

**SBDE NO. 2017-01070**

**IN THE MATTER OF  
THE LICENSE OF**

**KENNETH WILSTEAD, DDS**

**TEXAS DENTAL LICENSE  
NUMBER 27571**

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**BEFORE THE STATE**

**BOARD OF**

**DENTAL EXAMINERS**

**AGREED SETTLEMENT ORDER**

On the 17<sup>th</sup> day of May, 2019, the State Board of Dental Examiners (Board) met in a regularly scheduled meeting and the above-styled case was heard. The full Board adopted this Agreed Settlement Order (ASO) at a public meeting on the date shown above (effective date).

Kenneth Wilstead, DDS, holder of Texas Dental License No. 27571 (Respondent), appeared at an informal settlement conference on March 21, 2019, at 333 Guadalupe Street, Austin, Texas. Respondent was represented by Mark Hanna. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following ASO. Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, and that Respondent understands the nature of the alleged violations. Respondent's signature hereon also acknowledges that an adequate opportunity was provided to allow Respondent to respond to the alleged violations.

Board members David Tillman, DDS, and Lorie Jones, RDH, represented the Board at the settlement conference held pursuant to Texas Occupations Code § 263.007, and 22 Texas Administrative Code § 107.63. The Board representatives considered information presented by staff, the Respondent, and the Complainant, as applicable. The Board representatives, having carefully considered the Board's disciplinary guidelines, recommended the following ASO contingent on the full Board's approval.

**FINDINGS OF FACT**

1. Respondent, Kenneth Wilstead, DDS, holds Texas Dental License No. 27571. Respondent's license was initially issued on November 25, 2011, and was in full force and effect at all dates and times material and relevant to this ASO.

2. Respondent does not hold any sedation/anesthesia permits issued by the Board.
3. Respondent's past disciplinary history, as described in the Order dated August 14, 2015, is incorporated by reference as part of this ASO.
4. During the time period from January 11, 2016, through May 2, 2016, Respondent failed to meet the minimum standard of care in the treatment of a patient. Specifically, Respondent failed to:
  - a. perform periodontal probing; and
  - b. take pre and post cementation radiographs during the seating of crowns on teeth numbers 14 and 19.
5. During the time period from January 11, 2016, through February 1, 2017, Respondent failed to make, maintain, and keep adequate records of the treatment of the patient. Specifically, Respondent's records did not include:
  - a. vital signs, including prior to the administration of anesthesia;
  - b. written review of medical history;
  - c. findings and charting of clinical and radiographic oral examination;
  - d. diagnosis; or
  - e. an explanation why these items were not recorded.
6. On or about February 1, 2017, Respondent abandoned the patient. Specifically, Respondent failed to provide written notice as required by 22 Tex. Admin. Code § 108.5(b).

### **CONCLUSIONS OF LAW**

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Board has authority and jurisdiction over this case pursuant to Tex. Occ. Code §§ 251-267 and 22 Tex. Admin. Code §§ 100-125.
2. Respondent's conduct represents grounds for discipline under Tex. Occ. Code § 263.002(a)(4), (10); and 22 Tex. Admin. Code §§ 108.5(b), 108.7(1)-(3), (14), 108.8(b)(4)-(5), (c)(1)-(3), (12).

### **ORDER**

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 27571, issued to Kenneth Wilstead, DDS, is hereby issued the sanction of WARNING.

2. Respondent SHALL pay an administrative monetary fine in the amount of four thousand dollars (\$4,000.00) payable to the "Texas State Board of Dental Examiners" located at 333 Guadalupe Street, Tower 3, Suite 800, Austin, Texas 78701-3942. The administrative monetary fine SHALL be paid in full no later than six (6) months from the effective date of this ASO.
3. Respondent SHALL complete a total of fifteen (15) hours of continuing education (CE) courses, which SHALL be completed within six (6) months of the effective date of this ASO. The fifteen (15) hours of CE courses completed SHALL be in the following areas:

Risk Management and Record-Keeping	Three (3) hours
Ethics	Three (3) hours
Periodontics	Three (3) hours
Prosthodontics	Six (6) hours

This CE SHALL be in addition to Respondent's annual CE hours required for licensure by the Board.

All CE courses SHALL be approved in advance by Board Staff. It is the responsibility of Respondent to obtain such approval. Courses taken without prior approval and/or prior to the effective date of this ASO SHALL NOT satisfy the requirements of this ASO. Board Staff SHALL have the authority to reduce the number of CE days or hours based on course availability. Upon the successful completion of each course, Respondent SHALL provide complete documentation of the course completion to the Board.

4. Respondent SHALL successfully complete the Jurisprudence Assessment-Board Order and submit proof of completion to Board Staff within thirty (30) days of the effective date of this ASO. Respondent may not take the Jurisprudence Assessment-Board Order prior to the effective date of this ASO. Respondent SHALL be responsible for all costs relating to compliance with this requirement.
5. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this ASO.

**Signature page follows.**


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By signing this ASO, Respondent agrees to its terms, acknowledges understanding it, and agrees to satisfactorily comply with the mandates of this ASO in a timely manner or be subject to appropriate disciplinary action by the Board. Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this ASO or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth. This ASO is a compromise agreement pursuant to Tex. R. Evid. 408.

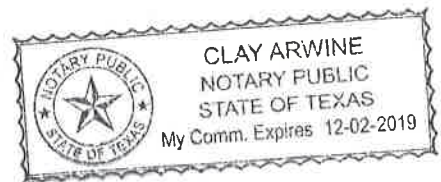
Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board. All of the above terms, conditions, and penalties become effective on the effective date of this ASO. The effective date of this ASO SHALL be the date it is adopted by the Board at a public meeting, as shown by the signatures of the Presiding Officer and Board Secretary, below.

THIS ASO IS A PUBLIC RECORD THAT WILL BECOME A PERMANENT PART OF RESPONDENT'S TEXAS DENTAL LICENSE DISCIPLINARY HISTORY. PRIOR DISCIPLINARY HISTORY MAY BE USED AS AN AGGRAVATING FACTOR IN FUTURE BOARD DISCIPLINARY ACTIONS.

  
Kenneth Wilstead, DDS, Respondent

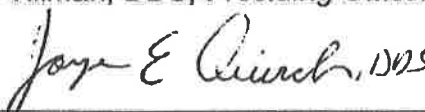
  
Clay Arwine, Notary Public, State of Texas, notarized the signature of Kenneth Wilstead, DDS, this 6 day of MAY, 2019.

  
NOTARY PUBLIC IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS  
SIGNED this 17<sup>th</sup> day of May, 2019.

  
David Tillman, DDS, Presiding Officer

  
Jorge Quirch, DDS, Board Secretary