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KANSAS DENTAL BOARD

BEFORE THE KANSAS DENTAL BOARD

In the Matter of )  
 )  
DAVID G. HALL, D.D.S. ) Case Nos. 11-84 & 12-9  
Kansas License No. 6200 )

AGREED ORDER OF VOLUNTARY SURRENDER

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

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein & Forbes, LLP, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by his attorney, Lisa McPherson of Martin, Pringle, Oliver, Wallace & Bauer, L.L.P., 100 N. Broadway, Ste. 500, Wichita, Kansas 67202.

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 6200. 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.*, in the manner delineated in the PETITION FOR DISCIPLINARY ACTION, filed with the Board on or about March 7, 2013, a true and correct copy of which is attached hereto as "Exhibit A."

5. The Respondent denies any wrongdoing or other conduct violative of the Kansas Dental Act, K.S.A. 65-1401 *et seq.*, with respect to the allegations in the PETITION FOR DISCIPLINARY ACTION. However, due to the uncertainty of an administrative hearing and due to Respondent's strong desire to pursue other endeavors, Respondent and the Board agree that the following disposition is just and appropriate under the circumstances:

A. **VOLUNTARY SURRENDER.** Respondent and the Board agree that Respondent will **VOLUNTARILY SURRENDER** his license to practice dentistry in the State of Kansas, effective as of the day this Agreed Order of Voluntary Surrender 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.

B. **OTHER REQUIREMENTS.** Respondent acknowledges and agrees that as a condition of this Agreed Order of Voluntary Surrender he must, and the Board further orders the Respondent to: (1) comply fully with this Agreed Order of Voluntary Surrender, and (2) comply with any applicable provisions of the Kansas Dental Act, the Board's rules and regulations, and all state and federal laws relating to Kansas dentists.

C. **REAPPLICATION.** In consideration of the Board entering into this Agreed Order of Voluntary Surrender, Respondent agrees that he will not reapply for a license to practice dentistry in the State of Kansas for a period of three (3) years from the effective date of this Agreed Order of Voluntary Surrender. In the event Respondent chooses to reapply for licensure after the expiration of the three (3) year period, the Board shall consider the eight (8)

factors set forth in *Vakas v. Kansas Board of Healing Arts*, 248 Kan. 589, Syl. ¶ 2, 808 P.2d 1355 (1991), and Respondent shall bear the burden of proving to the Board his suitability for re-licensure by clear and convincing evidence.

6. 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 the initiation of a 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 Agreed Order of Voluntary Surrender, with or without the presence of the Respondent or his attorney. In the event that this Agreed Order of Voluntary Surrender is not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Agreed Order of Voluntary Surrender 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.

7. The stipulations and orders contained herein shall not become binding until this Agreed Order of Voluntary Surrender 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 Agreed Order of Voluntary Surrender.

8. The Respondent agrees that this Agreed Order of Voluntary Surrender 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.

9. The contents of this Agreed Order of Voluntary Surrender constitute the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The Agreed Order of Voluntary Surrender shall be interpreted in accordance with the laws of the State of Kansas.

10. 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 entering into this Agreed Order of Voluntary Surrender. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Agreed Order of Voluntary Surrender.

11. The Respondent acknowledges that he enters into this Agreed Order of Voluntary Surrender freely and voluntarily after consultation with counsel of his choosing. The Respondent further acknowledges that he has read this Agreed Order of Voluntary Surrender in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

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

13. This Agreed Order of Voluntary Surrender constitutes the entire and final agreement of the parties. In the event any provision of this Agreed Order of Voluntary Surrender is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Agreed Order of Voluntary Surrender shall be given full force and effect.

14. Upon execution by all parties and entry as an order by the Board, this Agreed Order of Voluntary Surrender shall be a public record in the custody of the Board.

15. This Agreed Order of Voluntary Surrender 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.

16. The Respondent acknowledges that he has been advised by the Board that he would have the right within fifteen (15) days after service of this Agreed Order of Voluntary Surrender to file a petition for reconsideration with the Board and the right within thirty (30) days after service of the Agreed Order of Voluntary Surrender 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 Betty Wright, its


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

ENTERED AND EFFECTIVE this 31<sup>st</sup> day of January, 2014.


KANSAS DENTAL BOARD

By:   
GLENN HEMBERGER, DDS  
President


AGREED AND APPROVED BY:

  
DAVID G. HALL, D.D.S.  
Respondent

1-19-14  
Date

  
Glenn Hemberger, DDS  
RICHARD DARNALL, D.D.S.  
Investigation Member

1/31/14  
Date

  
Lisa McPherson  
MARTIN, PRINGLE, OLIVER, WALLACE  
& BAUER, L.L.P.  
100 N. Broadway, Ste. 500  
Wichita, Kansas 67202  
TEL: (316) 265-9311  
FAX: (316) 265-2955  
Counsel for Respondent David G. Hall

1/22/14  
Date



Randall J. Forbes, #09089  
Timothy D. Resner, #25064  
FRIEDEN, UNREIN & FORBES, LLP  
555 S. Kansas Avenue, Suite 303  
Topeka, Kansas 66603  
TEL: (785) 354-1100  
FAX: (785) 354-1113  
Disciplinary Counsel for the Kansas Dental Board

1-24-14  
Date

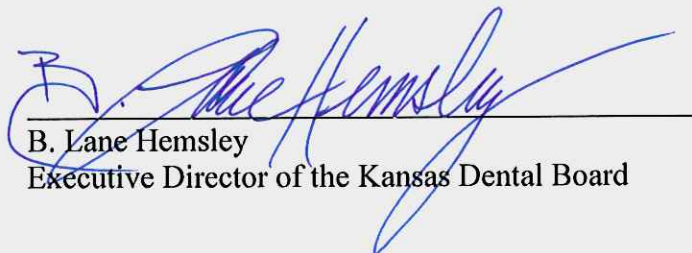
**CERTIFICATE OF SERVICE**

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 3<sup>rd</sup> day of February, 20 14, addressed to:

Randall J. Forbes  
Timothy D. Resner  
FRIEDEN, UNREIN & FORBES, LLP  
555 S. Kansas Avenue, Suite 303  
Topeka, Kansas 66603

Lisa McPherson  
MARTIN, PRINGLE, OLIVER, WALLACE  
& BAUER, L.L.P.  
100 N. Broadway, Ste. 500  
Wichita, Kansas 67202

David G. Hall, D.D.S.  
444 N. Ridge Road  
Wichita, KS 67212



B. Lane Hemsley  
Executive Director of the Kansas Dental Board

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MAR 07 2013

BEFORE THE KANSAS DENTAL BOARD

KANSAS DENTAL BOARD

In the Matter of )  
 )  
DAVID G. HALL, D.D.S. )  
Kansas License No. 6200 )

Case No. 11-84 and 12-9

PETITION FOR DISCIPLINARY ACTION

The Kansas Dental Board (the "Board") for its petition to revoke, suspend, limit or otherwise discipline the Kansas license of David G. Hall, D.D.S. (the "Licensee") to practice dentistry, alleges and states as follows:

1. 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 Practices Act, K.S.A. §§ 65-1401 *et seq.*, including conducting hearings and proceedings to revoke, suspend, limit or take other disciplinary action against a Kansas license to practice dentistry.

2. The Licensee 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 6200. At all times relevant hereto, the Licensee has held a current license to engage in the practice of dentistry in the State of Kansas.

3. The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Licensee, while licensed by the Board, has

EXHIBIT A



committed an act or acts in violation of the Kansas Dental Practices Act, K.S.A. §§ 65-1401 *et seq.*

**FACTS COMMON TO CASE NO. 11-84**

4. In 2010, Licensee submitted to the Board an application for renewal of his Kansas Dental License. As part of that application, Licensee submitted a document signed by him titled Continuing Education Record (the "CE Record") indicating he had taken at least a total of sixty (60) hours of continuing dental education courses during 2009 and 2010. This document also required the Licensee to submit proof of professional liability insurance coverage to the Board.

5. K.A.R. § 71-4-1 makes the completion of no less than sixty (60) hours of continuing dental education a condition of license renewal for dentists.

6. On March 17, 2011, the Board's Executive Director wrote Licensee requesting documentation to verify that Licensee had attended at least sixty (60) hours of the continuing dental education listed on the CE Record, as well as requesting the Licensee to provide the required proof of professional liability insurance coverage.

7. When the Board's Executive Director received no response to the March 17, 2011 request, she again wrote the Licensee on May 19, 2011, requesting documentation to verify that Licensee had attended at least sixty (60) hours of continuing dental education listed on the CE Record, as well as requesting the Licensee to provide the required proof of professional liability insurance coverage.

8. The Licensee has never provided to the Board's Executive Director documentation to verify that Licensee had attended at least sixty (60) hours of continuing

dental education listed on the CE Record; nor has Licensee provided the required proof of professional liability insurance coverage.

10. Pursuant to K.S.A. § 65-1436(a)(19), a licensee may be disciplined by the Board if the licensee has “failed to furnish to the board, or its investigators or representatives any information legally requested by the board.”

#### **COUNT I**

11. The Board incorporates the provisions of paragraphs 1 – 10 herein by reference.

12. The Licensee has committed acts that would justify disciplinary action against his license pursuant to K.S.A. § 65-1436 (b) and K.S.A. § 65-1436 (a)(19) in that he has willfully and repeatedly failed to furnish the Board’s Executive Director documentation to verify that Licensee had attended at least sixty (60) hours of continuing dental education listed on the CE Record, which information was legally requested by the Board’s Executive Director.

#### **COUNT II**

13. The Board incorporates provisions of paragraphs 1 – 12 herein by reference.

14. The Licensee has committed an act that would justify disciplinary action against his license pursuant to K.S.A. 65-1436 (b) and K.S.A. 65-1436 (a)(1) in that he committed fraud, deceit and misrepresentation in obtaining renewal of his Kansas dental license.

#### **FACTS COMMON TO CASE NO. 12-9**

##### **Patient A.C.**

15. In February of 2012, the Board received two complaints regarding Licensee’s prescription of controlled substances to Patient A.C.

16. In addition to being a patient of Licensee's, Patient A.C. was also an employee of Licensee from March 1, 2010 until her death on or about January 22, 2012. Moreover, the complainants referred to Patient A.C. as the "fiancé" of Licensee.

17. According to Licensee's records, Licensee started a root canal on Patient A.C.'s tooth #15 on or about August 6, 2011, and a bridge was temporarily cemented on or about September 1, 2011. The bridge was permanently cemented on or about October 8, 2011.

18. According to Licensee's records, Licensee prescribed thirty (30) tablets of 300/30 mg of Acetaminophen w/ Codeine to Patient A.C. on or about September 2, 2011 and thirty (30) tablets of 300/30 mg of Acetaminophen w/ Codeine to Patient A.C. on or about October 5, 2011.

19. On information and belief, on at least one occasion in December of 2011, Patient A.C. received a Lidocaine injection in her abdominal area from Licensee.

20. According to records provided by Walgreens Company, Wal-Mart Pharmacy and Health Information Designs, Inc., from July 19, 2011 through January 10, 2012, Licensee prescribed to Patient A.C., and Patient A.C. subsequently filled Licensee's prescriptions for, the following medications on the following dates:

**Prescriptions Filled at Wal-Mart Pharmacies**

- A. On or about July 19, 2011, prescribed twenty (20) tablets of Cyclobenzaprine ten (10) milligrams. Filled by Patient A.C. on or about July 19, 2011;
- B. On or about July 19, 2011, prescribed twenty (20) tablets of Cyclobenzaprine ten (10) milligrams. Filled by Patient A.C. on or about July 24, 2011;
- C. On or about July 31, 2011, prescribed one hundred (100) milliliters of Lidocaine, 2%. Filled by Patient A.C. on or about July 31, 2011;

- D. On or about July 31, 2011, prescribed twenty (20) tablets of Cyclobenzaprine ten (10) milligrams. Filled by Patient A.C. on or about July 31, 2011;
- E. On or about July 31, 2011, prescribed twenty (20) tablets of Cyclobenzaprine ten (10) milligrams. Filled by Patient A.C. on or about August 13, 2011;
- F. On or about July 31, 2011, prescribed twenty (20) tablets of Cyclobenzaprine ten (10) milligrams. Filled by Patient A.C. on or about August 28, 2011;
- G. On or about July 31, 2011, prescribed twenty (20) tablets of Cyclobenzaprine ten (10) milligrams. Filled by Patient A.C. on or about September 13, 2011;
- H. On or about August 9, 2011, prescribed twenty (20) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about August 9, 2011;
- I. On or about August 13, 2011, prescribed twenty (20) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about August 13, 2011;
- J. On or about August 16, 2011, prescribed twenty (20) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about August 16, 2011;
- K. On or about August 27, 2011, prescribed twenty (20) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about August 27, 2011;
- L. On or about September 2, 2011, prescribed eighteen (18) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about September 2, 2011;

M. On or about September 2, 2011, prescribed eighteen (18) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about September 6, 2011;

N. On or about November 18, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about November 25, 2011;

O. On or about November 18, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about December 3, 2011;

P. On or about December 7, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about December 12, 2011;

Q. On or about December 7, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about December 18, 2011; and

R. On or about December 27, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about December 27, 2011.

**Prescriptions Filled at Walgreens Pharmacies**

A. On or about August 6, 2011, prescribed thirty (30) capsules of Amoxicillin, 250 milligrams;

B. On or about August 10, 2011, prescribed thirty (30) capsules of Doxycycline Hyclate, 100 milligrams;

- C. On or about September 13, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about September 13, 2011;
- D. On or about September 19, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about September 19, 2011;
- E. On or about September 27, 2011, prescribed twenty (20) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about September 27, 2011;
- F. On or about October 1, 2011, prescribed twenty (20) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about October 1, 2011;
- G. On or about October 5, 2011, prescribed twenty (20) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about October 5, 2011;
- H. On or about October 10, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about October 10, 2011;
- I. On or about October 15, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about October 15, 2011;
- J. On or about October 15, 2011, prescribed thirty (30) tablets of Azithromycin, 250 milligrams;

- K. On or about October 21, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about October 21, 2011;
- L. On or about October 28, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about October 28, 2011;
- M. On or about November 2, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled by Patient A.C. on or about November 2, 2011;
- N. On or about November 7, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled on or about November 7, 2011;
- O. On or about November 12, 2011, prescribed twenty four (24) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled on or about November 12, 2011;
- P. On or about November 16, 2011, prescribed twenty four (24) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled on or about November 16, 2011;
- Q. On or about November 20, 2011, prescribed twenty four (24) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled on or about November 20, 2011;
- R. On or about November 29, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled on or about November 29, 2011;
- S. On or about December 6, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled on or about December 6, 2011;
- T. On or about December 22, 2011, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled on or about December 22, 2012;

U. On or about January 2, 2012, prescribed thirty (30) tablets of Acetaminophen w/ Codeine, 300/30 milligrams. Filled on or about January 2, 2012; and

V. On or about January 10, 2012, prescribed twenty (20) tablets of Cyclobenzaprine, 100 milligrams.

21. Patient A.C. was found and pronounced dead on January 22, 2012. According to the autopsy report produced by the Sedgwick County Regional Forensic Science Center, Patient A.C. died as the result of inhalant abuse and Cyclobenzaprine intoxication. Myocarditis was also contributory to her death.

22. According to Licensee's records, Licensee did not record any treatment provided to Patient A.C. or medication prescribed to Patient A.C., other than what is listed in Paragraphs 17 and 18 of this Petition.

#### **Patient B.M.**

23. According to Licensee's records, on or about September 15, 2011, Licensee provided Patient B.M. with composite fillings for tooth #'s 11 and 12.

24. According to Licensee's records, on or about September 20, 2011 prescribed thirty (30) tablets of Tramadol 50 milligrams with one (1) refill to Patient B.M. without an appointment.

25. According to Licensee's records, on or about November 22, 2011, Licensee placed a temporary crown on Patient B.M.'s tooth # 19 and also prescribed thirty (30) tablets of Tramadol 50 milligrams to Patient B.M.

26. According to Licensee's records, on or about December 7, 2011 Licensee prescribed thirty (30) tablets of Tramadol 50 milligrams with one (1) refill to Patient B.M. without an appointment.



27. According to Licensee's records, on or about January 4, 2012, Licensee provided Patient B.M. with composite fillings for tooth #'s 8 and 9 and also prescribed thirty (30) tablets of Tramadol 50 milligrams to Patient B.M.

28. According to Licensee's records, on or about January 16, 2012, Licensee prescribed thirty (30) tablets of Tramadol 50 milligrams to Patient B.M. without an appointment.

29. According to Licensee's records, on or about February 3, 2012, Licensee prescribed thirty (30) tablets of Tramadol 50 milligrams to Patient B.M. without an appointment.

30. According to Licensee's records, on or about February 28, 2012, Licensee provided Patient B.M. with one-surface fillings on tooth #'s 20, 21, 22 and 23. Licensee also prescribed thirty (30) tablets of Tramadol 50 milligrams to Patient B.M.

31. According to Licensee's records, on or about April 20, 2012, Licensee provided Patient B.M. with multiple fillings and prescribed fifty (50) tablets of Tramadol 50 milligrams to Patient B.M.

**Patient J.M.**

32. According to Licensee's records, Licensee saw Patient J.M. for crown preparation on tooth #18 on or about May 20, 2009, and crown insertion on tooth #3 on or about September 3, 2009.

33. According to Licensee's records, subsequent to J.M.'s September 3, 2009 appointment with Licensee, Patient J.M. did not have an appointment with Licensee until November 12, 2011.

34. According to Licensee's records, on or about June 7, 2010, Licensee prescribed forty (40) tablets of Temazepam 15 milligrams with two (2) refills to Patient J.M.; on or about September 21, 2010, Licensee prescribed forty (40) tablets of Temazepam 15 milligrams with two (2) refills to Patient J.M.; and, on or about July 8, 2011, Licensee prescribed forty (40) tablets of Temazepam 15 milligrams with three (3) refills to Patient J.M.

**Patient S.F.**

35. According to Licensee's records, on or about April 7, 2009, a dentist within Licensee's practice noted that pain medication had been denied to Patient S.F., because he was a suspected drug abuser.

36. According to Licensee's records, on or about April 18, 2009 Patient S.F. presented with complaints regarding tooth #13. Patient S.F. was upset when he was denied a prescription and because Licensee was not in the office, stated that he would wait for Licensee to return.

37. According to Licensee's records, on or about May 16, 2009, Licensee evaluated Patient S.F. for endodontic treatment and prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.F.

38. According to Licensee's records, on or about May 20, 2009, Licensee prescribed one (1) refill of Lortab for Patient S.F. without an office visit.

39. According to Licensee's records, on or about May 28, 2009, Licensee began root canal treatment on Patient S.F.'s tooth #13 and prescribed sixteen (16) tablets of Lortab 10 to Patient S.F.

40. According to Licensee's records, Licensee prescribed Lortab to Patient S.F. without an office visit on seven (7) occasions from June 3, 2009 through July 29, 2009. On or

about June 3, 2009, Licensee prescribed sixteen (16) tablets of Lortab 10 to Patient S.F. On or about June 19, 2009, Licensee prescribed sixteen (16) tablets of Lortab 10 to Patient S.F. On or about June 24, 2009, Licensee prescribed twenty two (22) tablets of Lortab 10 to Patient S.F. On or about July 2, 2009, Licensee prescribed twenty (22) tablets of Lortab 10 to Patient S.F. On or about July 8, 2009, Licensee prescribed twenty (22) tablets of Lortab 10 to patient S.F. On or about July 14, 2009, Licensee prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.F. On or about July 29, 2009, Licensee prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.F.

41. According to Licensee's records, on or about July 30, 2009, Patient S.F. had an office visit with Licensee and complained of pain in tooth #14. At this time, Licensee prescribed twenty (20) tablets of Lortab 10 with one (1) refill and Dexamethasone with one (1) refill to Patient S.F.

42. According to Licensee's records, Licensee prescribed Lortab 10 to Patient S.F. without an office visit on five (5) occasions from September 9, 2009 through November 16, 2009. On or about September 9, 2009, Licensee prescribed fifteen (15) tablets of Lortab 10 to Patient S.F. On or about September 26, 2009, Licensee prescribed fifteen (15) tablets of Lortab 7.5, along with Dexamethasone with one (1) refill to Patient S.F. On or about October 16, 2009, Licensee prescribed fifteen (15) tablets of Lortab 10 to Patient S.F. On or about October 31, 2009, Licensee prescribed fifteen (15) tablets of Lortab 7.5 to Patient S.F., along with twenty (20) tablets of Prednisone, 5 milligrams. On or about November 16, 2009, Licensee approved one (1) refill of the October 31, 2009 prescriptions for Lortab 10 and Prednisone.

43. According to Licensee's records, on or about November 19, 2009, Licensee performed bridge preparation on Patient S.F.'s tooth #'s 11 – 14.

44. According to Licensee's records, Licensee prescribed Lortab to Patient S.F. without an office visit on five (5) occasions from November 30, 2009 to February 8, 2010. On or about November 30, 2010, Licensee approved one (1) refill of the October 31, 2009 Lortab 10 and Prednisone prescriptions. On or about December 8, 2009, Licensee took Patient S.F. off of Prednisone and prescribed fifteen (15) tablets of Lortab 7.5 and fifteen (15) tablets of Lortab 10 to Patient S.F. On or about December 30, 2009, Licensee prescribed sixteen (16) tablets of Lortab 7.5 to Patient S.F. On or about January 4, 2010, Licensee prescribed twenty (20) tablets of Lortab 10 and eighteen (18) tablets of Dexamethasone to Patient S.F. During this time period, Patient S.F. cancelled his January 25, 2010 appointment "due to being ill." On or about February 4, 2010, Licensee prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.F. On or about February 18, 2010, Licensee prescribed eighteen (18) tablets of Dexamethasone plus one (1) refill and sixteen (16) tablets of Lortab 10 to Patient S.F.

45. According to Licensee's records, Patient S.F. did not contact Licensee's office again until September 16, 2010. On or about September 16, 2010, September 23, 2010 and October 1, 2010, Licensee prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.F. without a visit.

46. According to Licensee's records, on or about November 1, 2010, Licensee provided Patient S.F. with composite fillings on tooth #'s 5 and 6.

47. According to Licensee's records, on or about November 22, 2010, Licensee was fitted for a new impression for a crown.

48. According to Licensee's records, on or about January 4, 2011, Licensee prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.F.

49. According to Licensee's records, on or about January 11, 2011, Licensee placed a crown on Patient S.F.'s tooth #19 and prescribed fifteen (15) tablets of Lortab 7.5 with one (1) refill to Patient S.F.
50. According to Licensee's records, on or about May 20, 2011 Patient S.F. cancelled his May 20, 2011 hygiene appointment with Licensee.
51. According to Licensee's records, Licensee prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.F. on or about June 8, 2011, July 27, 2011 and September 14, 2011 without an appointment.
52. According to Licensee's records, on or about September 16, 2011, Licensee provided composite fillings on tooth #'s 18 and 20. At this time, Licensee also prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.F.
53. According to Licensee's records, on or about October 4, 2011, Patient S.F. cancelled his October 4, 2011 appointment with Licensee.
54. According to Licensee's records, on or about October 11, 2011 and October 24, 2011, Licensee prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.F. without an appointment.
55. According to Licensee's records, on or about November 21, 2011, Licensee placed composite fillings on Patient S.F.'s tooth #'s 6, 7 and 8. At this time, Licensee also prescribed twenty (20) tablets of Lortab 7.5 to Patient S.F.
56. According to Licensee's records, on or about November 23, 2011, Licensee extracted Patient S.F.'s tooth #19 and prescribed fifteen (15) tablets of Lortab 7.5 to Patient S.F.

57. According to Licensee's records, on or about November 29, 2011, Licensee prescribed fifteen (15) tablets of Lortab 7.5 to Patient S.F. without an appointment.

58. According to Licensee's records, on or about December 1, 2011, Licensee extracted Patient S.F.'s tooth # 20 and prescribed twenty (20) tablets of Lortab 7.5 to Patient S.F.

59. According to Licensee's records, on or about December 3, 2011, Patient S.F. presented for a post-operative appointment for the extraction of tooth #20. At this time, Licensee prescribed twenty (20) tablets of Lortab 7.5 along with Dexamethasone.

60. According to Licensee's records, on or about December 7, 2011, January 20, 2012 and February 28, 2012, Licensee approved refills of twenty (20) tablets of Lortab 7.5 for Patient S.F. without an appointment.

61. According to Licensee's records, on or about March 16, 2012, Patient S.F. cancelled his March 16, 2012 appointment with Licensee.

62. According to Licensee's records, on or about March 27, 2012, Licensee denied Patient S.F.'s request for a Lortab prescription.

63. According to Licensee's records, on or about April 19, 2012, Licensee cancelled an unspecified appointment with Licensee.

#### **Patient S.C.**

64. According to Licensee's records, on or about February 10, 2011, Patient S.C. presented with complaint of pain regarding tooth #18. Licensee recommended a root canal and prescribed fourteen (14) tablets of Percocet 5/325 to Patient S.C.

65. According to Licensee's records, on or about February 14, 2011, Licensee prescribed eighteen (18) tablets of Percocet 5/325 to Patient S.C. without an appointment.

66. According to Licensee's records, on or about February 17, 2011, Patient S.C. cancelled her February 17, 2011 appointment with Licensee.
67. According to Licensee's records, on or about February 22, 2011, Licensee prescribed an antibiotic and fifteen (15) tablets of Naproxen with one (1) refill to Patient S.C. without an appointment.
68. According to Licensee's records, on or about February 23, 2011, Licensee prescribed twenty (20) tablets of Lortab 10 to Patient S.C. without an appointment.
69. According to Licensee's records, on or about March 3, 2011, Licensee started a root canal on Patient S.C.'s tooth #18 and prescribed fourteen (14) tablets of Lortab 10 to Patient S.C.
70. According to Licensee's records, on or about March 7, 2011, Licensee prescribed fourteen (14) tablets of Lortab 10 to Patient S.C. without an appointment.
71. According to Licensee's records, on or about March 10, 2011, Licensee prepared Patient S.C.'s tooth # 19 for crown preparation.
72. According to Licensee's records, on or about March 14, 2011, Licensee approved two (2) refills of fourteen (14) tablets of Lortab 10 for Patient S.C. without an appointment.
73. According to Licensee's records, Licensee approved one (1) refill of Lortab on or about March 24, 2011 without an appointment, and noted "last refill" in his records.
74. According to Licensee's records, on or about March 30, 2011 Licensee denied Patient S.C.'s request for pain medication.
75. According to Licensee's records, Patient S.C. cancelled appointment for April 6, 2011 and April 11, 2011.

76. According to Licensee's records, on or about August 8, 2011, Licensee provided Patient S.C. with composite fillings for tooth #'s 18 and 19. At this time, Licensee prescribed Patient S.C. twenty four (24) tablets of Ultram 50 milligrams.
77. According to Licensee's records, on or about August 18, 2011, Licensee approved one (1) refill of Ultram 50 milligrams for Patient S.C. without an appointment.
78. According to Licensee's records, on or about August 24, 2011, Licensee approved two (2) refills of Ultram for Patient S.C. without an appointment.
79. According to Licensee's records, on or about September 1, 2011, Licensee cancelled her September 1, 2011 appointment with Licensee due to illness.
80. According to Licensee's records, on or about September 13, 2011, Licensee performed crown preparations on Patient S.C.'s tooth #'s 18 and 19 and prescribed twenty (20) tablets of Ultram 50 milligrams with one (1) refill for Patient S.C.
81. According to Licensee's records, on or about September 16, 2011, Licensee denied Patient S.C.'s request for pain medication.
82. According to Licensee's records, on or about October 5, 2011, Licensee finalized crowns on Patient S.C.'s tooth #'s 18 and 19.
83. According to Licensee's records, on or about October 6, 2011, Licensee prescribed twenty (20) tablets of Ultram 50 milligrams to patient S.C.
84. According to Licensee's records, on or about October 14, 2011, Licensee provided Patient S.C. with a composite filling on tooth #1 and prescribed fourteen (14) tablets of Ultram 50 milligrams to Patient S.C.
85. According to Licensee's records, on or about October 19, 2011, Patient S.C. cancelled her October 19, 2011 appointment due to illness.



86. According to Licensee's records, on or about October 20, 2011, Licensee prepared Patient S.C.'s tooth # 30 for a crown and prescribed thirty (30) tablets of Ultram 50 milligrams to Patient S.C.

87. According to Licensee's records, on or about November 1, 2011, Licensee approved one (1) refill of Ultram 50 milligrams for Patient S.C.

88. According to Licensee's records, on or about November 3, 2011, Patient S.C. cancelled her November 3, 2011 appointment with Licensee.

**Patient S.K.**

89. According to Licensee's records, on or about March 29, 2011 Patient S.K. presented at Licensee's office with complaints of tooth pain in her upper right quadrant and prescribed eighteen (18) tablets of Lortab 7.5 to Patient S.K.

90. According to Licensee's records, on or about April 7, 2011, Licensee provided a composite filling to Patient S.K.'s tooth #3.

91. According to Licensee's records, on or about July 19, 2011, Licensee saw Patient S.K. regarding TMJ complaints and prescribed twenty (20) tablets of Lortab 7.5 and fifteen (15) tablets of Flexerol 10 milligrams to Patient S.K.

92. According to Licensee's records, on or about August 8, 2011, Licensee approved a refill of twenty (20) tablets of Lortab 7.5 for Patient S.K. without an appointment.

93. According to Licensee's records, on or about September 9, 2011, Licensee prescribed twenty (24) tablets of Percocet 5/325 to Patient S.K. and thirty (30) tablets of Soma 350 to Patient S.K. without an appointment.

94. According to Licensee's records, on or about September 20, 2011, Licensee prescribed twenty four (24) tablets of Percocet 5/325 to Patient S.K. without an appointment.

95. According to Licensee's records, on or about October 24, 2011, Licensee prescribed twenty four (24) tablets of Percocet 5/325 to Patient S.K. without an appointment.

96. According to Licensee's records, on or about November 18, 2011, Licensee provided Patient S.K. with a composite filling for tooth # 20.

97. According to Licensee's records, on or about December 12, 2011, Licensee prescribed fourteen (14) tablets of Percocet 5/325 to Patient S.K. without an appointment.

98. According to Licensee's records, on or about January 16, 2012, Licensee evaluated Patient S.K. for TMJ complaints and prescribed fourteen (14) tablets of Percocet 5/325 to Patient S.K.

99. According to Licensee's records, on or about January 28, 2012, Licensee approved a refill of thirty (30) tablets of Soma 350 for Patient S.K.

100. According to an entry in Licensee's records dated February 15, 2012, Licensee considered referral of Patient S.K. to another doctor.

101. According to Licensee's records, on or about February 28, 2012, Licensee prescribed sixteen (16) tablets of Vicoprofen to Patient S.K. without an appointment.

102. According to Licensee's records, on or about March 6, 2012, Licensee prescribed sixteen (16) tablets of Vicoprofen to Patient S.K. without an appointment.

103. According to Licensee's records, Patient S.K. began treating with another dentist on or about March 12, 2012.

#### **Patient C.C.**

104. According to Licensee's records, on or about July 15, 2010, Patient S.K. presented for an emergency exam for tooth #3; however, Patient S.K. did not want to proceed with treatment at that time.

105. According to Licensee's records, on or about September 7, 2010, Patient S.K. returned to Licensee's office complaining of swelling and pain. Licensee prescribed twenty (20) tablets of Lortab 5 to Patient S.K.

106. According to Licensee's records, on or about November 18, 2010, Licensee prescribed twenty (20) tablets of Lortab 5 to Patient S.K. without an appointment.

107. According to Licensee's records, on or about November 19, 2010, after finishing endodontic treatment on tooth #19, Licensee re-cemented Patient S.K.'s crown on tooth # 19.

108. According to Licensee's records, on or about December 2, 2010, Licensee provided Patient S.K. with composite fillings on tooth #'s 18 and 20.

109. According to Licensee's records, Licensee prescribed twenty (20) tablets of Lortab 5 to Patient S.K. on or about December 14, 2010 without an appointment, twenty (20) tablets of Lortab 5 to Patient S.K. on or about January 6, 2011 without an appointment and twenty (20) tablets of Lortab 5 to Patient S.K. on or about January 19, 2011 without an appointment. Patient S.K. cancelled an appointment she had made for January 19, 2011.

110. According to Licensee's records, on or about February 2, 2011, Licensee provided Patient S.K. with composite fillings on tooth #'s 30 and 31 and prepared the same for crowns.

111. According to Licensee's records, on or about February 16, 2011, Licensee cemented crowns on Patient S.K.'s tooth #'s 30 and 31.

112. According to Licensee's records, on or about September 15, 2011, Patient S.K. called Licensee's office complaining of a toothache. Licensee prescribed twenty (20) tablets of Lortab 5 to Patient S.K. According to Licensee's records, Patient S.K. was also appointed for

September 20, 2011 “per her request;” however, Licensee’s records do not contain a reference to an appointment on September 20, 2011.

113. According to Licensee’s records, on or about January 19, 2012, Licensee prescribed twenty (20) tablets of Lortab 5 to Patient S.K. without an appointment.

### COUNT III

114. The Board incorporates the provisions of paragraphs 1 – 113 herein by reference.

115. The Licensee has committed an act or acts that would justify disciplinary action against his license pursuant to K.S.A. 65-1436 (b) and K.S.A. 65-1436 (a)(10) in that he has prescribed prescription drugs and/or substances, including controlled substances, in an excessive, improper or inappropriate manner or quantity outside the scope of practice of dentistry and/or in a manner that impairs the health and safety of his patients.

### COUNT IV

116. The Board incorporates the provisions of paragraphs 1 – 115 herein by reference.

117. The Licensee has committed an act or acts that would justify disciplinary action against his license pursuant to K.S.A. 65-1436(b) and K.S.A. 65-1436(a)(11) in that he has prescribed prescription drugs, including controlled substances, for other than legal and legitimate purposes.

### COUNT V

118. The Board incorporates the provisions of paragraphs 1 – 117 herein by reference.

119. The Licensee has committed an act or acts that would justify disciplinary action against his license pursuant to K.S.A. 65-1436(b), K.S.A. 65-1436(a)(17) and K.A.R. 71-1-15 in that he has failed to keep adequate records to indicate or provide a basis for prescribing certain prescription drugs, including controlled substances, to patients.

#### **COUNT VI**

120. The Board incorporates the provisions of paragraphs 1 – 119 herein by reference.

121. The Licensee has committed acts that would justify disciplinary action against his license pursuant to K.S.A. 65-1436(b) and K.S.A. 65-1436(a)(3) in that he has been determined by the Board to be professionally incompetent as defined in K.S.A. 65-1436(c)(2), for repeated failure to adhere to the standard care applicable to dentists due to the inappropriate, unfounded, undocumented and unwarranted prescription of drugs, including controlled substances, to patients.

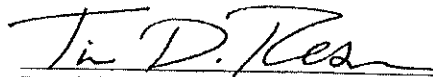
#### **COUNT VII**

122. The Board incorporates the provisions of paragraphs 1 – 121 herein by reference.

123. The Licensee has committed acts that would justify disciplinary action against his license pursuant to K.S.A. 65-1436(b) and K.S.A. 65-1436(a)(4) in that he has committed gross, wanton or willful negligence in the practice of dentistry, by repeatedly and systematically deviating from the applicable standard of care applicable to dentists through the inappropriate, unfounded, undocumented and unwarranted prescription of drugs, including controlled substances, to patients.

**WHEREFORE**, it is requested that proceedings be initiated pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and that in accordance therewith findings and conclusions be made that the Licensee has committed acts which justify disciplinary action being taken against his Kansas license to practice dentistry and order such disciplinary action as shall be determined to be appropriate.

Respectfully Submitted,



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**Disciplinary Counsel for the Kansas Dental  
Board**

**CERTIFICATE OF SERVICE**


I hereby certify that I did, on the 14 day of March, 2013, deposit in the United States mail, first class postage prepaid, a copy of this **PETITION TO REVOKE, SUSPEND OR OTHERWISE LIMIT LICENSURE**, properly addressed to the following:

original to:

B. Lane Hemsley  
Executive Director  
KANSAS DENTAL BOARD  
900 SW Jackson, Room 564-S  
Topeka, KS 66612

and mailed one copy first class mail and one copy certified, return receipt requested to:

David G. Hall, D.D.S.  
444 N. Ridge Road  
Wichita, KS 67212

  
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Timothy D. Resner, #25064