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MAY 16 2016

KANSAS DENTAL BOARD

BEFORE THE KANSAS DENTAL BOARD

In the Matter of the Licensure of:)
)
KURT A. WILLIAMS, D.D.S.)
Kansas License No. 6652)
_____)

Case No. 14-75

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Dental Board (the "Board") and Kurt A. Williams, 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 SW Ashworth Pl., Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by his attorney, Tracie R. England, Hite, Fanning & Honeyman L.L.P., 100 N. Broadway, Ste. 950, Wichita, KS 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 his Kansas license number 6652. 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 received certain information, investigated and determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of K.S.A. 65-1436(a) which would justify the revocation or imposition of other disciplinary action against his Kansas License under the provisions of K.S.A. 65-

1436(b) and the assessment of an appropriate fine against Respondent under the provisions of K.S.A. 65-1436(d).

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. In September 2009, patient DW presented to Respondent's dental practice with teeth #'s 1-5, 12-16, 17, 20, 29, 30 and 32 missing and complaining of some TMJ discomfort. The patient requested a solution that would restore her dentition and her smile.

B. Respondent treated patient DW by: (i) placing mini dental implants in the teeth #3, 4 and 5 area with splinted crowns; (ii) placing mini dental implants in teeth #12, 13 and 14 area with splinted crowns; (iii) extraction of tooth #31; and (iv) placing mini dental implants in the teeth #29 and 30 area with splinted crowns.

C. Prior to placing patient DW's mini dental implants and splinted crowns, Respondent: (i) failed to obtain adequate pre-surgical images; and (ii) failed to obtain accurately mounted study models. These failures fell below the applicable standard of dental care.

D. One or more of patient DW's mini dental implants was placed into the sinus.

E. Instances existed in the treatment provide to patient DW where the splinted crowns had exudate around them and the implants were placed so close together, the restorations could not be adequately cleansed.

F. In April 2015, the Board's Investigator examined the records of approximately 30 additional mini dental implant cases performed by Respondent. Of those additional cases: the same deficiencies described in subparagraph C above were found in over

half of the cases; the same deficiencies described in subparagraph E above were found in five cases; failure of the mini dental implants due to fracture or failure to integrate were found in five cases; and the placement of the mini dental implant into the sinus was found in one case.

Upon motion duly made, seconded and passed, the Board finds that Respondent's conduct constitutes professional incompetence pursuant to K.S.A. 65-1436 (a)(3) as defined at K.S.A. 65-1436 (c)(2) and subjects his license to discipline pursuant to K.S.A. 65-1436(b) including the imposition of an appropriate fine pursuant to K.S.A. 65-1436(d).

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

A. ADMINISTRATIVE FINE. Respondent agrees, and the Board further orders the Respondent to pay an administrative fine in the amount of One Thousand Dollars (\$1,000.00), within twenty (20) days of the entry of this Consent Order.

B. CONTINUING EDUCATION. Respondent agrees and consents that he shall obtain a minimum of 10 hours of continuing dental education in the area of dental implant treatment planning, placement and restoration using both mini implants and root form implants. The course(s) must be pre-approved by a Board representative and not any course the Respondent has previously taken. The education must include a hands-on course to be approved in advance by the Board. Each entity that administers the course must notify the Board 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. It is agreed that the 16 hour Implant Educators course titled *Hands-on Single Tooth Implant Survey and Restoration* attended by Respondent on June 6 and 7, 2015 ("Course") will satisfy continuing dental education required

by this provision. Within 30 days of the effective date of the Consent Order contemplated hereby, Respondent shall deliver to the Board's Executive Secretary a short written summary of the Course and a brief description of how the Course has affected changes to Respondent's implant therapy to the benefit of his patients.

C. PRACTICE REQUIREMENTS. All future implant cases performed by Respondent shall conform to the following requirements:

(i) Future implant cases should include sufficient radiographic information to ascertain all vital anatomy and dimensions;

(ii) The patient record should reflect that risks, benefits and all alternatives to mini-dental implants were presented to the patient;

(iii) Dental implant cases with remaining natural teeth should all receive a thorough periodontal evaluation before implants are placed with periodontal charting documented and used for treatment planning;

(iv) For cases involving multi-quadrants and/or replacement of two or more contiguous teeth, Respondent shall use mounted diagnostic casts with a wax-up and a rigid drill guide;

(v) Implants should be placed at least 1.5 mm from tooth roots and no more than 3-4 mm from other implants;

(vi) Implants placed into the sinus beyond 1 or 2 mm should not be used to support fixed or removable prosthetics;

(vii) A signed informed consent shall be included with all fixed cases supported by mini dental implants, which consent shall include at a minimum:

(a) Disclosure of all other options available;

(b) Disclosure of the oral hygiene limitations and potential periodontal and peri-implant disease;

(c) Disclosure that if a single implant loses integration the entire restoration may need replacement due to the design of the prosthesis;

(d) Disclosure of the expected useful life of mini-dental implants compared to root-form implants; and

(viii) In cases involving replacement of two or more teeth as a fixed prosthesis, the mini-implant supported restoration should be considered a transitional or provisional restoration.

(ix) In cases other than over-denture prosthesis the abutment implants for fixed prostheses shall utilize abutment components that reduce periodontal disease concerns as well as provide proper retention resistant and retrievability concerns. The use of ridge lap or saddle type implant crowns and pontics should be avoided in favor of emergence profile designs due to significant cleansability issues.

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:

(i) Comply fully with this Stipulation and Consent Order; and

(ii) 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 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 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 Procedure Act and the Kansas Judicial Review Act.

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 his to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order.

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12. The Respondent acknowledges that he enters into this Stipulation and Consent Order freely and voluntarily after consultation with or an opportunity to consult 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 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 Respondent hereby waives those rights.


ENTERED AND EFFECTIVE this 8 day of April, 2016.

KANSAS DENTAL BOARD

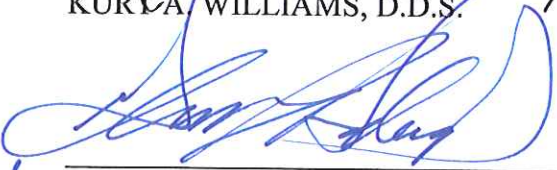
By: 

GLENN HEMBERGER, DDS
President

AGREED AND APPROVED BY:


KURT A. WILLIAMS, D.D.S.


4/1/2016
Date


CHARLES SQUIRE, D.D.S.
Investigation Member

04/08/2016
Date


Tracie R. England
HITE FANNING & HONEYMAN, L.L.P.
100 North Broadway, Suite 950
Wichita, KS 67202-2209
TEL: (316) 265-7741
FAX: (316) 267-7803
Attorney for Respondent

4/5/2016
Date


Randall J. Forbes #09089
FRIEDEN, UNREIN & FORBES, LLP
1414 SW Ashworth Pl., Suite 201
Topeka, Kansas 66604
TEL: (785) 354-1100
FAX: (785) 354-1113
Disciplinary Counsel for the Kansas Dental Board

04/07/2016
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 16th day of May, 2016, addressed to:

Randall J. Forbes
FRIEDEN, UNREIN & FORBES, LLP
14154 SW Ashworth Place, Suite 201
Topeka, KS 66604

PERSONAL AND CONFIDENTIAL

Kurt A. Williams, D.D.S.
202 N. Douglas Ave.
Ellsworth, KS 67439

Tracie R. England
HITE FANNING & HONEYMAN, L.L.P.
100 North Broadway, Suite 950
Wichita, KS 67202-2209



Representative of the Executive Director
KANSAS DENTAL BOARD