

BEFORE THE KANSAS DENTAL BOARD

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KANSAS DENTAL BOARD

In the matter of	)	
	)	
JENNIFER M. HUDSON, D.D.S	)	Case Nos. 10-130, 11-57, 11-107
Kansas License No. 60387	)	

ADDENDUM TO STIPULATION AND CONSENT ORDER

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

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein & Forbes, 1414 S.W. Ashworth Place, Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by her attorney, Richard T. Merker of Wallace, Saunders, Austin, Brown & Enochs, Chtd., 10111 W. 87<sup>th</sup> Street, Overland Park, Kansas 66212.

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 licensee 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 60387, subject to the Stipulation and Consent Order entered by the Board on August 26, 2014 and filed with the Board on August 28, 2014 (the "8.29.14 Stipulation and Consent Order").

4. Pursuant to the 8.29.14 Stipulation and Consent Order, the Respondent attended the Dentist Professional Review and Evaluation Program ("DPREP") from December 15, 2014 through December 18, 2014. The DPREP panel completed a Report, dated January 27, 2015, which detailed the panels review and evaluation Dr. Hudson, including but not limited to an

intake interview, a simulated patient skills assessment, ethics, literature review, comprehensive general knowledge of dentistry examination, simulated clinical skill assessment, medical evaluation case scenarios, additional faculty consultations, an exit interview, and the DPREP panel's recommended remediation (the "DPREP Report").

5. The Board and Respondent have reached an agreement regarding implementation of the remediation recommended in the DPREP Report. It is the express intention of this Addendum to Stipulation and Consent Order to memorialize the remediation Dr. Hudson will obtain prior to her return to full and unrestricted practice under her Kansas license, in accordance with paragraph 5B of the 8.29.14 Stipulation and Consent Order.

6. The Respondent hereby expressly stipulates and agrees, and Board finds and concludes and agrees, that the following implementation of the recommendations of the DPREP Report is fair, just, and appropriate under the circumstances:

A. REMEDIATION CURRICULUM. Respondent stipulates and agrees, and the Board further orders that Respondent shall complete the following remediation prior to being returned to practice under her Kansas license. Therefore, Respondent's Kansas license to practice dentistry shall remain suspended until she completes the following remediation:

i. Respondent shall sit for and obtain a passing grade on the Kansas written jurisprudence examination, which new applicants for licensure in the state of Kansas must pass to obtain a Kansas license to practice dentistry. The Kansas written jurisprudence examination shall be administered by the Board's executive staff, in the same manner in which said examination is administered to new applicants for licensure in the state of Kansas. It shall be the Respondent's duty to contact the Board and set up a date and time to complete the examination.

ii. Respondent shall complete a comprehensive course on dental therapeutics, pharmacology and prescribing practices, of sixteen (16 hours), as fully described and set forth in the DPREP Report, at an American Association of Dental Board approved site. Further, Respondent shall complete and pass to the satisfaction of the assigned American Association of Dental Board examiner, a competency based re-evaluation following said course.

iii. Respondent shall complete a comprehensive course on medical assessment, evaluation of the dental patient and recognition & management of medical emergencies, of sixteen (16 hours), as fully described and set forth in the DPREP Report, at an American Association of Dental Board approved site. Further, Respondent shall complete and pass to the satisfaction of the assigned American Association of Dental Board examiner, a competency based re-evaluation following said course.

iv. Respondent shall complete a comprehensive course on dental radiology designed to assess the recognition, differential diagnosis, and treatment recommendations resulting from abnormal radiographic findings, of sixteen (16 hours), as fully described and set forth in the DPREP Report, at an American Association of Dental Board approved site. Further, Respondent shall complete and pass to the satisfaction of the assigned American Association of Dental Board examiner, a competency based re-evaluation following said course.

v. Respondent will complete a shadowing program of the practice of J.F., DDS, for the period of one (1) week. This shadowing program will consist of twenty-six (26) hours of pediatric dentistry shadowing. It shall be the Respondent's duty to contact J.F., DDS to set up a date and time to complete the shadowing program.

B. PROBATION REMEDIATION. Following completion of the remediation delineated in paragraph 6.A. above, Respondent's suspension shall be stayed, and Respondent's Kansas license shall be returned to practice on a probationary basis. Respondent's Kansas license shall remain on probation until Respondent completes the following remediation requirements, delineated in paragraph 6.B.i – iv herein. Upon Respondent's completion of the following requirements, the Board shall enter an Order of Completion acknowledging satisfactory completion of the terms of Respondent's probationary period, and Respondent's suspension shall be terminated and Respondent's Kansas license to practice dentistry shall be returned to full and unrestricted practice.

i. Respondent shall complete a continuing education course of at least six (6) hours on record keeping and informed consent including elements of proper chart documentation of medical history, dental history, patient examination, radiographic interpretation, diagnosis, informed consent and treatment notes. This continuing education requirement shall be separate and distinct from any continuing education Respondent must obtain to renew her Kansas license. Respondent shall gain the prior approval of the Board regarding the continuing education course(s) Respondent proposes to satisfy this requirement. Moreover, Respondent shall submit satisfactory proof of the completion of the continuing education course(s) to the Board.

ii. Respondent shall complete a continuing education course of at least six (6) hours on asepsis and infection control that includes current CDC guidelines and OSHA standards. This continuing education requirement shall be separate and distinct from any continuing education Respondent must obtain to renew her Kansas license. Respondent shall gain the prior approval of the Board regarding the continuing education course(s) Respondent

proposes to satisfy this requirement. Moreover, Respondent shall submit satisfactory proof of the completion of the continuing education course(s) to the Board.

iii. Respondent shall attend and complete the American Association of Pediatric Dentistry's "Comprehensive Review of Pediatric Dentistry." Moreover, Respondent shall submit satisfactory proof of the completion of this course to the Board.

iv. A Board investigator shall perform clinical and record reviews of the areas identified in the Disciplinary Petition filed by the Board on September 6, 2013, for the above-captioned matter, and the DPREP Report. The Board Investigator's review will include clinical observation of the Respondent's treatment, a review of Respondent's treatment notes, patient records, x-rays and billing records. The Board Investigator shall conduct the review of Respondent's practice during the first (1<sup>st</sup>), second (2<sup>nd</sup>), fifth (5<sup>th</sup>), eighth (8<sup>th</sup>) and eleventh (11<sup>th</sup>) months of Respondent's probationary period. The Board Investigator shall then complete a written report to the Board at the end of the first (1<sup>st</sup>), second (2<sup>nd</sup>), fifth (5<sup>th</sup>), eighth (8<sup>th</sup>) and eleventh (11<sup>th</sup>) months of Respondent's probationary period. While the practice monitor's review may necessarily involve a review of past records relating to patient diagnosis, treatment, records and/or billing, the focus of the practice monitor's review and reporting to the Board will be limited to the Respondent's diagnosis, treatment, records and billing following her return to practice.

C. COSTS OF REMEDIATION. Unless otherwise stated herein, all costs of the remediation identified herein shall be the sole responsibility of Respondent.

D. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of the 8.29.14 Stipulation and Consent Order and this Addendum to Stipulation and Consent Order she must, and the Board further orders, the Respondent to:

1. Comply fully with this Addendum to Stipulation and Consent Order;
2. Comply fully with the 8.29.14 Stipulation and Consent Order; and
3. Comply fully with the Kansas Dental Act, the Board's rules and regulations, and all state and federal laws relating to Kansas dentists;

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 Addendum to Stipulation and Consent Order, with or without the presence of the Respondent or her attorney. In the event this Addendum to 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 Addendum to 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 Addendum to 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 Addendum to Stipulation and Consent Order.

9. The Respondent agrees that this Addendum to 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 Addendum to Stipulation and Consent Order 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 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 limiting the 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 Addendum to Stipulation and Consent Order.

12. The Respondent acknowledges that she enters into this Addendum to Stipulation and Consent Order freely and voluntarily after consultation with counsel of her choosing. The Respondent further acknowledges that she has read this Addendum to 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.

13. Time is of the essence to this Addendum to Stipulation and Consent Order. Respondent acknowledges and agrees that any violation of this Addendum to 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 Addendum to Stipulation and Consent Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Addendum to Stipulation and Consent Order.

14. This Addendum to Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Addendum to 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 Addendum to 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 Addendum to Stipulation and Consent Order shall be a public record in the custody of the Board.

16. This Addendum to 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.

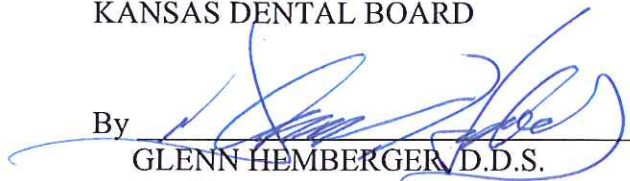
17. The Respondent acknowledges that she has been advised by the Board that she would have the right within fifteen (15) days after service of this Addendum to Stipulation and Consent Order to file a Petition for Reconsideration with the Board and the right within thirty (30) days after service of the Addendum to 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 a Petition for Judicial Review on the Kansas Dental Board by serving B. Lane Hemsley, its Executive Direction, at 900 S.W. Jackson, Room 564-A, Topeka, Kansas 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 13 day of November, 2015.

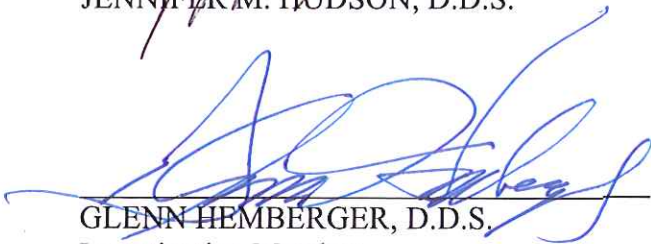
KANSAS DENTAL BOARD

By   
\_\_\_\_\_  
GLENN HEMBERGER, D.D.S.  
President


AGREED AND APPROVED BY:

  
\_\_\_\_\_  
JENNIFER M. HUDSON, D.D.S.

9-28-15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
GLENN HEMBERGER, D.D.S.  
Investigation Member

11/13/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Richard T. Merker, KS #07405  
WALLACE, SAUNDERS, AUSTIN, BROWN &  
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(913) 888-1000 FAX (913) 888-1065  
ATTORNEYS FOR RESPONDENT  
JENNIFER M. HUDSON, D.D.S.

9/30/15  
\_\_\_\_\_  
Date



Randall J. Forbes, KS #09089  
Timothy D. Resner, KS #25604  
Frieden, Unrein & Forbes, LLP)  
1414 S.W. Ashworth Place, Suite 201  
Topeka, KS 66604  
(785) 354-1100 FAX (785) 354-1113  
ATTORNEYS FOR THE KANSAS  
DENTAL BOARD

10-6-15

Date

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing ADDENDUM TO STIPULATION AND CONSENT ORDER was served by depositing the same in the United States Mail, postage prepaid, this 16<sup>th</sup> day of November, 2015, addressed to:

Randall J. Forbes  
Timothy D. Resner  
FRIEDEN, UNREIN & FORBES, LLP  
1414 S.W. Ashworth Place, Suite 201  
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B. Lane Hemsley, Executive Director  
KANSAS DENTAL BOARD