

BEFORE THE KANSAS DENTAL BOARD



In the Matter of the Licensure of:)
)
M. DEAN WRIGHT, D.D.S.)
Kansas License No. 5290)
_____)

Case No. 16-48

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Dental Board (the "Board") and M. Dean Wright, 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, Lisa A. McPherson, Martin Pringle, 100 N. Broadway, Ste. 301, 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 5290. 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. On July 14, 2009, Respondent performed a root canal on Patient J.S.'s tooth #31. X-rays taken in 2008 and 2009 revealed the presence of apical disease and the need for root canal treatment on tooth #31. X-rays taken in 2014 and 2015 reveal the presence of a broken file in the root canal system and infection at the root canal apex. Respondent failed to treat these conditions. Respondent's records contain no mention of the broken file, the infection or a plan for treatment of either. Respondent's records fail to indicate that Respondent advised the patient of either the broken file or of the infection. In March 2015 Respondent removed the tooth.

B. In July 2014, Respondent treated Patient DL by placing a 3-unit bridge from tooth #19 to tooth #21. At the time of this treatment, tooth #19, used as the distal abutment, had an apparent root fracture due to decay and was therefore not appropriate for use as an abutment for a bridge. Tooth #19 would not have any of the necessary retention or resistance form required of a bridge abutment.

C. In treating Patient MK, Respondent performed a post and build up on tooth #11 for the purpose of using tooth #11 as an abutment for a bridge. At the time of this treatment, X-rays revealed that the post perforated or nearly perforated the tooth root compromising the tooth and thereby making it inappropriate for use as an abutment for a bridge. Respondent's records contain no mention of the fact that the post perforated or nearly perforated

the tooth root compromising the tooth. Respondent's records fail to indicate that Respondent advised the patient of the fact that the post perforated or nearly perforated the tooth root compromising the tooth.

D. A records review performed by the Board's Investigator of multiple patient records revealed the following deficiencies in mini implants cases performed by Respondent:

- i. mini implants were placed such that they were touching or less than 1.5 millimeters from each other or from a natural tooth;
- ii. mini implants pulled out of the bone into which they were placed soon after placement;
- iii. failing to attach abutments to the mini implants which would be used for support of a crown or a fixed bridge and designing the bridge with saddle architecture that laps over the edentulous ridge thereby creating a situation in which it is extremely difficult or impossible for the patient to effectively clean under the bridge; and
- iv. splinting a restoration to both a natural tooth and a mini implant creating the strong potential for failure of the implant because of the differing potential for movement by the natural tooth and the mini implant.

E. A records review performed by the Board's Investigator of multiple patient records revealed that in multiple instances Respondent failed to record the type, strength and amount of local anesthetic and failed to record the diagnosis and/or reason for a tooth to be extracted.

F. A records review performed by the Board's Investigator of multiple patient records where mini implants had been placed to support of a crown or a fixed bridge revealed that in multiple instances Respondent failed to record any indication of the patient's periodontal condition, which would be pertinent and significant information.

6. 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).

7. 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 Five Thousand Dollars (\$5,000.00), within twenty (20) days of the entry of this Consent Order.

B. CONTINUING EDUCATION – RECORDKEEPING. Respondent agrees and consents that within 60 days of the effective date of the Consent Order contemplated hereby he shall obtain a minimum of 4 hours of continuing dental education in the area of recordkeeping. The course(s) must be pre-approved by a Board representative and not any course the Respondent has previously taken. 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. Within 30 days of the completion of the course(s) required hereby, Respondent shall deliver to the Board's Executive

Secretary a short written summary of the course(s) and a brief description of how the course(s) has affected changes to Respondent's recordkeeping to the benefit of his patients.

C. CONTINUING EDUCATION – MINI IMPLANTS. Respondent agrees and consents that within 120 days of the effective date of the Consent Order contemplated hereby 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. Within 30 days of the completion of the course(s) required hereby, Respondent shall deliver to the Board's Executive Secretary a short written summary of the course(s) and a brief description of how the course(s) has affected changes to Respondent's implant therapy to the benefit of his patients.

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

(i) Future implant cases should include sufficient pretreatment 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) Implants should be placed at least 1.5 mm from tooth roots and at least 3-4 mm from other implants;

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

(vi) 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

(vii) In cases other than over-denture removable 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.

E. 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.

8. 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.

9. 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.

10. 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.

11. 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.

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

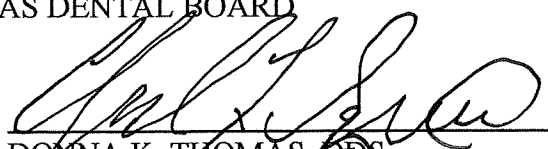
Lane Hemsley, its Executive Director, at 900 SW Jackson, Room 564-S, Topeka, KS 66612.

The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 13 day of April, 2018.

KANSAS DENTAL BOARD

By:


DONNA K. THOMAS, DDS

President


Charles Squier, DDS

AGREED AND APPROVED BY:




M. DEAN WRIGHT, D.D.S.

2-28-18
Date



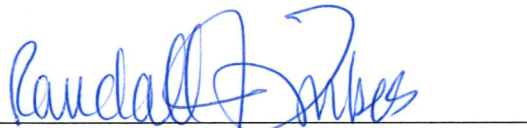
CHARLES SQUIRE, D.D.S.
Investigation Member

4/13/18
Date



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MARTIN PRINGLE
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Attorney for Respondent

3/2/18
Date



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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

03/05/2018
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 17th day of April, 2018, addressed to:

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

PERSONAL AND CONFIDENTIAL
M. Dean Wright, D.D.S.



Lisa McPherson
MARTIN PRINGLE
100 N. Broadway, Suite 500
Wichita, KS 67202



Representative of the Executive Director
KANSAS DENTAL BOARD