

BEFORE THE KANSAS DENTAL BOARD

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KANSAS DENTAL BOARD

In the Matter of)
)
HENRY R. PASSARO, JR., D.D.S.)
License Number 5185)
_____)

Case No. 06-117

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Dental Board (the "Board") and Henry R. Passaro, 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, Jeremy S. Weis, Berkowitz Oliver Williams Shaw & Eisenbrandt LLP, 2600 Grand Boulevard, Suite 1200, Kansas City, Missouri 64108

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.*

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 5185. 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 that:

A. On or about September 22, 2006, the Respondent, a general dentist, ordered 2 units of Lorazepam Tablets 500/BT 2 MG, a controlled substance, from Henry Schein, Inc., a distributor of dental products and supplies.

B. By letter dated October 27, 2006, the Board requested an explanation from the Respondent regarding his order for the Lorazepam Tablets from Henry Schein, Inc.

C. On or about November 8, 2006, the Respondent called the Board's Executive Director, Betty Wright, and admitted to the use of Lorazepam beyond the amount prescribed by his doctor and to years of overuse of Lorazepam. The Respondent also admitted to self-prescribing Lorazepam for personal and non-dental related use.

6. The Board finds and concludes that Respondent's conduct, as described above, is grounds for disciplinary action pursuant to K.S.A. 65-1436(a)(10).

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

A. VOLUNTARY SURRENDER OF LICENSE. On or before the effective date of the Final Agency Order contemplated hereby, Respondent hereby agrees and consents to the voluntary surrender of his license to practice dentistry in the State of Kansas, license number 5185.

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; and

