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APR 10 2015

KANSAS DENTAL BOARD

BEFORE THE KANSAS DENTAL BOARD

In The Matter Of )  
 )  
WHITNEY ANNE SIMONET, D.D.S. ) Case No. 15-17  
LICENSE NO. 60106 )

EMERGENCY AGENCY ORDER

Whitney Anne Simonet, D.D.S. (the “Respondent”) is currently authorized to practice dentistry in the State of Kansas by reason of the Kansas Dental Board (the “Board”) having issued her License No. 60106.

It has come to the attention of the Board’s Investigation Member that the Respondent has committed the following acts:

1. On or about September 24, 2013, Respondent was charged by the State of Kansas in Johnson County Case No. 13-CR-2168 (the “Criminal Case”), with twenty (20) counts of the unlawful, willful and felonious distribution of Hydrocone, in violation of K.S.A. § 65-4109(d)(4), K.S.A. § 21-5705(a)(1), and K.S.A. § 21-6808.

2. According to the State of Kansas’s Complaint in the Criminal Case, Respondent engaged in such felonious distribution of Hydrocodone from October 26, 2011 through March 6, 2012.

3. According to information provided by Respondent in the Criminal Case, Respondent met with the DEA regarding her distribution of Hydrocodone shortly after the March 6, 2012 alleged offense. Respondent voluntarily surrendered her DEA license in June of 2012.

4. On or about Friday, December 5, 2014, Respondent renewed her license to practice dentistry with the Board. In her renewal application, Respondent did not disclose her

surrender of her DEA license, the charges pending against her in the Criminal Case, or her guilty plea in the Criminal Case to be entered on Tuesday, December 9, 2014.

5. Likewise, Respondent failed to disclose the fact that she surrendered her DEA license in a previous renewal completed on February 26, 2013.

6. On or about the following Tuesday, December 9, 2014, Respondent plead guilty to two counts of the unlawful, willful and felonious distribution of a quantity of Hydrocodone, in violation of K.S.A. § 65-4109(d)(4) and K.S.A. § 21-5705(a)(1).

7. Subsequent to her conviction of two counts of the unlawful, willful and felonious distribution of Hydrocodone, in violation of K.S.A. § 65-4109(d)(4) and K.S.A. § 21-5705(a)(1), Respondent has never informed the Board of the surrender of her DEA license, the charges pending against her in the Criminal Case, or her imminent guilty pleas in the Criminal Case.

8. The Board was not made aware of the charges filed against Respondent, nor Respondent's guilty plea and sentencing until March 25, 2015, when the Board was notified verbally and in writing by the Johnson County District Attorney's office.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enters the following emergency agency order, pursuant to K.S.A. § 77-536 and K.S.A. § 65-1449.

## **I. FINDINGS OF FACT**

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent license number 60106, which entitled her to practice dentistry in the State of Kansas ("Respondent's License").

2. Respondent has plead guilty to and been convicted of two counts of felony distribution of Hydrocodone in violation of K.S.A. § 65-4109(d)(4) and K.S.A. § 21-5705(a)(1).

3. Respondent prescribed and distributed Hydrocodone to persons, who either were patients or non-patients, in an excessive, improper or inappropriate manner, or quantity outside the scope of practice of dentistry or in a manner that impairs the health safety of an individual.

4. Respondent prescribed and distributed Hydrocodone to persons, who either were patients or non-patients, for reasons other than legal and legitimate reasons.

## **II. CONCLUSIONS OF LAW AND FACT**

For purposes of this order, the Board's Investigation Member makes the following conclusions of law and fact:

1. Respondent's continuation in the practice of dentistry would constitute an immediate danger to the public health and safety or welfare. The least restrictive way to prevent or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's License.

2. There is cause to believe the acts committed by Respondent could form the basis for discipline of Respondent's License, including revocation or suspension, pursuant to various provisions of the Kansas Dental Practices Act, including K.S.A. § 65-1436 (a)(3), (9), (10), (11) and (12).

## **III. EMERGENCY ORDER**

Pursuant to K.S.A. § 77-536 and K.S.A. § 65-1449, and based upon the foregoing findings and conclusions, Respondent's License is hereby suspended until further order of the Board, effective immediately.


Within fifteen (15) days after service of this Emergency 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 this Emergency Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

B. Lane Hemsley  
Executive Director  
Kansas Dental Board  
900 SW Jackson, Room 455-S  
Topeka, Kansas 66612-1230

**IT IS SO ORDERED.**

4/10/2015  
Date

  
Glen Hemberger, D.D.S.  
Investigation Member  
Kansas Dental Board

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 10<sup>th</sup> day of April, 2015, deposit in the United States mail, postage prepaid, a copy of the foregoing EMERGENCY AGENCY ORDER, properly addressed to the following:

Whitney Anne Simonet, D.D.S.  
21520 W. 53<sup>rd</sup> Street  
Shawnee, KS 66226

  
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B. Lane Hemsley  
Executive Director  
Kansas Dental Board