

BEFORE THE KANSAS DENTAL BOARD

In the Matter Of)
Robert E. Pitts, D.D.S.)
_____)

Case No. 9000-97

FILED
DEC 11 2006
KANSAS DENTAL BOARD

AGENCY SUMMARY ORDER OF DENIAL

Robert E. Pitts, D.D.S. ("Pitts") applied for a reinstatement of his dental license on December 12, 2005. After considering previous board actions, the Board's Investigation Member, on behalf of the board, enters the following agency order.

I. FINDINGS OF FACT

1. The Board previously issued Pitts a License in 1968, which entitled him to practice dentistry in the State of Kansas.

2. On July 19, 1982, the Board issued an order, after a hearing, revoking that license, a true and correct copy of the 1982 Findings of Fact and Conclusions of law, is attached hereto and incorporated herein by reference.

3. The Board had determined in the 1982 revocation order that the instances of poor dentistry performed by Pitts "... were not a question of interpretation or judgment, but the fault of Dr. Pitts arising out of gross incompetence and willful neglect." The board also found that Pitts was guilty of "gross ignorance and incompetence" and "complete disregard for acceptable procedures required of a dentist in performing root canal work." The board concluded that Pitts conduct and practices in improperly treating and improperly responding to his patients' claims of pain and discomfort after said treatment, posed a danger to his patients as well as resulting in unnecessary expense to his patients.

4. After the board revoked his dental license in 1982, Pitts continued to practice dentistry, requiring a civil suit by the board.

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5. Pitts applied for reinstatement in 1993 and 1997, and 1998. Reinstatement was denied by the board.

6. In 2000 Pitts applied for reinstatement. A hearing was held May 20, 2000. Pitts presented as evidence of rehabilitation that he had been doing continuing education, he would select better cementation products and would become wiser in their use. He said that he would have fewer dental chairs, and he had learned from past mistakes. (2000 transcript pages 21-24).

7. Pitts' 2005 application for reinstatement contained reference letters dated in 1984 as evidence of rehabilitation, along with a list of dental video instructional tapes checked from the UMKC Dental school totaling 123 continuing education hours for 2005. There is no evidence of clinical training.

8. The board offered Pitts a Stipulation Order that would include the requirement of recent graduation from an ADA approved dental school to achieve reinstatement. This option was presented to Dr. Pitts at the board meeting of June 16, 2006. Pitts did not accept the Board's proposal, which is being deemed as a rejection.

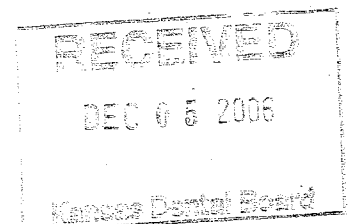
II. CONCLUSIONS OF LAW AND FACT

K.S.A. 77-511(a)(2)(a) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application.

K. S. A. 65-1431(a) provides that the applicant has the burden of proof by clear and convincing evidence to show sufficient rehabilitation to justify reinstatement of the license.

III. ORDER

Based upon the foregoing, Pitts's December 12, 2005 application for reinstatement of a dental license is denied.



Pitts may request a hearing pursuant to the Kansas Administrative Procedures Act. Pursuant to K.S.A. 77-537, this decision, a Summary Order is subject to a request for a hearing *et seq.*, by filing a written request with Betty Wright, Executive Director, Kansas Dental Board at 900 S.W. Jackson Street, Room 564-S, Topeka, Kansas 66612, within fifteen (15) days of the date of service of this order.

~~If a hearing is not requested as described above, the order denying reinstatement of his dental license to Dr. Pitts shall become a final order of the Board, effective upon the expiration of the time to request a hearing.~~

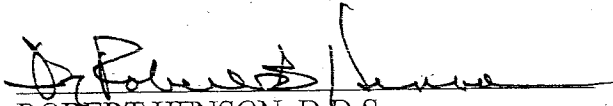
Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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, Kansas 66612

IT IS SO ORDERED.

12-1-06
DATE


ROBERT HENSON, D.D.S.
Investigation Member
Kansas Dental Board

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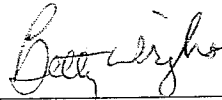
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 11 day of December, 2006, deposit in the ~~United States mail, first class postage prepaid,~~ a copy of this **AGENCY SUMMARY ORDER OF DENIAL** properly addressed to the following:

Randall J. Forbes, Esq.
555 South Kansas Avenue, Suite 303
Topeka, Kansas 66603

and mailed one (1) copy first class mail, and (1) copy certified return receipt requested to:

Robert E. Pitts, D.D.S.
P O Box 780090
Wichita, KS 67278-0090



Betty Wright
Executive Director
Kansas Dental Board

