

BEFORE THE KANSAS DENTAL BOARD

FILED

AUG 08 2014

KANSAS DENTAL BOARD

In the Matter of the Licensure of:	)	
	)	Case No. 13-16
GREGORY CROOKER, D.D.S.	)	
Kansas License No. 6390	)	
_____	)	

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Dental Board (the "Board") and Gregory Crooker, 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 S.W. Ashworth Place, Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by his attorney, J. Brett Milbourn, Walters, Bender, Strohhahn & Vaughn, P.C., 2500 City Center Square, 1100 Main, PO Box 26188, Kansas City, MO 64196.

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 him Kansas license number 6390. 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's Investigation Member 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.*

5. Respondent hereby admits and 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:

A. Respondent's historic records frequently did not include a correct diagnosis, documentation of offering patients alternative treatment options, documentation of periodontal charting and examination, and document the use of rubber dams during endodontic procedures. New software implemented by Respondent needs to address and correct these deficiencies in the future.

B. Respondent's records reveal rubber dams were not always used for endodontic procedures while treating molars.

PATIENT GR:

A. On October 31, 2007, a panoramic x-ray was taken by Respondent which shows teeth with no chipping or missing parts of the clinical crown. Respondent's records simply states: "Teeth #7-9 needed crowns." Respondent's records do not describe the reason for the crowns.

B. On October 31, 2007, another panoramic x-ray was taken by Respondent which shows that the teeth were adjusted prior to taking the radiograph of teeth #7, 8 and 10. Respondent's records do not describe the reason for the repeat x-ray after crown preparations had occurred.

C. Respondent unnecessarily prepared and adjusted Patient's GR's dentition.

PATIENT MG:

A. On July 29, 2010, crowns were placed on teeth #8 and 9 by Respondent. Respondent's records did not provide a diagnosis for teeth #8 and 9.

B. On July 27, 2011, panoramic x-rays of teeth #6, 7, 10 and 11 were taken by Respondent revealing no fractures.

C. On September 7, 2011, panoramic x-rays of teeth #6, 7, 10 and 11 were taken by Respondent. Respondent's diagnosis in the treatment notes is "Fractures on 6, 7, 10 and 11 which could not be restored with other materials."

D. The September 7, 2011 panoramic x-rays of teeth #6, 7, 10 and 11 taken by Respondent reveal visible slices on the proximal surface of the teeth. Respondent unnecessarily prepared and adjusted Patient MG's dentition.

PATIENT GB:

A. On May 14, 2010, panoramic x-rays were taken of teeth #8, 9 and 10 by Respondent which appear normal with no missing enamel.

B. On November 30, 2010, panoramic x-rays were taken of teeth #8, 9 and 10 by Respondent which reveal proximal slices on each of the teeth.

C. Respondent unnecessarily prepared and adjusted GB's dentition.

PATIENT SB:

A. On December 3, 2010, panoramic x-rays were taken of teeth #7-10 by Respondent which reveals adjustments to the teeth. Respondent's treatment notes state teeth #7-10 were crowned due to "chipped teeth", but do not describe the reason for adjustments made prior to taking the radiograph. Respondent's treatment notes do not describe the panoramic x-rays taken on December 3, 2010.

B. Respondent unnecessarily prepared and adjusted Patient GB's dentition.

C. On December 3, 2010, Respondent also prepared crowns on teeth #6, 11, 21 and 30.

D. Respondent's records did not include any diagnosis as to the need for crowns on teeth #6, 11 and 21.

PATIENT TD:

A. On February 10, 2010, panoramic x-rays were taken of teeth #8 and 11 by Respondent revealing the teeth had been prepared for crowns before the x-rays were taken.

B. On August 13, 2012, panoramic x-rays were taken of teeth #23-26 by Respondent revealing the teeth had been adjusted prior to taking the radiographs.

C. Respondent unnecessarily prepared and adjusted Patient TD's dentition.

PATIENT MB:

A. On September 22, 2010, panoramic x-rays were taken by Respondent of teeth #7 and 10 revealing healthy teeth with no injury to the enamel.

B. On October 8, 2010, endodontic treatment was completed and two crowns were prepared on teeth #8 and 9 by Respondent.

C. On October 27, 2010, panoramic x-rays were taken by Respondent revealing the mesial of teeth #7 and 10 had been adjusted. Respondent's treatment notes state "#7 and #10 were prepared for crowns due to broken teeth."

D. Respondent unnecessarily prepared and adjusted Patient MB's dentition.

PATIENT PM:

A. On May 23, 2007, panoramic x-rays were taken by Respondent revealing no crowns present in Patient PM.

B. On February 8, 2010, panoramic x-rays were taken by Respondent revealing crowns on teeth #4, 5, 7 and 10 and teeth #6, 8, 9 and 11 had been adjusted. Respondent's records did not include a diagnosis or reason for crowns on these teeth.

C. Respondent unnecessarily prepared and adjusted Patient PM's dentition.

PATIENT AJ:

A. On August 26, 2009, panoramic x-rays were taken by Respondent of teeth #7-10 which revealed that the teeth had been adjusted with a handpiece. Respondent's records did not include treatment notes for crown preparation of teeth #7-10 on this date.

B. Respondent unnecessarily prepared and adjusted Patient AJ's dentition.

PATIENT KH:

A. On July 22, 2008, panoramic x-rays were taken by Respondent of teeth #23-26 revealing healthy teeth and no signs of fractures.

B. On May 16, 2011, panoramic x-rays were taken by Respondent of teeth #23-26 revealed the teeth had been adjusted and the Respondent's treatment notes indicate the teeth are being prepared for crowns due to fractures.

C. Respondent's records did not include x-rays taken before the crown preparation of teeth #23-26 and did not include a diagnosis.

D. Respondent unnecessarily prepared and adjusted Patient KH's dentition.

PATIENT KG:

A. On October 7, 2010, panoramic x-rays were taken by Respondent which revealed a healthy mouth with no significant problems of the anterior teeth except tooth #7 was missing. Respondent started a three-unit bridge from tooth #6-8 to replace tooth #7.

B. On August 5, 2012, Respondent's treatment notes state teeth #9, 10 and 11 are prepared for crowns due to "restoring teeth with composite or amalgam wouldn't support normal mastication. Full coverage required to prevent possible pulpal injury."

C. On August 5, 2012, panoramic x-rays were taken by Respondent which revealed slices and stripping on teeth #9, 10 and 11.

D. Respondent unnecessarily prepared and adjusted Patient KG's dentition.

6. The Respondent agrees and consents, and the Board finds and concludes, that the following disposition is just and appropriate under the circumstances:

A. CONTINUING EDUCATION. Respondent agrees and consents that within six (6) months of the effective date of this Stipulation and Consent Order he shall obtain a minimum of eight (8) hours of continuing dental education courses, approved in advance by an Investigative Committee Member, in the field of recordkeeping and diagnosis or treatment planning. It is the responsibility of the Respondent to identify the course and submit it for approval in time to successfully complete it within the six (6) month period. Respondent must provide the Board with confirmation from each entity which administers a course that Respondent has successfully completed 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.

B. LICENSE LIMITATION. Respondent agrees and consents that his Kansas dental license shall be limited such that he is prohibited from initiating or performing any new endodontics, single unit crowns, and/or fixed prosthodontic procedures for a period of four (4) months from the date of entry of the Consent Order.

C. ADMINISTRATIVE FINE. Respondent agrees, and the Board further orders the Respondent to pay an administrative fine in the amount of Ten Thousand Dollars (\$10,000.00) within twelve (12) months of the entry of this Order.

D. 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.

7. Respondent agrees that all information in the possession of the Board's Investigation Committee, its staff, its investigators and its attorney regarding the complaints which led to this disciplinary action, the investigation of the complaints 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 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 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 the opportunity for 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.

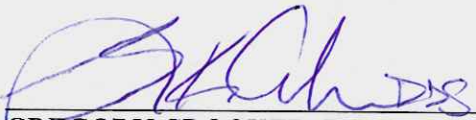
17. The Respondent acknowledges that he has been advised by the Board that he would have the right within 15 days after service of this Stipulation and Consent Order to file a petition for reconsideration with the Board and the right within 30 days after service of the Stipulation and Consent Order to file a petition for judicial review in the District Court of Shawnee County, Kansas, or other court of competent jurisdiction, 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 Director, at 900 SW Jackson, Room 564-S, Topeka, KS 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 8 day of August, 20114.


KANSAS DENTAL BOARD

By:   
GLENN HEMBERGER, DDS  
President

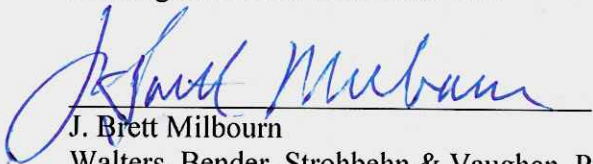
AGREED AND APPROVED BY:

  
GREGORY CROOKER, D.D.S.

7-23-14  
Date

  
GLENN HEMBERGER, D.D.S.  
Investigation Committee Chairman

8/8/14  
Date

  
J. Brett Milbourn  
Walters, Bender, Strohhahn & Vaughan, P.C.  
2500 City Center Square  
1100 Main  
PO Box 26188  
Kansas City, MO 64196  
**Respondent's Attorney**

7-23-14  
Date

  
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**Disciplinary Counsel for the Kansas Dental Board**

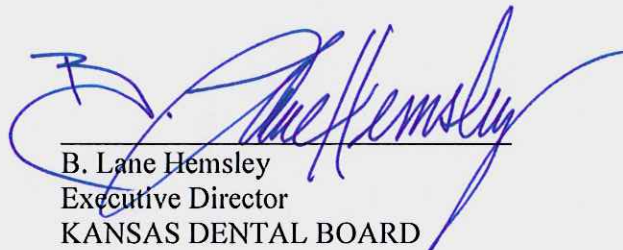
7-29-14  
Date

**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 1<sup>st</sup> day of August, 2014, 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