Agency Order, the Respondent shall pay to the Board an administrative fine in the amount of Five Hundred Dollars (\$500).


B. OTHER REQUIREMENTS. The Board further orders the Respondent to:

1. Comply fully with this Stipulation and Final Agency 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.

ENTERED AND EFFECTIVE this 21st day of September, 2007.

KANSAS DENTAL BOARD

By:



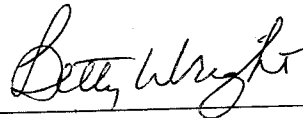
Richard Darnall, D.D.S.
President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND FINAL AGENCY ORDER was served upon counsel by depositing same in the United States mail, postage prepaid, this 26 day of September, 2007, addressed to:

Randall J. Forbes
FRIEDEN & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603

Larry C. Hargreaves, D.D.S.
1401 SW 37th Street
Topeka, KS 66611



Betty Wright
Executive Director
KANSAS DENTAL BOARD