

BEFORE THE KANSAS DENTAL BOARD

FILED

JUN 18 2015

KANSAS DENTAL BOARD

In The Matter Of

Case No. 15-50

DONALD PFUETZE, DDS
LICENSE NO. 4552

**SUMMARY ORDER DENYING RENEWAL APPLICATION AND
CANCELLING KANSAS LICENSE TO PRACTICE DENTISTRY**

PLEASE TAKE NOTICE that the Biennial License Renewal Application of Donald Pfuetze, D.D.S., dated February 10, 2015, is hereby denied and that Kansas License No. 4552, which was issued by the Kansas Dental Board (“Board”) to Donald Pfuetze, D.D.S., is hereby cancelled due to noncompliance with the statutory and regulatory requirements for renewal.

This administrative action is necessary and appropriate based on the following findings of fact, discussion and conclusions of law.

FINDINGS OF FACT

1. The Kansas Dental Board previously issued to Donald Pfuetze, D.D.S. (“Dr. Pfuetze”) Kansas License No. 4552 authorizing him to practice dentistry in the State of Kansas (“Kansas License”).

2. Pursuant to 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”), and the staggered renewal system established by the

Board thereunder, Dr. Pfuetze's Kansas License was due for biennial renewal or expiration no later than December 1, 2014.

3. During October of 2014, the Board mailed a license renewal notice to Dr. Pfuetze at his primary practice location of 2400 S.W. 29th St., Topeka, KS 66611, informing him of the need to renew his Kansas License no later than December 1, 2015 and the amount of his renewal fee.

4. Dr. Pfuetze did not submit to the Board a renewal application or the renewal fee of \$275.00 in connection with his Kansas License on or before December 1, 2014.

5. By letter dated January 21, 2015, the Board notified Dr. Pfuetze that his Kansas License was past due for renewal and that he was "in danger of having to pay a penalty or having [his] license cancelled." The Board further informed Dr. Pfuetze: (a) that if he did not submit a completed paper or electronic renewal application and the renewal fee by February 1, 2015, he would be required to pay a \$500.00 penalty in addition to the renewal fee in order to renew his Kansas License; and (b) that if he did not submit a renewal application, renewal fee and penalty by March 1, 2015, his Kansas License "will automatically be cancelled and [he] will not be able to legally practice in Kansas."

6. On February 2, 2015, the Board received Check No. 11584 dated January 30, 2015, drawn on an account with Equity Bank in the name of Donald I. Pfuetze, DDS, P.A., and made payable to the order of Kansas Dental Board in the amount of \$275.00. The Memo portion of the check includes the notation "Renewal fee" without any further description or explanation. This check was not accompanied by a renewal application from Dr. Pfuetze.

7. On February 2, 2015, after receiving the check identified in Paragraph 6 above, the Board sent paper and electronic notice to Dr. Pfuetze that he had not submitted a renewal

application and that payment of the renewal fee alone would not renew his Kansas License. The Board also furnished Dr. Pfuetze a copy of the renewal application and informed him that he needed to submit to the Board a properly completed renewal application within 10 days (no later than February 12, 2015) in order to renew his Kansas License without penalty.

8. On February 10, 2015, the Board received a completed Biennial License Renewal Application which appears to be signed by Dr. Pfuetze. Although the renewal application clearly reflects that “[a]ll licensees must also have a valid CPR card, which may be counted as 4 hours” of the required 30 hours of continuing education, Dr. Pfuetze reported the status of his CPR certification as expired. In other words, Dr. Pfuetze did not possess current certification in CPR (i.e., basic cardiac life support or cardiopulmonary resuscitation) from an approved CPR Provider. Dr. Pfuetze also neither requested nor established any basis for an extension of time to obtain current CPR certification .

9. Although Dr. Pfuetze’s renewal application should not have been further processed due to his lack of current CPR certification, the check identified in Paragraph 6 above was subsequently deposited in the Board’s US Bank account to cover Dr. Pfuetze’s renewal fee of \$275.00. However, Equity Bank refused to honor Dr. Pfuetze’s check and, during late February or early March of 2015, it was returned to the Board marked with the notation: “Not Sufficient Funds”.

10. By letter dated March 12, 2015, the Board informed Dr. Pfuetze that the check for renewal of his Kansas License was returned due to insufficient funds and that he needed to furnish the Board the renewal fee of \$275.00 in cash, or by money order or cashier check, within 10 business days (or no later than March 26, 2015).

11. To date, Dr. Pfuetze has not responded to the Board's letter of March 12, 2015 or otherwise offered any justification or excuse for attempting to renew his Kansas License with an insufficient funds check or failing despite notice to promptly make payment. To date, Dr. Pfuetze has also failed and refused to pay any renewal fee or penalty for late renewal of his Kansas License.

DISCUSSION AND CONCLUSIONS OF LAW

12. K.A.R. 71-4-1, entitled "Continuing education credit hours and basic cardiac life support certificate required for renewal of license of dentist and dental hygienist," expressly states:

"Each licensee shall submit to the board, with the license renewal application, a current 'basic cardiac life support for health care provider' certificate from the American heart association or a current certificate deemed equivalent by the board from a provider approved by the board. The continuing education hours for either certificate may be applied to the continuing education requirement specified in subsection (b)."

Id. at § (a). This condition is reiterated on the Board's Biennial License Renewal Form as part of the continuing education requirement, which specifies that "[a]ll licensees must also have a valid CPR card, which may be counted as 4 hours." In other words, a current basic cardiac life support certificate (i.e., a valid CPR card) is required for renewal of any license to practice dentistry in the State of Kansas.

13. K.A.R. 71-4-1(d) provides that "[a]n extension of time to complete a continuing education requirement may be granted by the board if it finds that good cause has been shown." Although Dr. Pfuetze might have been able to obtain an extension of time from the Board in which to obtain current CPR certification, he neither requested nor established good cause for any such extension of time.

14. K.S.A. 65-1431 provides, in relevant part, as follows:

“(a) Each license to practice as a dentist . . . issued by the board, shall expire on December 1 of the year specified by the board for the expiration of the license and shall be renewed on a biennial basis. Each application for renewal shall be made on a form prescribed and furnished by the board. Every licensed dentist . . . shall pay to the board a renewal fee fixed by the board as provided in K.S.A. 65-1447, and amendments thereto.

* * * * *

(c) On or before December 1 of the year in which the licensee's license expires, the licensee shall transmit to the board a renewal application, upon a form prescribed by the board, which shall include such licensee's signature, post office address, the number of the license of such licensee, whether such licensee has been engaged during the preceding licensure period in active and continuous practice whether within or without this state, and such other information as may be required by the board

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(f)(1) Any license granted under authority of this act shall automatically be canceled if the holder thereof fails to apply for and obtain renewal prior to March 1 of the year following the December in which a renewal application is due.

(2) Any licensee whose license is required to be renewed for the next biennial period may obtain renewal, prior to February 1, by submitting to the board the required renewal application, payment of the biennial renewal fee and proof that such licensee has satisfactorily completed a program of continuing education required by the board. Any licensee whose license is required to be renewed for the next biennial period may obtain renewal, between February 1 and March 1, by submitting to the board the required renewal application, payment of the biennial renewal fee, payment of a penalty fee of not to exceed \$500 as fixed by rules and regulations by the board and proof that such licensee has satisfactorily completed a program of continuing education required by the board.”

15. Dr. Pfuteze failed to timely apply for, establish entitlement to and/or obtain renewal of his Kansas License prior to March 1, 2015 as required by law. Dr. Pfuetze was ineligible for renewal because he did not comply with the requirements for current CPR certification from any

approved CPR Provider and/or he failed to pay to the Board the prescribed license renewal fee. Therefore, Dr. Pfuetze's Biennial License Renewal Application dated February 2, 2015 is hereby denied due to noncompliance with mandatory conditions for the renewal of his Kansas License.

16. Pursuant to the provisions of K.S.A. 65-1431(f)(1), and based upon the findings of fact as set forth and discussed above, the Board finds and concludes that Kansas License No. 4552 issued to Donald Pfuetze, D.D.S. is cancelled and that Dr. Pfuetze is no longer authorized to practice dentistry in the State of Kansas under the authority of Kansas License No. 4552.

17. Pursuant to K.S.A. 77-537(a), the use of summary proceedings, subject to Dr. Pfuetze's right to request a hearing on the order, is appropriate herein since: (1) the use of those proceedings does not violate any provision of law; (2) the protection of the public does not require the Board to give notice and an opportunity to participate to persons other than parties; (3) the Board believes in good faith, based upon an investigation of the facts by the Board's Investigation Committee, that the allegations will be supported to the applicable standard of proof; and (4) the order does not take effect until after the time for requesting a hearing has expired.

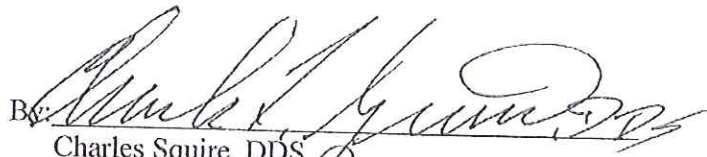
18. Pursuant to the provisions of K.S.A. 77-537(b)(1) and K.S.A. 77-542(a), Dr. Pfuetze has the right to request a hearing on this order under the Kansas administrative procedure act. If Dr. Pfuetze desires to exercise this right, a written request for a hearing must be filed with the Kansas Dental Board, 900 S.W. Jackson, Room 455-S, Topeka, Kansas 66612, within 15 days of service of this summary order and notice. Because Dr. Pfuetze will be served with this summary order and notice by mail, any written request for a hearing will be considered timely if it is filed with the Kansas Dental Board no later than 18 days from the date of mailing set forth on the Certificate of Service set forth below.

19. If Dr. Pfuetze does not timely file a written request for a hearing with the Kansas Dental Board, this summary order shall take effect immediately following expiration of the time authorized for requesting such a hearing.

IT IS SO ORDERED.

THE KANSAS DENTAL BOARD

June 17, 2015
Date

By: 
Charles Squire, DDS
Chairman, Investigation Committee
Kansas Dental Board

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2015, I deposited a genuine copy of the foregoing **SUMMARY ORDER DENYING RENEWAL APPLICATION AND CANCELLING KANSAS LICENSE TO PRACTICE DENTISTRY** in the United States mail, postage prepaid, properly addressed to the following:

Donald Pfuetze, DDS
2400 SW 29th Street
Topeka, KS 66611

Donald Pfuetze, DDS
Box 12
Eskridge, KS 66423


Board Representative
Kansas Dental Board