

**BEFORE THE KANSAS DENTAL BOARD
OF THE STATE OF KANSAS**

FILED

FEB 12 2013

KANSAS DENTAL BOARD

In the Matter of the Licensure of:)
)
CHARLOTTE TURNER-WILLIAMS, D.D.S.)
Kansas License No. 60019)
_____)

Case No. 12-133

FINAL ORDER REVOKING KANSAS LICENSE TO PRACTICE DENTISTRY

On January 18, 2013, the Board held a formal hearing to consider and dispose of the allegations set forth in the Petition to Revoke Kansas License to Practice Dentistry against Respondent Charlotte Turner-Williams, D.D.S., Kansas License No. 60019 (“Turner-Williams”), filed in this disciplinary proceeding. This formal hearing was held pursuant to written notice issued by the Board and served upon the parties in accordance with the provisions of K.S.A. 77-518(a) and 77-518(c). *See* Board Exhibit 1 (Notice of Formal Adjudicative Hearing (filed Dec. 19, 2012)).

Kevin M. Fowler, Disciplinary Counsel, appeared on behalf of the Board. Respondent Turner-Williams appeared in person and represented herself *pro se*. There were no other appearances.

The Board’s counsel offered 16 exhibits to support the allegations of the petition and each was admitted into evidence without objection. Respondent subsequently offered her own

verbal testimony and responded to questions from members of the Board. Following the presentation of evidence, the Board's counsel and Respondent each gave closing statements.

Based on the evidence received during the hearing, including previous orders and proceedings of the Board involving Respondent Turner-Williams which may be officially noticed herein, the Board determined that the allegations of the petition are true and that the Kansas License to practice dentistry of Dr. Turner-Williams (No. 60019) should be and is hereby revoked.¹ Pursuant to the provisions of K.S.A. 65-1431a, Dr. Turner-Williams may not apply for reinstatement of this revoked Kansas License until after the expiration of three years from the effective date of the revocation.

FINDINGS OF FACT

1. At all times relevant to this disciplinary proceeding, Respondent Turner-Williams, D.D.S. was authorized to practice dentistry in the State of Kansas under the authority of Kansas License No. 60019 as issued and restricted by the Board.

2. Respondent was served with a written statement of the charges against her on December 5, 2012, *see* Petition for Revocation of Kansas License to Practice Dentistry (mailed December 5, 2012), and written notice of this formal hearing on December 19, 2012, *see* Notice of Formal Adjudicative Hearing (filed Dec. 19, 2012)). Respondent did not object to either the statement of charges or the notice of hearing.

¹ The three members of the Board's Investigative Committee (Glenn Hemberger, D.D.S., Charles Squire, D.D.S. and Susan Rodgers, R.D.H.) recused themselves and did not participate in either the deliberations or the dispositive action of the Board herein.

3. Respondent was previously subject to disciplinary action by the Board in the administrative proceedings styled *Matter of the Licensure of Charlotte Turner-Williams, D.D.S., Kansas License No. 60019*, Case Nos. 08-102, 09-43 & 10-101 and OAH No. 12DB0004 (Kan. Dental Bd.). In that case, Presiding Officer Edward Gaschler issued and mailed to the parties an Initial Order on July 20, 2012 which concludes:

“Based upon the respondent's excessive, inappropriate, and improper prescribing of controlled substances, the dental license of the respondent is hereby restricted pursuant to K.S.A. 65-1436(b)(3) in that the respondent is hereby prohibited from prescribing any controlled substances under federal and/or state law. This restriction shall continue indefinitely until removed by the petitioner upon a showing by the respondent that she is professionally competent to prescribe controlled substances under federal and/or state law.”

See Board Exhibit 3 (Initial Order (dated July 20, 2012) at *Conclusion* ¶ 1) (emphasis added).

4. The Initial Order referenced in the preceding paragraph contains a “Notice Regarding Review” which expressly informed Respondent Turner-Williams as follows:

“Pursuant to K.S.A. 77-527, either party may appeal this Initial Order. A petition for review must be filed within 15 days from the date of this Initial Order. Failure to timely request review may preclude further judicial review. If neither party requests a review, this Initial Order becomes final and binding on the 30th day following its mailing. Petitions for review shall be mailed or personally delivered to: B. Lane Hemsley, Executive Director, Kansas Dental Board, 900 SW Jackson, Room 564-S, Topeka, Kansas 66612-1230.”

See Board Exhibit 3. However, none of the parties, including Licensee, sought administrative review of this Initial Order within the time prescribed by law and the Board did not elect to review the Initial Order on its own motion. In accordance with the Notice Regarding Review set forth in the Initial Order, Respondent was informed that the restrictions on her Kansas License

became final and binding no later than August 22, 2012, and that she was thereafter prohibited from prescribing any controlled substances under federal and/or state law.

5. Respondent never filed nor served the Board with any timely petition for judicial review of the Initial Order that was entered and served in Kansas Dental Board Case Nos. 08-102, 09-43 & 10-101 and OAH No. 12DB0004 referenced above. Consequently, no later than August 22, 2012, the Board restricted the Kansas License of Charlotte Turner-Williams, D.D.S. so that Respondent was thereafter expressly prohibited from prescribing any controlled substances under federal and state law.

6. In an effort to determine whether Respondent was practicing dentistry in compliance with the restrictions on her Kansas License, Board Staff subsequently obtained from the Kansas State Board of Pharmacy information compiled and maintained under the Prescription Monitoring Program (“PMP”) regarding the substance of all prescriptions written by Respondent Turner-Williams that were presented to and filled by any Kansas pharmacy during the period from October 1 through 26, 2012. This PMP information reflects that from October 1 to 26, 2012, Respondent issued to various patients approximately 89 separate prescriptions for more than 1,300 tablets of controlled substances, including: hydrocodone-acetaminophen; acetaminophen-codeine; Lorazepam; and Diazepam. *See* Board Exhibit 14.²

7. On November 8, 2012, based upon the PMP information discussed in Paragraph 5 above and pursuant to the provisions of K.S.A. 65-1449 and K.S.A. 77-539, the Board issued an

² Hydrocodone-acetaminophen, acetaminophen-codeine, Lorazepam and Diazepam are each classified as a controlled substance under the Controlled Substances Act, enacted as Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. § 801 *et seq.*, and the Kansas Uniform Controlled Substances Act, K.S.A. 65-6101 *et seq.*

EMERGENCY SUSPENSION ORDER which temporarily suspended the Kansas License of Charlotte Turner-Williams, D.D.S., and ordered Respondent to cease and desist from the practice of dentistry in Kansas during the period of such temporary suspension.³ The EMERGENCY SUSPENSION ORDER was made effective immediately upon service and specifies that it will remain in effect for a period not to exceed 90 days from the date of such service. The same day, the Board's Executive Director sent Respondent a genuine copy of the EMERGENCY SUSPENSION ORDER via United States Postal Service certified and first class mail.

8. On November 10, 2012, Respondent personally received and signed for a copy of the EMERGENCY SUSPENSION ORDER.

9. PMP information compiled and maintained by the Kansas State Board of Pharmacy for the period from October 26, 2012 to November 24, 2012 reflects that Respondent continued to prescribe controlled substances until at least November 9, 2012 and that Respondent continued to practice dentistry after personally receiving the EMERGENCY SUSPENSION ORDER. In this regard, from October 26, 2012 to November 9, 2012, Respondent Turner-Williams wrote and gave various patients approximately 27 additional prescriptions for more than 300 tablets of controlled substances, including: hydrocodone-acetaminophen; and Lorazepam. Additionally, from November 10, 2012 to November 24, 2012, Respondent wrote or otherwise issued 11 separate prescriptions for various patients to receive a total of 100 tablets of Tramadol HCL. *See* Exhibit 14.

³ This EMERGENCY SUSPENSION ORDER was entered by the Board's Investigation Member on behalf of the Board in accordance with authority previously delegated to him by the Board to take such emergency action whenever, following reasonable investigation, it is deemed necessary to protect the public health and safety.

10. Despite suspension of her Kansas license and actual receipt of the EMERGENCY SUSPENSION ORDER on November 10, 2012, Respondent willfully failed and refused to cease the practice of dentistry in Kansas as directed by the Board, and she thereafter continued to practice dentistry in this State without lawful authority for at least an additional two weeks.

11. Respondent does not deny practicing dentistry in violation of the restrictions on her Kansas license nor practicing dentistry without authority after the temporary suspension of her Kansas license as alleged in the Petition to Revoke Kansas License to Practice Dentistry against her in this disciplinary proceeding. Nevertheless, Respondent claims that she failed to comply with the restrictions on her Kansas license and the EMERGENCY SUSPENSION ORDER due to various misunderstandings about the Board's orders, scheduling and service commitments to her patients, and personal emotional and financial difficulties. These assertions, however, are unpersuasive and do not reasonably explain, justify or excuse Respondent's repeated refusal to comply with the restrictions on her Kansas license and/or the temporary suspension of her lawful authority to practice dentistry in this State.

12. Respondent's repeated violation of the restrictions on her Kansas license and her unauthorized practice of dentistry after the suspension of her Kansas license constitutes a pattern of dental practice or other behavior which demonstrates a manifest incapacity to practice dentistry and appropriate disciplinary action is necessary to protect the public health and safety.

CONCLUSIONS OF LAW

13. The Board is the duly constituted and acting agency of the State of Kansas authorized to administer and enforce the provisions of the Kansas Dental Practices Act, which is codified in article 14 of chapter 65 and article 14 of chapter 74 of the Kansas Statutes Annotated and amendments or supplements thereto (“KDPA” or “Act”). Pursuant to applicable provisions of the KDPA and the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* (“KAPA”), whenever it is established that a licensee has committed any of the acts described in K.S.A. 65-1436(a), the Board may revoke, suspend and/or limit the licensee’s Kansas License and/or assess a fine against the licensee in an amount not in excess of \$10,000.00.

14. Respondent was given proper notice of the charges against her and the time, date and place of the formal hearing in this matter. During the formal hearing, Respondent was afforded a full opportunity to challenge the evidence against her, to present her own evidence and to otherwise be heard by the Board. The formal hearing was, therefore, properly held and conducted in accordance with applicable provisions of the Kansas Dental Practices Act and the Kansas Administrative Procedure Act.

15. Pursuant to pertinent provisions of the KAPA, the restrictions imposed on Respondent’s Kansas license to practice dentistry in the previous disciplinary action styled *Matter of the Licensure of Charlotte Turner-Williams, D.D.S., Kansas License No. 60019*, Case Nos. 08-102, 09-43 & 10-101 and OAH No. 12DB0004 (Kan. Dental Bd.), became final and binding on August 22, 2012. *See, e.g.*, K.S.A. 77-526(b).

16. The temporary suspension of Respondent's Kansas license became immediately effective upon Respondent's documented receipt of the EMERGENCY SUSPENSION ORDER on November 10, 2012. *See* K.S.A. 77-530.

17. During October and November of 2012, Respondent repeatedly violated K.S.A. 65-1421: by intentionally refusing to comply with the restrictions on her Kansas license prohibiting the prescription of any controlled substances; and by continuing to practice dentistry after the suspension of her Kansas license. Such conduct warrants appropriate disciplinary action under K.S.A. 65-1436(a)(6) and K.S.A. 65-1436(b), including license revocation.

18. Respondent's willful misconduct during October and November of 2012 constitutes a pattern of dental practice or other behavior which demonstrates a manifest incapacity to practice dentistry under the provisions of K.S.A. 65-1436(c)(3) which warrants appropriate disciplinary action pursuant to K.S.A. 65-1436(a)(3) and K.S.A. 65-1436(b), including license revocation.

19. Respondent's willful and repeated prescription of controlled substances in violation of restrictions on her Kansas license and outside the scope of her authorized practice of dentistry warrants appropriate disciplinary action pursuant to K.S.A. 65-1436(a)(10), K.S.A. 65-1436(a)(12) and K.S.A. 65-1436(b), including license revocation.

20. Respondent failed to offer or establish any lawful justification or excuse for refusing to comply with the restrictions on her Kansas license and/or for practicing dentistry without authority in this State after the suspension of her Kansas license.

21. Respondent engaged in conduct proscribed by numerous provisions of the Kansas Dental Practices Act, including K.S.A. 65-1421, K.S.A. 65-1436(a)(3) and K.S.A. 65-1436(c)(3),

K.S.A. 65-1436(a)(6), K.S.A. 65-1436(a)(10) and/or K.S.A. 65-1436(a)(12), without any lawful justification or excuse. The scope, severity and repetitive nature of such misconduct merits the revocation of Respondent's Kansas license to practice dentistry in order to protect the public health and safety.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Kansas license to practice dentistry of Dr. Turner-Williams, D.D.S., Kansas License Number 60019, is hereby revoked. Such revocation action shall be immediately effective upon service of this FINAL ORDER REVOKING KANSAS LICENSE TO PRACTICE DENTISTRY. Pursuant to the provisions of K.S.A. 65-1431a, Dr. Turner-Williams shall not be eligible to apply for reinstatement of her revoked Kansas license to practice dentistry until after the expiration of three years from the effective date of this revocation.

NOTICE OF RIGHTS TO REVIEW

Any party, within 15 days after service of this FINAL ORDER REVOKING KANSAS LICENSE TO PRACTICE DENTISTRY ("FINAL ORDER"), may file a petition for reconsideration with the Kansas Dental Board, stating the specific grounds upon which relief is requested. *See* K.S.A. 77-529(a)(1). If this FINAL ORDER is served by mail, service is complete upon mailing and three (3) days shall be added to the 15-day period for filing a petition for reconsideration. *See* K.S.A. 77-531. In other words, any party served by mail may file a petition for reconsideration with the Kansas Dental Board within 18 days from the date this FINAL ORDER is mailed, which is indicated in the Certificate of Service below.

Any petition for judicial review shall be served on the Kansas Dental Board by serving B. Lane Hemsley, Executive Director, Kansas Dental Board at 900 S.W. Jackson, Room 564-S, Topeka, KS 66612. *See* K.S.A. 77-526(c).

Dated this 12th day of February, 2013, at Topeka, Kansas.

THE KANSAS DENTAL BOARD

By: 
B. LANE HEMSLEY
Executive Director

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a genuine copy of the above and foregoing FINAL ORDER REVOKING KANSAS LICENSE TO PRACTICE DENTISTRY was deposited in the United States mail, first class postage prepaid, on this 12 day of February, 2013, properly addressed to the parties as follows:

Charlotte Turner-Williams, D.D.S.
2010 East 21st Street
Wichita, Kansas 67214

Charlotte Turner-Williams, D.D.S.
6221 East Ironhorse
Wichita, KS 67220

Charlotte Turner-Williams, D.D.S.
505 N. Rock Road, Apt. 610
Wichita, KS 67206

Kevin M. Fowler
FRIEDEN, UNREIN & FORBES, LLP
555 S. Kansas, Suite 303
Topeka, Kansas 66603



MELISSA GRAHAM
Administrative Officer
Kansas Dental Board