

FILED

JUN 4 2008

**BEFORE THE KANSAS DENTAL BOARD**

In the Matter Of )  
 )  
 )  
ERIC N. YOUVAN, D.D.S. )  
License No. 6972 )

Case No.: 06-1830-6972 KANSAS DENTAL BOARD  
06-81  
OAH: 08DB0002

**DEFAULT ORDER**

Pursuant to K.S.A. 77-516(c)(8) and K.S.A. 77-520, Eric N. Youvan, D.D.S. ("Respondent"), is in default for failure to attend and participate in the Prehearing Conference held on the 15<sup>th</sup> day of May, 2008, beginning at 1:30 p.m. at the Office of Administrative Hearings, 1020 S. Kansas Avenue, Topeka, Kansas 66612. Due to the Respondent's default, the Office of Administrative Hearings enters the following Default Order, which is based on the Petition to Revoke, Suspend, or Otherwise Discipline Licensure, as set forth more fully below.

**I. FINDINGS OF FACT**

1. The Kansas Dental Board ("Board") previously issued Respondent License Number 6972, which entitled him to practice dentistry in the State of Kansas ("License").

2. On or about June 22, 2007, the Board entered a Stipulation and Final Agency Order whereby Respondent agreed and the Board ordered that, if the Respondent was not a party to an agreement with the Kansas Dental Impaired Provider Program, Respondent would immediately enter into an agreement. The Board further ordered that Respondent fully cooperate with the recommendations and requirements of the persons managing and implementing the Kansas Dental Impaired Provider Program, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by the Kansas Dental Impaired Provider Program and the further requirements of the

Board. Additionally, the Board ordered that Respondent shall, at all times, be in full compliance with the requirements of the Kansas Dental Impaired Provider Program.

3. The Heart of America Professional Network ("HAPN") is the entity that contracts to implement the evaluation, treatment, and monitoring functions of the Kansas Dental Impaired Provider Program.

4. The Respondent then entered into an agreement with HAPN for a substance abuse problem. Continued compliance with the requirements of the HAPN agreement and recovery requirements was essential to the Respondent being able to practice dentistry safely.

5. By letter dated November 6, 2007, HAPN notified the Respondent that he was in non-compliance with his HAPN agreement. The non-compliance issues include: Failure to perform a random UA as scheduled in October 2007; failure to call into the Compass Vision daily since October 2007; failure to attend monthly monitoring meetings in October 2007; and failure to turn in any twelve-step sheets in October 2007. The letter further stated that the Respondent was required to contact HAPN no later than November 14, 2007, or his HAPN file would be closed.

6. By letter dated November 20, 2007, HAPN notified the Respondent that his case was closed for non-compliance effective November 16, 2007. The Respondent's failure to maintain compliance with HAPN and recovery requirements renders him unsafe to practice dentistry.

7. On or about December 3, 2007, the Board issued an Emergency Order suspending the Respondent's license to practice dentistry in the State of Kansas until further order of the Board.

8. Notwithstanding Notice of the Prehearing Conference in this matter, the Respondent did not submit a Prehearing Questionnaire.

9. Notwithstanding Notice of the Prehearing Conference in this matter, the Respondent did not attend the Prehearing Conference.

## II. CONCLUSIONS OF LAW AND FACT

10. The Respondent is not in compliance with the Stipulation and Consent Order that he voluntarily signed and the Board entered on June 22, 2007.

11. The Respondent is not in compliance with the HAPN agreement. Continued compliance with the requirements of the HAPN agreement and recovery requirements are essential to the Respondent being able to practice dentistry safely.

12. The Respondent violated the Kansas Dental Law as specified in Count I of the Petition to Revoke, Suspend, or Otherwise Discipline Licensure. As a result, the Respondent's License to practice dentistry may be disciplined pursuant to K.S.A. 65-1436(b) and K.S.A. 65-1436(a)(2), in that he has habitually used intoxicants or drugs which have rendered him unfit for the practice of dentistry.

13. The Respondent violated the Kansas Dental Law as specified in Count II of the Petition to Revoke, Suspend or Otherwise Discipline Licensure. As a result, the Respondent's License to practice dentistry may be disciplined pursuant to K.S.A. 65-1436(b) and K.S.A. 65-1436(a)(3), as further defined by K.S.A. 65-1436(c)(3), in that he has engaged in a pattern of dental practice or other behavior which demonstrates a manifest incapacity or incompetence to practice dentistry.

### III. FINAL ORDER

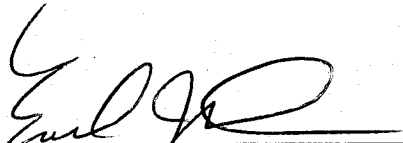
14. Based upon the Respondent's default for failure to attend and participate in the Prehearing Conference held on May 15, 2008, and the foregoing findings and conclusions, the Respondent's License to practice dentistry in the State of Kansas (Kansas License Number 6972) is hereby revoked until further order of the Board.

15. Within fifteen (15) days after service of this Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

16. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Final Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Betty Wright  
Executive Director  
Kansas Dental Board  
900 SW Jackson, Suite 564-S  
Topeka, Kansas 66612-1231

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Edward J. Gaschler  
Presiding Officer  
Office of Administrative Hearings

**CERTIFICATE OF SERVICE**

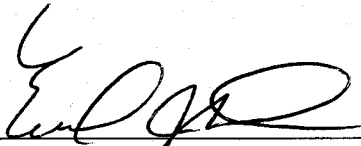
I hereby certify that I filed this original Default Order by depositing in the United States mail, postage prepaid, on this the 4 day of June, 2008, addressed to:

Eric N. Youvan, D.D.S.  
302 E. 4<sup>th</sup>, Suite E  
Pittsburg, KS 66762

Eric N. Youvan, D.D.S.  
1065 S. 220<sup>th</sup>  
Pittsburg, KS 66762

✓ Betty Wright  
Executive Director  
Kansas Dental Board  
900 SW Jackson, Room 564-S  
Topeka, Kansas 66612

B. Lane Hemsley  
Attorney at Law  
555 South Kansas Avenue, Suite 303  
Topeka, Kansas 66603

  
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Edward J. Gaschler  
Presiding Officer  
Office of Administrative Hearings