

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

---

**COMPLETE TITLE OF CASE**

JOSEPH H. KERWIN, D.D.S.,

Appellant,

v.

MISSOURI DENTAL BOARD,

Respondent.

---

**DOCKET NUMBER WD74129**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** June 29, 2012

---

**APPEAL FROM**

The Circuit Court of Cole County, Missouri  
The Honorable Daniel R. Green, Judge

---

**JUDGES**

Division Two: Howard, P.J., and Pfeiffer and Mitchell, JJ.

CONCURRING.

---

**ATTORNEYS**

Mariam Decker and Julia S. Grus  
Columbia, MO

Attorneys for Appellant,

Tina M. Crow Halcomb  
Jefferson City, MO

Attorney for Respondent.

---



**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**JOSEPH H. KERWIN, D.D.S.,** )  
 )  
 ) **Appellant,** )  
**v.** ) **OPINION FILED:**  
 ) **June 29, 2012**  
**MISSOURI DENTAL BOARD,** )  
 )  
 ) **Respondent.** )

**WD74129**

**Cole County**

**Before Division Two Judges:** Victor C. Howard, Presiding Judge, and Mark D. Pfeiffer and Karen King Mitchell, Judges

Joseph H. Kerwin treated a feverish two-day-old patient in his dental office using cranial manipulation and applying a vibrating machine to the infant's sacrum. The infant died the next morning. The Missouri Dental Board conducted a field investigation of Kerwin, and filed a complaint with the Administrative Hearing Commission seeking the Commission's determination that Kerwin's license was subject to discipline. After a hearing, the Commission found that grounds existed for the Board to discipline Kerwin's dental license under RSMo § 332.321.2. After a hearing, the Board revoked Kerwin's certificate of registration and license to practice dentistry in the State of Missouri. Kerwin petitioned for judicial review to the Cole County Circuit Court, which affirmed the disciplinary decision of the Commission. Kerwin appeals.

**AFFIRMED.**

**Division Two holds:**

The Commission had sufficient evidence to find that grounds existed for the Board to discipline Kerwin's dental license for: (1) Kerwin's gross deviation from the standard of care of dentists for not emergently referring the infant patient to an appropriate medical professional or medical facility for medical treatment; (2) Kerwin's flagrant abuse of the title of "doctor" that he used to create a professional trust with the infant's parents and for which he deceptively obtained

a fee in the process of violating that trust; and (3) Kerwin's incompetence and intentional misrepresentation as to his fulfillment of continuing education requirements.

**Opinion by: Mark D. Pfeiffer, Judge**

June 29, 2012

\* \* \* \* \*

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.