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**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
DIVISION SIX**

KANSAS DENTAL BOARD )  
Plaintiff, )  
vs. )  
ONE HOUR SMILE )  
Defendant. )

Case No.: 10 C 1835

**JOURNAL ENTRY OF JUDGMENT**

In lieu of a formal trial, the parties agreed to submit the case to the Court based upon twenty-eight (28) separate TRIAL EXHIBITS, which include deposition transcripts and four (4) stipulations contained in the Pretrial Order. On June 28, 2012, the Court heard oral arguments.

**I. FINDINGS OF FACT**

The Court makes the following findings of fact:

1. One Hour Smile is a Kansas limited liability company. Mark Cline is the sole member of One Hour Smile.
2. Mark Cline is not licensed to practice dentistry or dental hygiene in the State of Kansas.
3. No dentist or dental hygienist is associated with the One Hour Smile business.
4. One Hour Smile provides teeth whitening services. Mr. Cline has provided all of the teeth whitening services at One Hour Smile except for a period of time when Barbara Zimmerman filled in for him. Cline has no specialized dental training and is not licensed by any Kansas licensing board.
5. The services and procedures typically provided to a One Hour Smile customer include:

- a. The customer is required to fill out a consent form.
- b. Based upon the information provided on the consent form, Cline evaluates whether the customer is a candidate for the whitening procedure.
- c. The customer is asked to get into a white chair which looks like a chair in a dental office.
- d. The customer is provided the whitening gel Cline has preselected.
- e. The customer is provided Vitamin E oil and instructed to place it on his or her lips.
- f. Cline loads the tray (mouthpiece) with whitening gel from a syringe.
- g. Without wearing gloves, Cline fills the tray with whitening gel and then hands it to the customer to put into his or her mouth).
- h. The customer is instructed by Cline on how to insert the mouthpiece into the mouth and how to position it. Cline checks to see if the mouthpiece has been inserted and positioned correctly and instructs the customer on repositioning if it has not.
- i. The customer is instructed by Cline on how to position his or her lips.
- j. Cline instructs the customer on how the LED light is to be positioned.
- k. Cline advises the customer that the whitening gel will not cause harm if swallowed.
- l. Cline positions the LED light.
- m. Cline determines the total amount of time the client's open mouth will be exposed to the LED light.
- n. Cline sets the timer on the LED light for the time period Cline has selected.
- o. Cline checks on the customer periodically.
- p. Cline selects and provides to the customer a "desensitizing gel" and instructs the customer on its use.

6. The active ingredient in ProWhite whitening gel is carbamide peroxide.

7. There are multiple manufacturers of whitening gel and they each provide various concentrations of carbamide peroxide. Cline selected forty-four percent (44%) ProWhite whitening gel. The forty-four percent concentration was the strongest available from ProWhite and Cline selected it because he felt it was the most effective.

8. ProWhite Dental sells teeth whitening gels in the following concentrations of carbamide peroxide: 16 percent, 22 percent, 35 percent, and 44 percent.

9. Cline believes that the LED light, because of its specific wave length, which to his understanding allows the peroxide in the whitening gel to penetrate the enamel of the tooth.

10. Cline does not believe the LED light dehydrates the teeth.

11. Part of One Hour Smile's advertising is a Frequently Asked Questions piece designed to advise potential customers about teeth whitening.

12. The Frequently Asked Questions document claims the teeth whitening process will clean crowns and veneers. It also claims the teeth whitening process will remove stain caused by aging; consuming coffee, tea, colas or tobacco; and trauma and tetracycline (antibiotic) staining.

13. One Hour Smile also uses a folding brochure to advertise its teeth whitening services. The brochure includes the following statements:

- a. *"Professional Teeth Whitening"*
- b. We have a three step *service* at one low cost.
  1. 45 minute whitening
  2. 15 minute desensitizing
  3. Take home touch-up penAll for \$149.00. A second *treatment* is just \$75.00 if scheduled within 30 days of initial procedure.
- c. ONE HOUR SMILE will customize your *procedure* to fit.
- d. Our trained staff will *advise* you on the best solution for your desired results.
- e. We are dedicated to bringing you the highest quality products, safest procedures and best results in the Teeth Whitening industry.
- f. Our ONE HOUR SMILE *procedure* allows you to get the smile you want, in the time you have.
- g. We have *designed* our *procedure* to achieve the best results with the greatest concern for safety and comfort.
- h. Our trained staff will *evaluate and recommend* the product that will achieve the results you desire.
- i. The entire ONE HOUR SMILE *treatment* will only take an hour of your valuable time.
- j. No waiting weeks for a dental appointment . . .
- k. Using the very best dental grade carbamide gels . . .

14. This advertising piece describes what One Hour Smile provides as: "Professional" once, a "procedure" six times, a "service" once, and as a "treatment" once.

15. One Hour Smile customers are required to fill out and sign a Customer Information and Consent form.

16. The Customer Information and Consent form, under the heading "REASONS FOR EXCLUSIONS FROM TREATMENT," asks the customer to give a yes or no answer to the following questions:

- a. Have allergies or reactions to carbamide, peroxide, or glycerin?
- b. Have existing tooth decay, significant enamel demineralization, Periodontal (gum)?
- c. Disease, irritated or bleeding gums or gingivitis?
- d. Are photosensitive to light or are on any photosensitive drugs Urticaria Solaris or Erythropoetic Protoporphyrin medication?
- e. Are pregnant, suspected of being pregnant or are breast feeding?
- f. Are you under the age of seventeen?
- g. Have had oral surgery or extraction within the last twenty-eight days?
- h. Are wearing a piercing or metal object(s) in the oral cavity?

17. The Customer Information and Consent form contains the following release that the customer is required to sign:

I, [Customer Name], (The "Releaser"), in consideration of the services provided and other goods and valuable consideration, the receipt and sufficiency of which is acknowledged by Releaser, hereby releases and now and forever discharges One Hour Smile and any other entity performing any of these services rendered and its employees, distributors, and/or wholesalers (collectively the administrators and assigns[]) of any of them hereafter can, shall or may have for any reason whatsoever, including but not limited to all actions, damages, claims and demands arising out of product, service or services provided. One Hour Smile and all entities within advise buyer(s) to consult their dentist before any treatment or utilizing any One Hour Smile product or service in treatment by One Hour Smile's retail customers.

One Hour Smile is an independent contractor that sells to purchasers, technicians, dealers and wholesaler's [sic] and nothing shall be construed that would constitute these parties as partners or joint ventures. In the event an attorney is employed to exercise or protect One Hour Smile hereunder, Purchaser/Releaser shall pay all reasonable attorney fees and cost of court incurred by One Hour Smile. This agreement is governed by the laws of the State of Kansas

and the courts of Johnson County shall have exclusive jurisdiction over any claim or dispute arising hereunder. Any legal action or dispute, involving One Hour Smile as a party in any way, or arising out of this agreement of the performance of any services may only be maintained in Johnson County, State of Kansas. The laws of Kansas will govern its validity, interpretation and the performance by parties hereto of their respective duties and obligations[.] One Hour Smile recommends that your dentist be consulted prior to any and all applications.

I have read the above, certify that I am over 18 years of age (or am the parent/legal guardian signing granting permission for treatment of a client under 18 years of age) and I/he/she has/have healthy teeth and gums.

In witness Whereof Releaser Has Executed This Release on \_\_\_/\_\_\_/\_\_\_ (Date). \_\_\_\_\_ Customer Signature. . .

18. The release form also cautions: "If at any time you are experiencing discomfort or burning, please cease treatment immediately."

19. Across the bottom of the Customer Information and Consent form, the following words are in large, bolded type: "**One Hour Smile Professional Teeth Whitening ...**

20. One Hour Smile does not require the customers to be examined by a dentist before receiving the teeth whitening service.

21. Cline does not examine customers to determine if they have periodontal disease or tooth decay and would not know how to determine if they had periodontal disease, tooth decay, or enamel demineralization.

22. Cline looks at the customer's answers provided in the REASONS FOR EXCLUSION FROM TREATMENT section and then makes his own judgment whether or not to allow the customer to go forward with the procedure.

23. A "yes" answer to the "Are you pregnant, suspected of being pregnant or breast feeding" question would not necessarily preclude One Hour Smile from providing the service

and a “no” would not necessarily allow the customer to get the service. Cline would use this information to decide how to “advise” the customer.

24. The only two questions that if answered “yes” would absolutely preclude the customer from getting the service are:

- a. Have allergies or reactions to either carbamide, peroxide or glycerin?
- b. Are you photosensitive to light or are you on any photosensitive drugs or Urticaria Solaris?

25. One Hour Smile does not provide the customer protective eyewear and the customer is not required to wear sunglasses.

26. Several of the advertising pieces used by One Hour Smile refer to the service as “professional teeth whitening.”

27. Cline and his advertising company drafted the One Hour Smile advertising.

28. Cline testified he never uses gel from the same whitening gel syringe for different customers. Barbara Zimmerman would put about one-fourth of the contents of the ProWhite teeth whitening gel syringe into the customers tray and would use the rest for other customers.

29. One Hour Smile used a Fast Bleach Smile LED light and has an Owner’s Manual for it.

30. The customers are not provided a copy of the Fast Bleach Smile LED light Owner’s Manual nor does Cline go over the material in the Owner’s Manual with the customers.

31. The first substantive page of the Fast Bleach Smile LED light Owner’s Manual states:

Safety

\*NOTE

Prior to installation and start-up of the device, please read these instructions.

The proper function and safe operation of this electrical device, depends on the user's compliance with standard safety procedures as well as the specific safety recommendations presented in the following operating instructions. The device must be used in strict accordance with these instructions. The manufacturer assumes no liability for any damage resulting from the use of this device for any other purpose.

I. The light must not be aimed at the eyes in order to avoid serious health consequence due to irradiation. Use eye protection glasses. Exposure must be restricted to the area of the oral cavity in which clinical treatment is intended.

II. If you have history of cataract surgery, you may be particularly sensitive to exposure to light and should be discouraged from Fast Bleach Smile treatment unless adequate safety measures, such as the use of protective glasses to remove blue light are undertaken.

III. Individuals with a history of retinal disease should seek advice from their ophthalmologist prior to operating the device. In operating the Fast Bleach Smile device, this group of individuals must take extreme care and comply with any and all safety precautions.

IV. Do not use Fast Bleach Smile on patients with a history of photo biological reactions, including individuals using Urticaria Solaris or Erythropoetic Protoporphyrin medication, including 8-methoxypsoralen or dimethylchlortetracycline.

V. Fast Bleach Smile must not be used on patients or by users, with heart pacemaker implants who have been advised to be cautious with regard to their exposure to small electrical devices.

**VI. CAUTION! The Fast Bleach Smile device generates high intensity light. The light emitted should be aimed directly on the teeth.**

**CAUTION!**

32. Cline does not ask customers about cataract surgery, retinal disease, or pacemakers.

33. The Fast Bleach Smile Owner's Manual identifies the factory standard setting as "15-minute exposure time with 5-minute increments."

34. Cline received the letter dated March 3, 2010 from the Executive Director of the Kansas Dental Board advising him of relevant Kansas law and directing him and One Hour Smile to discontinue providing teeth bleaching services.

35. Cline does not know what would happen if a customer had an allergic reaction to the whitening gel.

36. The customers never put the gel in the tray. It was always done by a One Hour Smile employee for them.

37. The timer on the light would be set for thirty minutes the first time and then reset for another fifteen minutes, for a total of forty-five minutes.

38. Zimmerman provided teeth whitening services at One Hour Smile from February 3, 2010 to approximately December 31, 2011.

39. Zimmerman is neither a dentist nor a dental hygienist. There was no dentist or dental hygienist associated with the business.

40. Zimmerman has had no medical training.

41. Zimmerman's experience was in the spa and salon business.

42. When Zimmerman worked at One Hour Smile, it used two gels with differing concentrations of carbamide peroxide. She would make a determination regarding which one she thought would be the best for the individual customer.

43. Denise Maus is a dental hygienist licensed to practice in the State of Kansas.

44. Part of Maus' duties as a dental hygienist is to remove stain from teeth with a scaler and polishers.

45. Van Benjamin Haywood, D.M.D., called as an expert witness for the Plaintiff, is a professor at the Georgia Sciences University, College of Dental Medicine.

46. Dr. Haywood received his D.M.D. in 1974 and since then has been in private practice and taught at two dental schools. He is licensed as a dentist in Georgia, North Carolina, and South Carolina.



47. Dr. Haywood is best known for his work in the areas of bleaching and aesthetic dentistry.

48. Dr. Haywood has made over 145 presentations regarding bleaching in approximately 25 states and approximately 25 countries. He has also authored a book on teeth bleaching and chapters in other books on teeth bleaching.

49. Tray bleaching using carbamide peroxide, the service provided by One Hour Smile, is taught in almost every dental school in the United States.

50. Dr. Haywood has extensive experience and expertise in the fields of dentistry and teeth bleaching.

51. Teeth bleaching or whitening results as a result of the carbamide peroxide penetrating through the enamel of the tooth to the inside dentin, changing both the genetic color of the tooth the patient was born with as well as removing stains.

52. Dangers to the patient from teeth bleaching include:

- a. Changing the color of the tooth without treating the underlying disease that has caused the discoloration
- b. Causing anywhere from mild to acute sensitivity to the patient
- c. Causing a lack of uniform color of the teeth
- d. Tissue burn

53. Standard practice for a dentist who has a patient who desires teeth bleaching is to first perform an examination of the patient to diagnose the cause of the discoloration of the teeth.

54. In Dr. Haywood's opinion, discoloration or staining may be an indication of dental conditions such as abscessed teeth, tooth decay, internal or external resorption, faulty restorations, and tumors or cysts, and may require X-rays as well as clinical examination to accurately diagnose. As a result, during the pretreatment examination, the dentist looks for

disease related causes of discoloration. The dentist also checks for sensitivity and whether the tray could affect the jaw joint. The dentist also examines for contraindications to providing teeth whitening. To properly diagnose the cause of the discoloration, the dentist must obtain a medical history

55. It is important to properly identify the cause of the discoloration so that the correct treatment is provided. Often times, the only symptom of an abscessed tooth or resorption is the discoloration. If whitening is performed without treating the pathology, the symptom may be removed, but the pathology remains. (Without a proper diagnosis, teeth whitening can mask the disease process occurring in the tooth

56. The peroxide molecules go through to the nerve of the tooth and inflame the pulp. Depending on the patient's pain tolerance, they can feel nothing, to a dull ache, to a sharp, shooting pain

57. Teeth bleaching constitutes the practice of dentistry.

58. Even low concentrations of peroxide can damage tissue that is inflamed. The higher the concentration of peroxide is, the greater the burn, and the greater the pain. Hence the reason it is important to examine the health of the tissue in the mouth before teeth bleaching.

59. In Dr. Haywood's opinion, only licensed dentists should be permitted to provide teeth bleaching services using 44 percent carbamide peroxide for the protection of the person receiving the service.

## **II. CONCLUSIONS OF LAW**

Based upon the foregoing findings of fact, the Court makes the following conclusions of law:

- A. **One Hour Smile provides a service and procedure that alters the color and physical condition of natural teeth, which constitutes practicing dentistry pursuant to K.A.R. § 71-11-1(a).**

Van B. Haywood, D.M.D., is one of the country's leading authorities on teeth bleaching.

In his expert report, which is **Trial Exhibit 15**, Dr. Haywood described the change in color and physical condition of the tooth resulting from the carbamide peroxide teeth bleaching as follows:

The common tooth bleaching materials go through intact enamel and dentin to the pulp (nerve) of the tooth in 5-15 minutes. Hence, the bleaching process is removing stains and discolorations inside the enamel and inside the dentin, as well as on the surface of the enamel. In addition to removing stains and discolorations, bleaching is also changing the genetic color of the tooth by changing the color of the dentin. Persons are born with different colored teeth in the same manner as they have different eye or hair color (see photographs in Exhibits). Bleaching is changing the genetic color of the tooth, as some patients are born with very yellow teeth, evident in their teenage years. Also, this situation can easily be seen clinically in persons who have dark canine teeth (eye teeth) compared to their other incisor (front) teeth (see photographs in Exhibits). Those teeth were darker from the time they erupted, not due to external staining. Bleaching will lighten the canine tooth to closer match the other normal colored teeth. Once these stains or discolorations are removed, some removal is permanent, and some regress over time (1-10 years) requiring treatment.

*(See Trial Exhibit 15: Haywood's Expert Report at p. 5-6.)*

Dr. Haywood also indicated that the teeth bleaching process can remove the darkening of the tooth's color caused by: (i) trauma that causes a tooth root to die; (ii) the disease process of resorption; and (iii) tooth decay. Clearly, tray teeth bleaching with carbamide peroxide, a dental procedure taught in every dental school alters the color and physical condition of natural teeth and is the practice of dentistry.

- B. One Hour Smile provides a service and procedure that requires the positioning and adjustment of equipment or appliances for the purpose of altering the color or physical condition of the tooth, which constitutes practicing dentistry pursuant to K.A.R. § 71-11-19(b).**

The service and procedure provided by One Hour Smile requires the positioning and adjustment of a tray (mouth piece) appliance in the patient's mouth. It is the tray that holds the whitening gel against the teeth during the procedure. One Hour Smile's owner, Mark Cline, testified that it is necessary for him to provide the service of demonstrating and instructing his clients on the proper placement and adjustment of the mouth piece in the client's mouth. He also testified that he provides the service of instructing the client on the proper positioning and adjusting of the LED light. He also provides the service of adjusting the LED light by selecting not only the intervals of exposure, but the total time of exposure.

- C. One Hour Smile provides dental services which constitute the practice of dentistry pursuant to K.S.A. § 65-1422(a).**

K.S.A. § 65-1422(a) defines the practice of dentistry to include performing *any dental service of any kind*. The record establishes that the employees of One Hour Smile perform the following dental services for the customers:

1. They use the information on the Customer Information and Consent form to evaluate whether the customer is an appropriate candidate for the teeth whitening procedure and then counsels the customer on whether to have the procedure performed.

2. They select the manufacturer of the whitening gel to be applied to the customer's teeth.

3. They select the manufacturer of the whitening agent to be used in the procedure. They select which of the various strengths of whitening agent offered by the manufacturer will be applied to the customer's teeth. ProWhite, the manufacturer selected by One Hour Smile,

offered four different strengths ranging from sixteen percent (16%) to forty-four percent (44%). Cline testified One Hour Smile selected forty-four percent (44%) for its customers. Zimmerman testified she selected between two strengths of whitening agent depending on which one she felt would best meet the needs of the customer.

4. They select the type of LED light to be used in the whitening procedures.
5. They select the overall length of time as well as the intervals of time the client's teeth and gums will be exposed to the LED light. The manufacturer of the LED light used by One Hour Smile established a standard setting of "15 minute exposure time with 5-minute increments." One Hour Smile has chosen to expose the client's teeth to the LED light for a constant 30 minutes and then an additional 15 minutes.
6. They determine the amount of whitening gel to be placed in the mouth piece.
7. They counsel the customer on the risks and lack of risks from getting the whitening gel on soft tissue or swallowing it.
8. They instruct the customer on the proper method of inserting and positioning the mouth piece.
9. They instruct the customer on the proper positioning of the customer's lips and the positioning of the LED light.
10. They select the desensitizing gel for the customer and instruct on its use.
11. By withholding from the customer safety information provided by the LED light manufacturer in the Owner's Manual that comes with the light, they effectively make safety decisions for the customer. The LED Light Owner's Manual states that "[t]he device must be used in strict accordance with these instructions." Notwithstanding that the manual directs "[u]se eye protection glasses," One Hour Smile customers are not provided or required to use eye

protective glasses. Similarly, although the manual cautions against use of the light by persons with a history of cataract surgery and/or retinal disease, One Hour Smile does not ask potential customers if they have a history of cataract surgery or retinal disease. The manual directs that the device “must not be used on patients . . . with heart pacemaker implants who have been advised to be cautious with regard to their exposure to small electrical devices.” One Hour Smile does not determine if prospective customers have heart pacemaker implant.

Not only does One Hour Smile represent to the consuming public that it provides a dental service and treatment, it in fact provides numerous dental services to its customers.

**D. One Hour Smile professes to perform dental services that constitute the practice of dentistry pursuant to K.S.A. § 65-1422(a).**

K.S.A. § 65-1422(a) defines the practice of dentistry to include *professing to perform* any dental service of any kind. The written materials used by One Hour Smile to advertise and implement its teeth whitening business are replete with statements and claims professing dental services. The following are examples:

1. In multiple advertising pieces, One Hour Smile describes its service as “Professional Teeth Whitening.” The adjective “professional” is defined as “a: of, relating to or characteristic of a professional, b: engaged in one of the learned professions, c: characterized by or conforming to the technical or ethical standards of a profession.” [Webster’s New Collegiate Dictionary.]

2. The advertising materials repeatedly indicate One Hour Smile is providing a teeth whitening service. One advertisement refers to the service as a “treatment.”

3. One Hour Smile professes that it will “customize” the teeth whitening procedure to “fit” the customer.

4. One Hour Smile professes that its “trained staff will advise” the customer on the “best solution” for the desired results. In this regard, it is important to recall Dr. Haywood’s testimony that often times stained teeth are the only symptoms a person experiences from various disease processes. As Dr. Haywood points out, because teeth whiteners like One Hour Smile do not diagnose or have the ability to diagnose the cause of the discoloration, the whitening service they provide will effectively mask the disease process, resulting in the disease process not being treated and the patient not getting the best solution. Both Cline and Zimmerman testified they are not dentists, that they do not examine the customer and do not attempt to make a diagnosis. Therefore, in instances where the teeth discoloration is caused by a disease process, the teeth bleaching service provided by One Hour Smile is not the “best solution” for the customer.

5. One Hour Smile professes that its “trained staff will evaluate and recommend the product that will achieve the results the client desires.”

6. One Hour Smile professes that it has “designed” its “procedure to achieve the best results with the greatest concern for safety and comfort.”

7. One Hour Smile professes to identify customers who are not candidates for teeth whitening and counsel prospective customers on whether they should go through the teeth whitening process.

8. As part of the release portion of the Customer Information and Consent for, which the customer must sign, the customer releases One Hour Smile and others from “all actions, damages, claims and demands arising out of product, service or services provided” (emphasis added). Additionally, the release recites that the consideration given by One Hour Smile for the release is the “services provided” (emphasis added).

One Hour Smile has gone out of its way to profess to the consuming public that it provides dental services. It even describes the service it provides as *professional*.

**E. The service provided by One Hour Smile treats the physical condition of teeth, which constitutes the practice of dentistry pursuant to K.S.A. § 65-1422(f)**

As discussed above, the teeth bleaching process engaged in by One Hour Smile not only removes stain, it also alters the genetic color of the tooth. As Dr. Haywood described in his expert opinion, some teeth naturally have an other-than-white color, not because of staining, but because the tooth formed that way. In the teeth bleaching process, the peroxide molecules actually penetrate the enamel of the tooth and change the natural color of the dentin, thereby altering this physical and genetic condition of the tooth.

**F. The service provided by One Hour Smile does remove stain from the teeth and therefore also falls within the definition of the practice of dental hygiene.**

K.S.A. § 65-1456(b) provides that the practice of dental hygiene includes “therapeutic procedures which result in the removal of extraneous . . . stains . . . from the teeth . . .” Clearly, the teeth bleaching service provided by One Hour Smile is intended to and does remove stain from the teeth.

**G. One Hour should be enjoined.**

Neither One Hour Smile, Mark Cline nor Barbara Zimmerman are licensed to practice dentistry or dental hygiene in the State of Kansas. There is no dentist associated with the One Hour Smile business. One Hour Smile professes to provide dental services and in fact does provide services in Kansas that constitute the practice of dentistry and dental hygiene and defined by Kansas law at K.S.A. 65-1422 and 65-1456 and K.A.R. 77-11-1. This continued violation of Kansas Dental Practices Act should be enjoined pursuant to K.S.A. 65-1451.



The Court finds the case of *White Smile USA, Inc. v. Board of Dental Examiners of Alabama*, 36 So. 3d 9 (2009) instructive, as the factual circumstances were very similar to the instant case and both the Alabama and Kansas statutes define the practice of dentistry to include providing a *dental service of any kind*. In addition, the Court concludes that the decision in *State ex rel. State Board of Healing Arts v. Thomas*, 33 Kan. App. 2d 73 (2004) and the Kansas Dental Practices Act (the "Act") allow the Kansas Dental Board to prevent non-licensed persons from engaging in acts which constitute the practice of dentistry when doing so violates the Act.

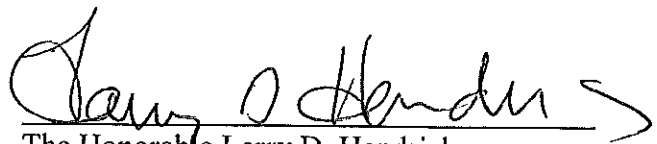
### III. ORDER

NOW THEREFORE, the Court determines that the teeth whitening service provided by One Hour Smile constitutes the illegal practice of dentistry and dental hygiene, as defined by the Kansas Dental Practices Act at K.S.A. 65-1422 and 65-1456 and K.A.R. 71-11-1, and hereby enters an order enjoining One Hour Smile from continuing to provide teeth whitening services. Specifically, One Hour Smile is enjoined from providing teeth whitening or bleaching services or treatment in Kansas, including but not limited to providing any type of promotional material for teeth whitening or bleaching, employing any person to provide teeth whitening or bleaching services or treatment in Kansas, providing any instructions to customers for teeth whitening or bleaching, offering or undertaking, by any means or methods, to remove stains or discolorations from teeth in Kansas, or to perform any service or procedure listed in K.A.R. 71-11-1 (a) or (b).

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

7/23/12

  
The Honorable Larry D. Hendricks  
Judge of the District Court