

FILED

APR 25 2014

BEFORE THE KANSAS DENTAL BOARD

KANSAS DENTAL BOARD

In the Matter of the Licensure of:)	
)	
SVETLANA SOBOLEVSKAYA, D.D.S.)	Case No. 11-42
Kansas License No. 60200)	OHA No. 13DB003
_____)	

STIPULATION AND CONSENT ORDER

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

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein & Forbes, L.L.P., Topeka, Kansas. The Respondent is represented herein by her attorney, James P. Nordstrom of Fisher, Patterson, Sayler & Smith, L.L.P., 3550 S.W. 5th Street, Topeka, Kansas.
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 her Kansas license number 60200. 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 and has investigated certain allegations that the Respondent has committed an act or acts in violation of the Kansas Dental Act, K.S.A. 65-1401 *et seq.*

5. The Board filed a Petition for Disciplinary Action against Respondent's license on or about March 25, 2013.

6. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board with respect to the following subparagraphs A and B of this paragraph 6, and upon motion duly made, seconded and passed, the Board finds, that:

A. The Respondent, during the period of time, during and prior to 2010, reviewed by the Board, did not keep adequate records as required by the Kansas Dental Law; and

B. The Respondent, during the period of time, during and prior to 2010, reviewed by the Board, mistakenly used incorrect billing codes for procedures performed and billed to Medicaid.

7. The Board further finds that since 2010 Respondent has made a good faith effort to improve her record-keeping. The Board finds that since 2010, Respondent has continued in good standing as a Medicaid provider. Furthermore, the Respondent has fully complied with an investigation from the Kansas Medical Assistance Program directed at Respondent's record-keeping and billing, and the Respondent has resolved all record-keeping and billing issues raised by the Kansas Medical Assistance Program.

8. Respondent denies any wrongdoing or other conduct violative of the Kansas Dental Act, K.S.A. 64-1401 *et seq.*, with respect to the allegations in the Petition for Disciplinary Action, other than that delineated in paragraph 6A herein. The parties agree that this matter should be resolved without the necessity of formal proceedings, and that any such

proceedings would involve considerable time and expense and the result of such proceeding is uncertain. Due to the uncertainty of an administrative hearing, and due to Respondent's strong desire to end this matter and pursue her chosen vocation of Dentistry without this constant worry, Respondent and the Board agree that the heretofore mentioned findings of the Board may be entered without objection and Respondent waives any further proof as to these remaining matters. The parties agree that the following disposition is just and appropriate under the circumstances:

A. ADMINISTRATIVE FINE. Respondent agrees, and the Board further orders the Respondent to pay to the Board, within ten (10) days of the effective date of this Stipulation and Consent Order, an administrative fine of Two Thousand Dollars (\$2,000.00).

B. CONTINUING EDUCATION. Respondent agrees and consents, and the Board further orders, that within twelve (12) months of the effective date of this Stipulation and Consent Order she shall obtain continuing education in courses specified by the Board and in the number of hours to be set by the Board, including, but not limited to, record-keeping and risk management. The education shall be separate and in addition to any continuing education required for the renewal of Respondent's dental license. Each entity that administers the course must notify the Board that Respondent has successfully completed the course. Within thirty (30) days of completing the course, Respondent must submit to the Board's Executive Director a report drafted by the Respondent detailing the materials presented during the course.

C. RECORD REVIEW. Respondent agrees and consents, and the Board further orders, that between six (6) months and one (1) year from the effective date of this Stipulation and Consent Order, the Board shall conduct a review of Respondent's clinical and billing records.

D. 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.

9. 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 that 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.

10. The stipulations and orders contained herein shall become binding upon this Stipulation and Consent Order receiving approval of and 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 Consent Order.

11. 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.

12. 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.

13. 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 agreement limiting 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.

14. 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.

15. Time is of the essence as 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.

16. 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.

17. 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.

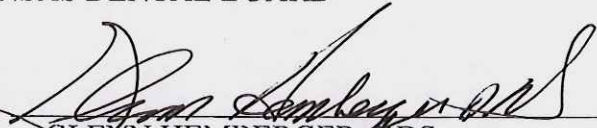
18. This Stipulation and Consent Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's President or the President's authorized representative.

19. 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 petition for


judicial review on the Kansas Dental Board by serving B. Lane Hemsley, its Executive Director, at 900 S.W. Jackson, Room 564-S, Topeka, Kansas 66612. The Respondent hereby waives those rights.

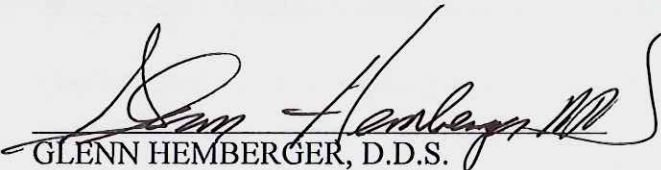
ENTERED AND EFFECTIVE this 25 day of April, 2014.

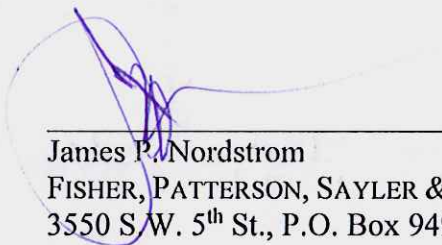
KANSAS DENTAL BOARD

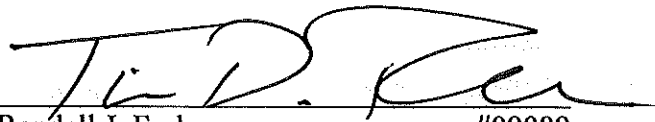
By: 
GLENN HEMBERGER, DDS
President

AGREED AND APPROVED BY:

 4/15/2014
SVETLANA SOBOLEVSKAYA, D.D.S. Date

 4/25/14
GLENN HEMBERGER, D.D.S. Date
Investigation Member

 4/18/14
James P. Nordstrom #06929 Date
FISHER, PATTERSON, SAYLER & SMITH, L.L.P.
3550 S.W. 5th St., P.O. Box 949
Topeka, KS 66601-0949
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Attorney for Respondent



Randall J. Forbes #09089

Timothy D. Resner #25064

FRIEDEN, UNREIN & FORBES, L.L.P.
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Attorney for Kansas Dental Board

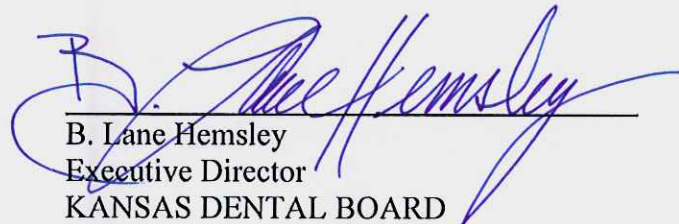
4-21-14
Date

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 28th day of April, 2014, addressed to:

Randall J. Forbes
Timothy D. Resner
FRIEDEN, UNREIN & FORBES, L.L.P.
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
Attorney for Kansas Dental Board

James P. Nordstrom
FISHER, PATTERSON, SAYLER & SMITH, L.L.P.
3550 S.W. 5th St., P.O. Box 949
Topeka, KS 66601-0949
Attorney for Respondent



B. Lane Hemsley
Executive Director
KANSAS DENTAL BOARD