

BEFORE THE KANSAS DENTAL BOARD

In the Matter of)
)
BOBETTE ALLEN, RDH)
License Number 10386)
_____)

Case No. 04-10386

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Dental Board (the "Board") and Bobette Allen, RDH (the "Respondent") as follows:

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

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.*

4. The Respondent is presently entitled to engage in the practice of dental hygiene in the State of Kansas by reason of the Board having issued her Kansas license number 10386. At all times relevant hereto, the Respondent has held a current license to engage in the practice of dental hygiene in the State of Kansas.

5. 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 on multiple occasions she obtained prescription medications by using misrepresentations.

6. The Board finds and concludes that Respondent's conduct, as described above, violated of the Kansas Dental Act and is grounds for disciplinary action pursuant to K.S.A. 65-1436(a)(1) and (11).

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

A. **IMPAIRED PROVIDER PROGRAM.** The Respondent is currently a party to an agreement with the Kansas Dental Impaired Provider Program through the Heart of American Professional Network dated March 3, 2005. That agreement is for a period of no less than 3 years. Respondent shall fully cooperate with the recommendations and requirements of the persons managing and implementing the Kansas Dental Impaired Provider Program, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by the Kansas Dental Impaired Provider Program and the further requirements of the Board. Respondent shall remain , at all times, in full compliance with the requirements of the Kansas Dental Impaired Provider Program and the requirements of the contract entered into by her as a part of that program. The Respondent shall authorize the Kansas Dental Impaired Provider Program and any provider of evaluation or treatment programs she engages in to provide full and complete documentation and information regarding the Respondent's involvement in the programs, her evaluations and treatment, including, but not limited to, all records and medical reports.

B. ADMINISTRATIVE FINE. Respondent hereby agrees and consents to the Board entering an order requiring her 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 Two Hundred and Fifty Dollars (\$250.00).

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

1. Comply fully with this Stipulation and Final Agency Order;
2. Comply fully with the Kansas Dental Act, the Board's rules and regulations and all state and federal laws relating to Kansas dental hygienists.

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

9. 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.

10. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and its attorney regarding this matter may be disclosed to and considered by the Board as part of the presentation and consideration of this proposal 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 her 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

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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.

11. The stipulations contained herein shall not become binding until this Stipulation and Final Agency Order is approved by the Board and the Final Agency Order contemplated hereby is entered by the Board. The Respondent acknowledges that the approval of the Board's Investigation Member or 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.

12. 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.

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.

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 her

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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.

14. The Respondent acknowledges that she enters into this Stipulation and Final Agency Order freely and voluntarily after the opportunity for consultation with counsel of her choosing. The Respondent further acknowledges that she has read this Stipulation and Final Agency 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. 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.

16. 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: "99 Other - Not Classified: Improperly obtaining prescription medications."

17. The following statement will be made in the Board's newsletter: "Bobette Allen, RHD of Wichita, Kansas was discipline by the Board imposing a fine of \$250.00."

18. The Respondent acknowledges that she has been advised by the Board that she would have the right within 15 days after service of the Final Order provided for herein to file a

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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 Larry Williamson, its Executive Director at 900 SW Jackson, Room 564-S, Topeka, KS 66612. The Respondent hereby waives those rights.

AGREED AND ACCEPTED BY:

Bobette Allen, R.D.H.
Bobette Allen, RDH

Oct. 7th, 2005
Date

APPROVED BY:

Randall J. Forbes
Randall J. Forbes, P.A. #09089
FRIEDEN, HAYNES & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
(785) 232-7266
FAX 232-5841
ATTORNEY FOR THE KANSAS DENTAL BOARD

10.11.05
Date

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BEFORE THE KANSAS DENTAL BOARD

In the Matter of)
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BOBETTE ALLEN, RDH)
License Number 10386)
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Case No.

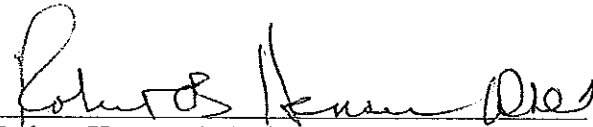
FINAL ORDER

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.

ENTERED AND EFFECTIVE this 18th day of November, 2005.

KANSAS DENTAL BOARD

By:


Robert Henson, D.D.S.
President

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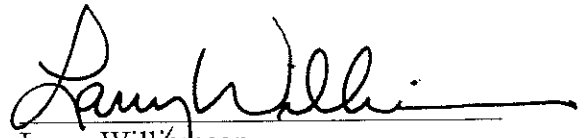
Kansas Dental Board

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND FINAL AGENCY ORDER was served by depositing same in the United States mail, postage prepaid, this 28th day of November, 2005, addressed to:

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

Bobette Allen, RDH
5204 Shadowridge
Wichita, KS 67220



Larry Williamson
Executive Director
KANSAS DENTAL BOARD

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