

FILED

SEP 2 2010

KANSAS DENTAL BOARD

BEFORE THE KANSAS DENTAL BOARD

In The Matter Of

KELLEY A. SHEPARD, R.D.H.
License No. 1608

File No. 06-1852-1608

FINAL AGENCY ORDER

Kelley A. Shepard (“Shepard”) submitted an application to the Kansas Dental Board (the “Board”) for reinstatement of her license to practice dental hygiene in the State of Kansas. The application was received by the Board on March 31, 2010. On June 9, 2010, a Summary Order of Denial was entered denying the application. Shepard timely filed a request for a hearing. A hearing was held before the Board on August 20, 2010. After considering the evidence submitted at the hearing, the Board enters the following final agency order.

I. FINDINGS OF FACT

1. On April 10, 2007, in a prior proceeding, an Initial Order was entered by Presiding Officer Edward J. Gashler revoking Shepard’s license to practice dental hygiene in the State of Kansas. Among the findings in the Initial Order were that Shepard had reported to work as a dental hygienist under the influence of alcohol, had been diagnosed as alcohol dependant and had not participated in the Kansas Dental Impaired Provider Program. No request for review was made and that Initial Order became a final order.

2. At the August 20, 2010 hearing, Shepard testified she had been sober since July 20, 2008 and has been active in Alcoholics Anonymous since that time.

3. Numerous individuals wrote letters in support of Shepard's application for reinstatement. Those letters were admitted into evidence at the hearing and are a part of the record.

4. Shepard expressed a willingness to participate in the Kansas Dental Impaired Provider Program if her license is reinstated.

5. Shepard has continued to obtain continuing dental hygiene education since her license was revoked.

II. CONCLUSIONS OF LAW AND FACT

Based upon the evidence and the foregoing findings of fact, the Board finds that sufficient proof of rehabilitation was established to reinstate Shepard's license to practice dental hygiene in the State of Kansas subject to certain conditions and limitations.

III. ORDER

Shepard's license to practice dental hygiene in the State of Kansas is reinstated subject to the following conditions and limitations:

1. Before practicing dental hygiene in the State of Kansas, Shepard shall enter into an agreement with the Kansas Dental Impaired Provider Program. As a condition of her being licensed to practice dental hygiene in the State of Kansas, Shepard shall thereafter fully cooperate with the recommendations and requirements of the persons managing and implementing the Kansas Dental Impaired Provider Program, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by the Kansas Dental Impaired Provider Program and the further requirements of the Board. As an additional condition of her being licensed to practice dental hygiene in the State of Kansas, Shepard shall, at all times, be in full compliance with the

requirements of the Kansas Dental Impaired Provider Program. Shepard shall authorize the Kansas Dental Impaired Provider Program and any provider of evaluation or treatment programs she engages in to provide full and complete documentation and information regarding her involvement in the programs, her evaluations and treatment, including, but not limited to, all records and medical reports.

2. Until further order of the Board, Shepard shall practice dental hygiene in the State of Kansas only under the direct supervision of a licensed dentist, as direct supervision is defined at K.S.A. 65-1456(d).

3. Before practicing dental hygiene in the State of Kansas, Shepard shall pass a refresher course approved by the Board.

IV. NOTICES

Shepard is hereby notified as follows:

1. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

2. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Betty Wright
Executive Director
Kansas Dental Board
900 S.W. Jackson Street, Room 564-S
Topeka, KS 66612

IT IS SO ORDERED.

Aug. 31, 2010
Date

Denise L. Maus, RDH
DENISE MAUS, R.D.H.
President
Kansas Dental Board

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3rd day of September, 2010, deposit in the United States mail, postage prepaid, certified return receipt requested, a copy of the foregoing FINAL AGENCY ORDER, properly addressed to the following:

Kelley Ann Shepard, R.D.H.
6443 W, 150th Street
Overland Park, Kansas 66223

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107 SW 6th Street, Suite 210
Topeka, KS 66603

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Topeka, KS 66603



Betty Wright
Executive Director
Kansas Dental Board