

BEFORE THE KANSAS DENTAL BOARD

FILED
APR 28 2006
KANSAS DENTAL BOARD

In the Matter of)
)
WILLIAM C. STRUTZ, D.D.S.)
Kansas License No. 5738)

File No. 2158-04

STIPULATION AND FINAL AGENCY ORDER

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

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Haynes & Forbes, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by his attorney, Dennis Owens, 7th Floor, Harzfeld's Building, Town Pavilion, 1111 Main Street, Kansas City, Missouri 64105-2116.

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 Act, 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 5738. 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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Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board that he failed to maintain appropriate dental records and failed to take adequate steps to prevent illegal activity by a member of his office staff.

The Board finds and concludes that Respondent's conduct, as described above, is violative of the Kansas Dental Act and is grounds for disciplinary action in the State of Kansas pursuant to K.S.A. 65-1436(a)(15), as defined at K.A.R. 71-1-15; and K.S.A. 65-1436(a)(17).

5. The Board finds and the Respondent agrees that the following disposition is just and appropriate under the circumstances:

A. EDUCATION. Respondent hereby agrees and consents that within 6 months of the entry of the Final Order contemplated hereby, he shall obtain no less than 6 hours of education in the area of risk management. The education must be a course or courses approved by the Board or the Board's Investigation Member. Each entity that administers the course must notify the Board that Respondent has successfully completed the course.

B. FINE. Respondent shall within ten (10) days of the Board entering the Final Agency Order contemplated hereby, pay to the Kansas Dental Board an administrative fine in the amount of One Thousand Dollars (\$1,000.00).

B. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Final Agency Order he must:

1. Comply fully with this Stipulation and Final Agency Order;
2. Comply fully with the Kansas Dental Act, the Board's rules and regulations and all state and federal laws relating to Kansas dentists;

6. 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

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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 Final Agency Order and the Final Order provided for herein, with or without the presence of the Respondent or his attorney. In the event that this Stipulation and Final Agency Order and the Final Order provided for herein are not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Final Agency 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.

7. The stipulations contained herein shall not become binding until this Stipulation and Final Agency Action is approved by the Board and the Final Order provided for herein is 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 Final Agency Action or the Final Order provided for herein.

8. The Respondent agrees that this Stipulation and Final Agency Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and enter the Final Order provided for herein. 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.

9. 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.

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10. 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.

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 Final Agency Order and the Final Order provided for herein.

11. The Respondent acknowledges that he enters into this Stipulation and Final Agency Order freely and voluntarily after consultation with counsel of his choosing. The Respondent further acknowledges that he has read this Stipulation and Final Agency order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

12. Time is of the essence to this Stipulation and Final Agency Order. Respondent acknowledges and agrees that any violation of this Stipulation and Final Agency 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

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Stipulation and Final Agency Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Final Agency Order.

13. This Stipulation and Final Agency Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Final Agency Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Final Agency Order shall be given full force and effect.

14. Upon execution by all parties, this Stipulation and Final Agency Order shall be a public record in the custody of the Board.

15. This Stipulation and Final Agency 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 authorized representative.

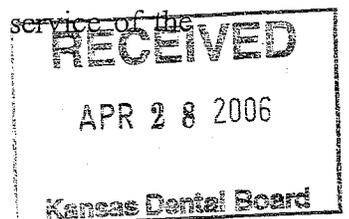
16. For purposes of reporting to the National Practitioner's Data Bank, this matter shall be categorized as follows:

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

B. Basis For Action: "99 Other - Recordkeeping."

17. The following statement will be made in the Board's newsletter: "The Board entered an order requiring William C. Strutz, DDS of Shawnee Mission, Kansas to pay an administrative fine."

18. The Respondent acknowledges that he has been advised by the Board that he would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the



Final Order provided for herein 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. The Respondent hereby waives those rights.

AGREED BY:



WILLIAM C. STRUTZ, D.D.S.
Respondent

3-4-2006

Date



STEPHEN HAUGHT, D.D.S.
Investigation Member

25 April 2006

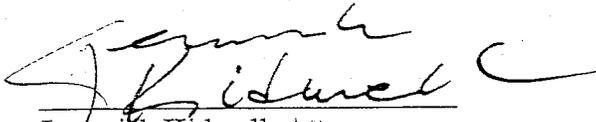
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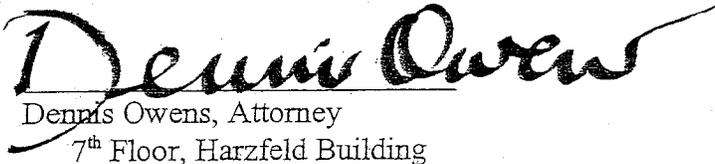
APPROVED BY:



Jeremiah Kidwell, Attorney
Kansas Bar Number 38718

8 March 2006

Date

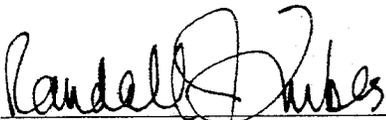


Dennis Owens, Attorney
7th Floor, Harzfeld Building
1111 Main Street
Kansas City, Missouri 64105
Telephone: (816) 474-3000
Facsimile: (816) 474-5533

March 6, 2006

Date

Counsel for William Strutz, D.D.S.



Randal J. Forbes, Attorney
Kansas Bar Number 09089
Frieden, Haynes & Forbes
Suite 303
555 S. Kansas Avenue
Topeka, Kansas 66603
Telephone: (785) 232-7266

3.9.06

Date

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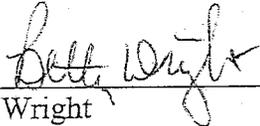
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing FINAL ORDER was served upon the Respondent and counsel by depositing same in the United States mail, postage prepaid, this ~~5th~~ day of May, 2006, addressed to:

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

William C. Strutz, D.D.S.
7070 Renner Road, Suite 201
Shawnee, Kansas 66217

Dennis Owens
7th Floor, Harzfeld's Building
Town Pavilion, 1111 Main Street
Kansas City, MO 64105-2116



Betty Wright
Executive Director
KANSAS DENTAL BOARD

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FINAL ORDER

Upon motion duly made, seconded and passed, the Kansas Dental Board (the "Board") approves and accepts the within Stipulation and Final Agency Order and incorporates the provisions thereof as the Final Order of the Board.

ENTERED AND EFFECTIVE this 21 day of April, 2006.

KANSAS DENTAL BOARD

By: Karen Callanan DDS
Karen Callanan, D.D.S.
President