

BEFORE THE KANSAS DENTAL BOARD

FILED

JAN 22 2016

KANSAS DENTAL BOARD

In The Matter Of)
) Case No. 15-8
 ROBERT W. MORRISON, DDS)
 LICENSE NO. 4978)

CONSENT AGREEMENT AND ORDER

THIS CONSENT AGREEMENT AND ORDER is entered into this 22 day of January, 2016 by and between Robert W. Morrison ("Morrison") and the Kansas Dental Board (the "Board").

WITNESSETH:

WHEREAS, Morrison presently holds License Number 4978 to practice dentistry in the State of Kansas issued by the Board ("Kansas License"); and

WHEREAS, the Board is the state agency empowered to enforce the Kansas Dental Practices Act (the "Act"), including the use of disciplinary actions to suspend, revoke or limit the licenses of Kansas dentists who violate the Act; and

WHEREAS, the Board has received information regarding Morrison's dental practice and has conducted an investigation; and

WHEREAS, on July 24, 2015 the Chairman of the Board's Investigation Committee entered an Emergency Order in the case of *In the Matter of Robert W. Morrison, DDS*, Case No. 15-8 ("Emergency Order"). The Emergency Order suspended Morrison's Kansas License; and;

WHEREAS, Morrison filed a request with the Board for a hearing on the Emergency Order ("Request for Hearing"); and

WHEREAS, on or about July 22, 2015, the Board's Disciplinary Counsel filed a Petition for Disciplinary Action ("Petition") against Morrison in the same case in which the Emergency Order was filed; and

WHEREAS, Dr. Morrison disputes the allegations stated in the Petition and in the Emergency Order; and

WHEREAS, Dr. Morrison has retired from the practice of dentistry and his office has closed; and

WHEREAS, Morrison and the Board wish to resolve the issues of the Emergency Order and Petition by agreement.

THEREFORE, for good and valuable consideration Morrison and the Board agree as follows:

1. Morrison's Kansas License shall be retired; he shall no longer have an active Kansas License or engage in the practice of dentistry in Kansas, and he shall not reapply for licensure in Kansas.

2. Morrison 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 Consent Agreement and Order, with or without the presence of the Morrison or his attorney. In the event that this Consent Agreement and Order is not accepted and approved by the Board, Morrison further waives any objection to the Board members' consideration of this Consent Agreement and 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.

3. The agreements and orders contained herein shall not become binding until this Consent Agreement and Order is approved and entered by the Board. Morrison acknowledges that the approval of the Board's attorney shall not constitute the approval of the Board or bind the Board to approve this Consent Agreement and Order.

4. Morrison agrees that this Consent Agreement and Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it. Morrison 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.

5. This consent agreement 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.

6. Morrison 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 Procedure Act and the Kansas Judicial Review Act.

Morrison 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 his

to those provided for herein. Morrison further waives the right to seek reconsideration or appeal or otherwise contest this Consent Agreement and Order.

7. Morrison acknowledges that he enters into this Consent Agreement and Order freely and voluntarily after consultation with or an opportunity to consult with counsel of his choosing. Morrison further acknowledges that he has read this Consent Agreement and Order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

8. Time is of the essence to this Consent Agreement and Order. Morrison acknowledges and agrees that any violation of this Consent Agreement and 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 Consent Agreement and Order shall not affect the obligation of Morrison to comply with all terms and conditions of this Consent Agreement and Order.

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

10. Upon execution by all parties and entry as an order by the Board, this Consent Agreement and Order shall be a public record in the custody of the Board.

11. This Consent Agreement and 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.

12. Morrison acknowledges that he has been advised by the Board that he would have the right within 15 days after service of this Consent Agreement and Order to file a petition for

reconsideration with the Board and the right within 30 days after service of the Consent Agreement and 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 Morrison hereby waives those rights.

13. Upon the signing of this Consent Agreement and Order, the Emergency Order shall be withdrawn and the Petition dismissed. At the same time, Morrison shall withdraw his Request for Hearing and waive judicial review. *22nd January*

ENTERED AND EFFECTIVE this *9* day of *November* 2015. *22nd January* *FLLH*

KANSAS DENTAL BOARD

By:

[Signature]
GLENN HEMBERGER, DDS
President

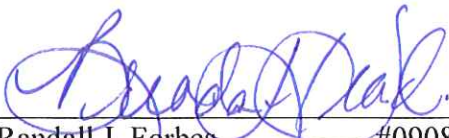
AGREED AND APPROVED BY:

[Signature]
ROBERT W. MORRISON, D.D.S.

Nov 9, 2015
Date

[Signature]
Mark W. Stafford #13233
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107 S.W. 6th Ave., Suite 210
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Attorney for Morrison

11/16/15
Date

for 

Randall J. Forbes #09089
FRIEDEN, UNREIN & FORBES, LLP
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Topeka, Kansas 66604
TEL: (785) 354-1100
FAX: (785) 354-1113
Disciplinary Counsel for the Kansas Dental Board

Nov. 18, 2015

Date

CERTIFICATE OF SERVICE

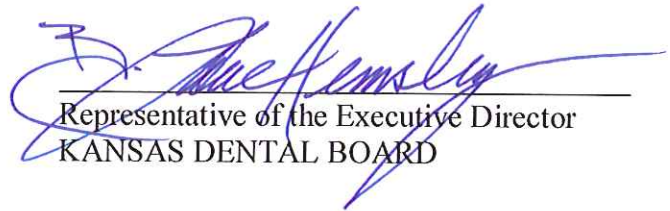
The undersigned hereby certifies that a copy of the foregoing **CONSENT AGREEMENT AND CONSENT ORDER** was served by depositing same in the United States mail, postage prepaid, this 25th day of January, ~~2015~~, 2016, addressed to:

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

Mark W. Stafford
SIMPSON LOGBACK LYNCH NORRIS P.A.
107 S.W. 6th Ave., Suite 210
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PERSONAL AND CONFIDENTIAL

Robert W. Morrison, D.D.S.
107 E. Main St.
Parsons, KS 67357



Representative of the Executive Director
KANSAS DENTAL BOARD