

FILED

APR 11 2016

KANSAS DENTAL BOARD

THE KANSAS DENTAL BOARD

In the Matter of the Licensure of:)	
)	Case No. 13-10 & 15-4
SCOTT P. WILSON, D.D.S.)	
Kansas License No. 60633)	
_____)	

STIPULATION AND CONSENT ORDER

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

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein & Forbes, LLP, 1414 SW Ashworth Pl., Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by his attorney, Mark Stafford of Simpson, Logback, Lynch, Norris, P.A., 107 S.W. 6th Avenue, Suite 210, Topeka, KS 66603

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's license to practice dentistry in the State of Kansas by reason of the Board having issued him Kansas license number 60633 was retired effective December 17, 2015. At all times relevant hereto, the Respondent held a current license to engage in the practice of dentistry in the State of Kansas.

4. The Board's Investigation Member has received certain information, investigated and determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of K.S.A. 65-1436(a) which would justify the revocation or imposition of other disciplinary action against his Kansas License under the provisions of K.S.A. 65-

1436(b) and the assessment of an appropriate fine against Respondent under the provisions of K.S.A. 65-1436(d).

5. Although Respondent denies the following factual statements (Subparagraphs A through G), Respondent acknowledges that if a formal hearing was conducted the Board's Disciplinary Counsel could introduce witnesses, exhibits and/or evidence which, if Respondent did not offer testimony to rebut, could lead the Board to conclude that the following factual statements (Subparagraphs A through G) are true:

A. On multiple occasions, Respondent has caused his patients and his patients' insurance companies to be charged for post and cores after endodontic treatment when, in fact, the post and cores were not provided.

B. On multiple occasions, Respondent deviated from the standard of care by using flowable composite for Class I and II restorations when flowable composite was not appropriate for the application and typical function particularly in light of the patient's high risk for caries.

C. On multiple occasions, Respondent deviated from the standard of care as part of providing root canal treatment by failing to fill all canals needing treatment and significantly under filling canals.

D. On multiple occasions, Respondent has failed to maintain adequate dental records by failing to record in the record the type, strength and amount of anesthetic administered.

E. On multiple occasions, Respondent has failed to maintain adequate dental records by failing to record the type of restorative material used.

F. On January 14, 2014, Respondent deviated from the standard of care by developing a treatment plan on an adult patient which was over-aggressive.

G. On August 8, 2012, Respondent deviated from the standard of care by failing to diagnose and treat three teeth with interproximal decay.

Respondent hereby waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board finds that the foregoing factual statements (Subparagraphs A through G) are true.

Upon motion duly made, seconded and passed, the Board finds that Respondent's conduct violates the Kansas Dental Act and subjects his license to discipline pursuant to K.S.A. 65-1436 (b)(1), (3), (16) and (17) and K.S.A. 65-1436 (c)(2).

6. The Respondent agrees and consents, and the Board finds and concludes, 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 an administrative fine in the amount of Five Thousand Dollars (\$5,000.00), within ten (10) days of the entry of this Order.

B. CONTINUING EDUCATION. Respondent agrees and consents that within SIX (6) months of the Entry of this Order he shall obtain the following continuing dental education:

- a. Three (3) hours regarding dental record keeping.
- b. Six (6) hours regarding pediatric restorative therapy including composite restorations.
- c. Six (6) hours regarding endodontic therapy.

The education must be approved in advance by the Board. The courses on pediatric restorative therapy and endodontic therapy must be hands-on. Each entity that administers the course must notify the Board Respondent has successfully completed the course. Within 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. All continuing education required by this Stipulation and Consent order shall be separate and in addition to any continuing education required for the renewal of Respondent's dental license.

C. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order he 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.
3. Take steps to insure that his services are billed for using the appropriate ADA CDT codes - with special attention to the appropriate use of Codes D1351(sealant – per tooth), D1352 (preventive resin restoration in a moderate to high caries risk patient – permanent tooth) and D2391(resin-based composite – one surface, posterior).

7. 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 his 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.

8. The stipulations and orders contained herein shall not become binding until this Stipulation and Consent Order is approved and 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.

9. 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.

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, K.S.A. 77-501 *et seq.* and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

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 Consent Order.

12. The Respondent acknowledges that he enters into this Stipulation and Consent Order freely and voluntarily after consultation with counsel of his choosing. The Respondent further acknowledges that he has read this Stipulation and Consent 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 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 him. 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.

14. 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.

15. 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.

16. 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.

17. The Respondent acknowledges that he has been advised by the Board that he would have the right within 15 days after service of this Stipulation and Consent Order to file a petition for reconsideration with the Board and the right within 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 Judicial Review Act, K.S.A. 77-601 *et seq.*, and to serve such a petition for judicial review on the Kansas Dental Board by serving B. Lane Hemsley, its Executive Director, at 900 SW Jackson, Room 564-S, Topeka, KS 66612. The Respondent hereby waives those rights.


ENTERED AND EFFECTIVE this 8 day of April, 2014.

KANSAS DENTAL BOARD

By: 

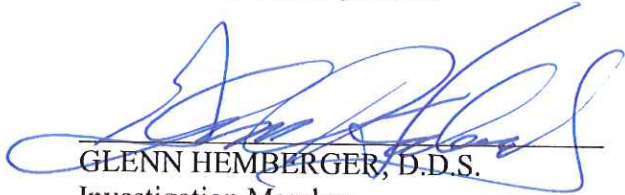
GLENN HEMBERGER, DDS
President

AGREED AND APPROVED BY:



SCOTT P. WILSON, D.D.S.


3-14-16
Date



GLENN HEMBERGER, D.D.S.
Investigation Member

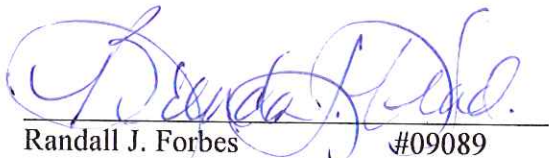
04/08/16
Date

APPROVED BY:



Mark Stafford #13233
SIMPSON, LOGBACK, LYNCH, NORRIS, P.A.
107 S.W. 6th Avenue, Suite 210
Topeka, KS 66603
Counsel for Respondent Scott P. Wilson, DDS

3-21-16
Date



Randall J. Forbes #09089
Brenda L. Head #15657
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1414 SW Ashworth Pl., Suite 201
Topeka, Kansas 66604
TEL: (785) 354-1100
FAX: (785) 354-1113
Disciplinary Counsel for the Kansas Dental Board

3-21-16
Date

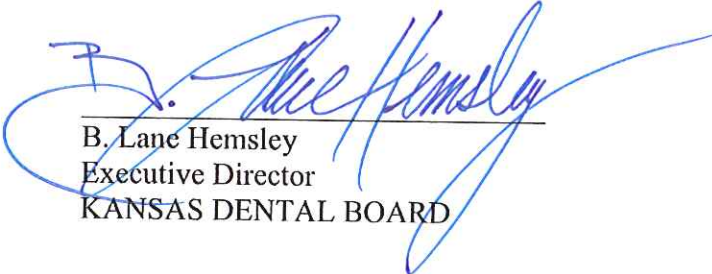
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **STIPULATION AND CONSENT ORDER** was served by depositing same in the United States mail, postage prepaid, this 14th day of April, 2016, addressed to:

Randall J. Forbes
Brenda L. Head
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1414 S.W. Ashworth Place, Suite 201
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B. Lane Hemsley
Executive Director
KANSAS DENTAL BOARD