

SBDE NOs. 2020-00776 & 2020-00951

IN THE MATTER OF	§	BEFORE THE STATE
THE LICENSE OF	§	
	§	
KENNETH WILSTEAD, DDS	§	BOARD OF
	§	
TEXAS DENTAL LICENSE	§	
NUMBER 27571	§	DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 10th day of September, 2021, 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 June 4, 2021, at 333 Guadalupe Street, Austin, Texas. Respondent was represented by Raymund King. 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 Brian Henderson, DDS, and Linda Burke, DDS, and Dental Review Committee member Reena Kuba Shiralkar, DDS, 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 Orders dated August 14, 2015 and May 17 2019, are incorporated by reference as part of this ASO.
4. During the time period from March 11, 2020, through May 8, 2020, Respondent fell below the minimum standard of care in the treatment of Patient 1. Specifically, Respondent failed to:
 - a. utilize a dental dam or other form of isolation during the root canal treatment for tooth number 4;
 - b. identify and diagnose the noticeable decay on the distal of tooth number 13 which can be seen in the radiographs taken on March 11, 2020;
 - c. perform a periodontal assessment; and
 - d. treatment plan a hygiene regimen for the patient.
5. During the time period from March 11, 2020, through May 8, 2020, Respondent failed to make, maintain, and keep adequate treatment records of Patient 1. Specifically, Respondent failed to include:
 - a. documentation of the use of a dental dam or other form of isolation during the root canal treatment for tooth number 4;
 - b. diagnosis for the noticeable decay on the distal of tooth number 13;
 - c. diagnosis for the treatment recommended on teeth numbers 4, 8, 10, 14, and 15;
 - d. periodontal charting;
 - e. a treatment plan for a hygiene regimen; or
 - f. an explanation why these items were not recorded.
6. During the time period from November 6, 2020, through November 30, 2020, Respondent failed to provide at Board staff's request a complete business records affidavit (BRA) for Patient 2. Specifically, Board staff requested a BRA that included the number of pages submitted to TSBDE for Patient 2. Board staff requested the completed form on November 6, 2020, November 19, 2020, and November 30, 2020 and have not received the completed form.

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 §§ 107.105(b), (c), 108.7(1), (2), 108.8(c)(2)(C), (3), (4), (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 REPRIMAND.
2. Respondent SHALL pay an administrative monetary fine in the amount of five thousand dollars (\$5,000.00) 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 nine (9) hours of continuing education (CE) courses, which SHALL be completed within six (6) months of the effective date of this ASO. The nine (9) hours of CE courses completed SHALL be in the following areas:

Endodontics	Three (3) hours
Ethics	Three (3) hours
Oral Diagnosis	Three (3) 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 – Dentist with no Sedation permit 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 – Dentist with no Sedation permit prior to the effective date of this ASO. Respondent SHALL be responsible for all costs relating to compliance with this requirement.

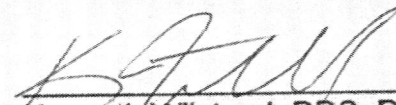
5. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this ASO.

Signature page follows.


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.

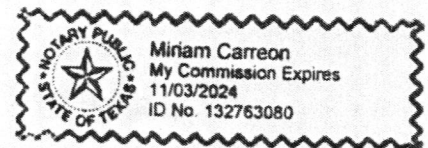
Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board. All of the above 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.

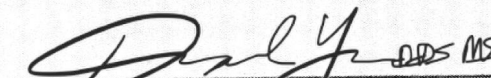

Kenneth Wilstead, DDS, Respondent

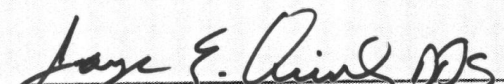
Miriam Carreon
Wilstead, DDS, this 06 day of July 2021, notarized the signature of Kenneth


NOTARY PUBLIC IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS
SIGNED this 10th day of September, 2021.


David H. Yu, DDS, Presiding Officer


Jorge Quirch, DDS, Board Secretary