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BEFORE THE KANSAS DENTAL BOARD

KANSAS DENTAL BOARD

In the Matter of)
)
S. MEIGS JONES, JR., D.D.S.)
Kansas License No. 6519)

File No. 07-41

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Dental Board (the "Board") and S. Meigs Jones, Jr., D.D.S. (the "Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden & Forbes, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by his attorney, none

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 him Kansas license number 6519. 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 has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Respondent has committed an act or acts in violation of the Kansas Dental Act, K.S.A. 65-1401 *et seq.*

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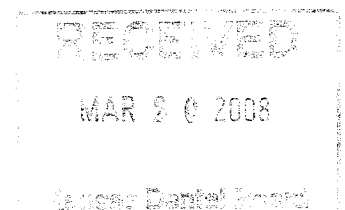
5. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board finds, that:

A. On or about February 27, 2007, the Board received a report from the National Practitioner Data Bank concerning a settlement based on the Respondent's treatment of Patient L.W. As a result, the Board contacted the Respondent's office to obtain patient records and legal documents pertaining to the settlement. A Board inspector subsequently received and reviewed patient records and legal documents from the Respondent regarding Patient L.W.

B. Patient L.W. was the patient of the Respondent's father from 1961 to 1980. Patient L.W. continued as the Respondent's patient from 1980 until May 25, 2004. The Respondent saw Patient L.W. approximately once a year for examinations. Additionally, the Respondent treated Patient L.W. for other acute problems.

C. A review of Respondent's patient records for Patient L.W. revealed that the patient records were inadequate. There was not a full set of x-rays taken since the time that Respondent assumed Patient L.W.'s care in 1980. There were limited bitewing x-rays, despite the multiple restorations in Patient L.W.'s mouth. Moreover, while the Respondent claimed that Patient L.W. refused x-rays on numerous occasions, this was not documented in the patient's record. Also, there were no periodontal records. Under the circumstances of this case, the Respondent failed to obtain adequate radiographs and maintain adequate records for Patient L.W.

D. A review of the Respondent's legal documents for Patient L.W. revealed that Patient L.W. had undiagnosed and untreated decay, periodontal disease, and endodontic lesions. Under the circumstances of this case, the Respondent failed to diagnose a chronic, worsening periodontal condition for Patient L.W.



E. After a Board inspector reviewed the Respondent's patient records and legal documents pertaining to Patient L.W., the Board's Investigative Member requested that a Board inspector perform a record review at the Respondent's office to determine the standard of care in the Respondent's practice with regard to diagnosis and recordkeeping.

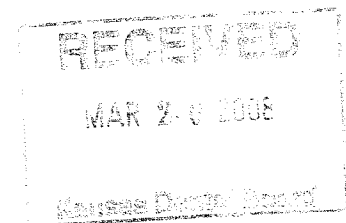
F. On or about November 30, 2007, a Board inspector arrived at the Respondent's office to perform a record review. During a review of 20 records, which were selected at random, the Board inspector evaluated each record for evidence of failure to diagnose and treat disease. Each record was also evaluated to assess adequate recordkeeping. Of the 20 records, the Board inspector found the following deficiencies:

1. Absent from all 20 records was any periodontal charting. While some of the records had occasional references in the progress and treatment notes to plaque and calculus levels, there was no evidence of ongoing charting of periodontal pockets or other symptoms of periodontal disease.

2. There was an absence in the records of any listed or charted diagnosed dental problems. Some records had an entry for a cleaning or examination, but the patient later returned to have a restoration placed. Further, no records were kept to show when a problem was diagnosed and remained untreated.

3. There were no full mouth x-ray series found in any of the records other than one or two panoramic films taken by an oral surgeon before wisdom teeth were extracted. Additionally, bitewing x-rays were taken every 18-24 months even in cases where a patient had full mouth restorations and/or a high incidence of dental disease.

G. Under the circumstances of this case, the Respondent failed to maintain adequate records and utilize appropriate diagnostic tools.



H. Under the circumstances of this case, the Respondent's failures to maintain adequate records and utilize appropriate diagnostic tools constitute deviations from the applicable standard of care.

The Board further finds and concludes that the aforesaid conduct is grounds for disciplinary action in the State of Kansas 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)(2), and K.S.A. 65-1436(a)(17).

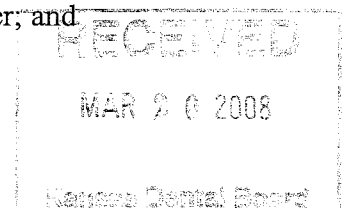
6. The Respondent agrees and consents, and the Board finds and concludes, that the following disposition is just and appropriate under the circumstances:

A. ADMINISTRATIVE FINE. Respondent agrees, and the Board further orders the Respondent, to pay to the Board, within ten (10) days of the effective date to the Stipulation and Consent Order contemplated hereby, an administrative fine in the amount of Five Hundred Dollars (\$500).

B. CONTINUING DENTAL EDUCATION. Respondent hereby agrees and consents to the Board entering an order requiring him, and the Board further orders the Respondent, to obtain eight (8) hours of dental education on the topic of diagnosis and treatment planning and eight (8) hours of dental education on the topic of periodontal diagnosis and treatment planning within six (6) months of the effective date to the Stipulation and Consent Order contemplated hereby, all in addition to any continuing education necessary to renew his Kansas dental license.

C. 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:

1. Comply fully with this Stipulation and Consent Order; and

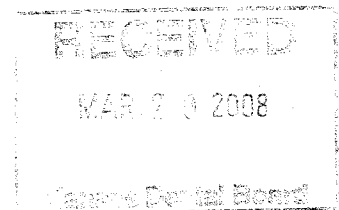


2. Comply fully with the Kansas Dental Act, the Board's rules and regulations and all state and federal laws relating to Kansas dentists.

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.



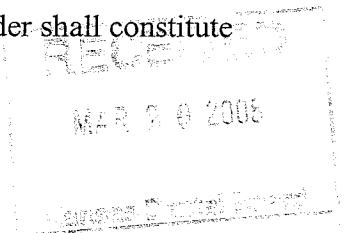
10. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

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 Procedures Act and the Act For Judicial Review and Civil Enforcement of Agency Action.

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.

12. The Respondent acknowledges that he enters into this Stipulation and Consent Order freely and voluntarily after consultation 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.

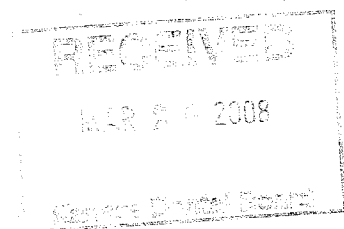
16. This Stipulation and Consent Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's President or the President's authorized representative.

17. For purposes of reporting to the National Practitioner's Data Bank, this matter shall be categorized as follows:

A. Adverse Action Classification: "1173 Publicly Available Fine/Monetary Penalty."

B. Basis For Action: "45 Failure to Maintain Records or Provide Medical, Financial or Other Required Information."

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 Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.*, and to serve such a petition for judicial review on the Kansas Dental Board by serving Betty Wright, its Executive Director, at 900 SW Jackson, Room 564-S, Topeka, KS 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 9th day of may, 2008.

KANSAS DENTAL BOARD

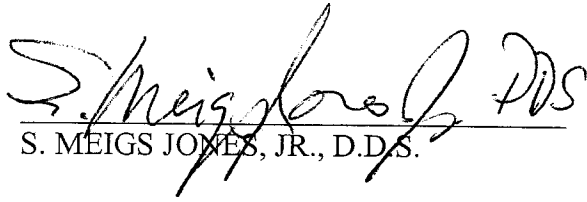
By:



RICHARD DARNALL, D.D.S.
President

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AGREED AND APPROVED BY:


S. MEIGS JONES, JR., D.D.S.


3/13/08
Date

BRAD HIGGERSON, D.D.S.
Investigation Member

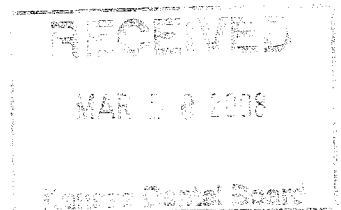
Date

Respondent's Attorney's Name & Address

Date


Randall J. Forbes #09089
FRIEDEN & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, Kansas 66603
TEL: (785) 232-7266
FAX: (785) 232-7266
Attorney for the Kansas Dental Board

3.18.08
Date

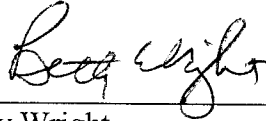


CERTIFICATE OF SERVICE

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 12th day of May, 2008, addressed to:

Randall J. Forbes
FRIEDEN & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603

S. Meigs Jones, Jr., D.D.S.
1901 West 47th Place
Westwood, KS 66205



Betty Wright
Executive Director
KANSAS DENTAL BOARD

