

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

IN THE MATTER OF:)

ROBERT J. GETMAN, D.D.S.)
2500 18th Street)
Bettendorf, IA 52722)

NOTICE OF HEARING

License #4251)

Respondent)

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 8:00 a.m. and shall be located in the Conference Room, Iowa Board of Dental Examiners at 400 SW 8th 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
2nd 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 8th 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

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IN THE MATTER OF:)	
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2500 18th Street)	
Bettendorf, IA 52722)	STATEMENT OF CHARGES
)	
Iowa Dental License #4251)	
Respondent)	

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On April 19, 1948, the Respondent, was issued license number 4251 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 4251 is current and on active status until June 30, 2004.

COUNT I

The Respondent is charged with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, in violation of Iowa Code Section 153.34 (9) (2003) and 650 Iowa Administrative Code Section 30.4(16).

COUNT II

Respondent is charged under Iowa Code Section 153.34(4) (2003) with willful or repeated violations of the rules of the Board by failing to maintain records in a manner consistent with the protection of the welfare of the patient, in violation of 650 Iowa Administrative Code Section 27.11.

THE CIRCUMSTANCES

1. A Board consultant reviewed ten (10) patient records subpoenaed from Respondent's dental office and concluded that Respondent is not practicing to the standard of care due to the following deficiencies:
 - a) On patient J.B., there was visible periodontal disease on this patient's x-rays, but there is no record entry showing that Respondent diagnosed this disease. Other bitewing x-rays show evidence of severe bone loss and decay present, but there is no record entry showing that Respondent diagnosed or treated the problems.
 - b) On patient J.W., this patient visited Respondent numerous times for discomfort with tooth #15. X-rays support that the tooth has periapical involvement but Respondent never diagnosed or treated the problem.
 - c) On patient B.V., bitewing x-rays show decay on tooth #22, but there is no record entry could be found showing that Respondent diagnosed or treated this condition.
 - d) On patient D.H., bitewing x-rays show decay on tooth #6, #11, #31, and #20, but there is no record entry that Respondent diagnosed or treated any of the lesions.
2. Board rule 650-27.11 states that dentists shall maintain patient records in a manner consistent with the protection of the welfare of the patient.
3. The Board consultant concluded that Respondent's record keeping failed to meet an acceptable standard of care.
4. All ten (10) patient records failed to meet an acceptable standard of care due to:

- a) No records included periodontal probings or periodontal screenings.
- b) All records lacked treatment plans.
- c) The records did not include entries reflecting the type or quantity of anesthetic being used.
- d) The records lacked health history updates.
- e) The records also lacked assessment of hard and soft tissues and oral hygiene habits on maintenance exams.

On this 22nd 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
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