

**BEFORE THE BOARD OF DENTAL EXAMINERS  
OF THE STATE OF IOWA**

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<b>IN THE MATTER OF:</b>	)	
<b>ROBERT BRUCE COCHRANE, D.D.S.</b>	)	
<b>1611 1<sup>st</sup> Avenue North</b>	)	
<b>Fort Dodge, IA 50501</b>	)	<b>NOTICE OF HEARING</b>
<b>License #6251</b>	)	
<b>Respondent</b>	)	

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You are hereby notified that on August 22, 2003, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2003), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

**IT IS HEREBY ORDERED** that a disciplinary contested case hearing be held upon the Statement of Charges on Thursday, December 4, 2003, before the full Board or a panel of the Board. The hearing shall begin at 10:00 a.m. and shall be located in the 1<sup>st</sup> Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8<sup>th</sup> Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an

Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, IA 50319  
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code

51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 22nd day of August, 2003.

  
GEORGE F. NORTH, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

Monty L. Fisher  
Attorney for Respondent  
200 Snell Building  
P. O. Box 1560  
Fort Dodge, IA 50501

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<b>1611 1<sup>st</sup> Avenue N.</b>	)	
<b>Fort Dodge, IA 50501</b>	)	<b>STATEMENT OF CHARGES</b>
<b>License #6251</b>	)	
<b>Respondent</b>	)	

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On July 1, 1977, the Respondent, was issued license number 6251 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
- 3) License number 6251 is current and on active status until June 30, 2004.

**COUNT I**

Respondent is charged under Iowa Code Section 272C.3(2)(a) (2003) and 650 Iowa Administrative Code Section 30.4(23) with failing to comply with a decision of the Board imposing licensee discipline.

**COUNT II**

The Respondent is charged under Iowa Code section 272C.10(3) (2003) and 650 Iowa Administrative Code Section 30.4(39) with making misleading, deceptive, untrue, or fraudulent statements in the practice of dentistry.

### COUNT III

The Respondent is charged under Iowa Code section 153.34(7) (2003) and 650 Iowa Administrative Code Section 30.4(13) with dishonorable or unprofessional conduct in the practice of dentistry.

#### THE CIRCUMSTANCES

1. On December 28<sup>th</sup>, 1995, the Iowa Board of Dental Examiners found cause to file a Statement of Charges against Respondent for:
  - a. The inability to practice dentistry with reasonable skill and safety by reason of his habitual use of controlled drugs.
  - b. With obtaining or attempting to obtain a prescription drug or procure or attempting to procure the administration of a prescription drug by fraud, deceit, and misrepresentation and concealing a material fact.
  - c. With willfully or repeatedly violating a Board rule when he indiscriminately or promiscuously prescribed or dispensed any drug for other than lawful purposes.
  - d. With failing to keep records of disbursements of drugs.
  - e. With willfully making a false statement in any prescription, report, or record.
  - f. With making false prescriptions.
  - g. With willfully or repeatedly violating a Board rule when he did not record each occasion when medication was prescribed, administered, or dispensed in the patient's record.

2. The Board and Respondent entered into a Stipulation and Consent Order on February 15, 1996, to settle the pending Statement of Charges. In that settlement agreement, Respondent was required to comply with any recommendations of the substance abuse treatment program he attended. Further, certain restrictions were placed on Respondent's DEA and CSA registrations, and Respondent's dental license was placed on indefinite probation, subject to a number of standard terms for monitoring a substance abuse condition.
3. On July 20, 2001, the Board released Respondent from probation.
4. On March 13<sup>th</sup>, 2003, the Iowa Board of Dental Examiners found cause to file a Statement of Charges against Respondent for:
  - a. The inability to practice dentistry with reasonable skill and safety by reason of his habitual use of controlled drugs.
  - b. Failing to maintain records of controlled substance prescriptions pursuant to 650 Iowa Administrative Code Section(s) 16.3(2) and 16.2(5).
5. The Board and Respondent entered into a Stipulation and Consent Order on April 16<sup>th</sup>, 2003, to settle the pending Statement of Charges. In that settlement agreement, Respondent's dental license was placed on indefinite probation subject to a number of standard terms for monitoring a substance abuse condition.
6. Respondent violated the terms of that April 16<sup>th</sup>, 2003, settlement agreement by:
  - a. Failing to submit copies of issued prescription medications on a monthly basis.

- b. Failing to submit proper verification of meeting attendance of Alcoholics Anonymous or Narcotics Anonymous meetings.
  - c. Failing to participate in group counseling for people in recovery at a facility approved by the Board.
  - d. Failing to ensure that his physician counselor submits written quarterly reports to the Board concerning Respondent's treatment and progress.
  - e. Failing to submit reports detailing his participation with his physician counselor/aftercare provider(s).
7. Respondent sent at least two letters to "...all my referring dentists..." as a result of the Board's Statement of Charges and Stipulation and Consent Order.
8. These letters misrepresented the nature and severity of the Board's disciplinary action in several respects which include, but is not limited to:
- a. Respondent in his March 17<sup>th</sup>, 2003, letter wrote, "*They have indicated that nothing I have done is wrong.*"
  - b. Respondent in his April 18<sup>th</sup>, 2003, letter wrote, "*It seems that I was mistaken in that you can get in trouble for writing yourself a prescription for a non-controlled drug for a routine dental problem.*"
  - c. Respondent also wrote in his letter of April 18<sup>th</sup>, 2003, "*They have informally informed my lawyer that my administering and dispensing was proper and then they formally agreed that was I no way under the influence of any medication.*"

On this 22<sup>nd</sup> day of August, 2003, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
GEORGE F. NORTH, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
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