

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

IN THE MATTER OF:)

TIM P. NICOLINO, D.D.S.)
1004 E. Park)
Des Moines, IA 50315)

NOTICE OF HEARING

License #6914)

Respondent)

You are hereby notified that on April 22, 2004, 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 June 18, 2004, before the full Board or a panel of the Board. The hearing shall begin at 9:00 a.m. and shall be located in the 1st Floor 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:

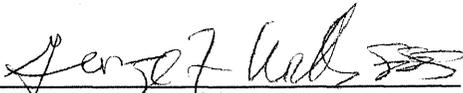
Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

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 April, 2004.


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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TIM P. NICOLINO, D.D.S.)	
1004 E. Park)	
Des Moines, IA 50315)	STATEMENT OF CHARGES
License #6914)	
Respondent)	

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On July 27, 1983, Tim P. Nicolino, D.D.S., the Respondent, was issued license number 6914 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 6914 is current and on probationary status subject to the terms and conditions of the Board's April 17th, 2003, Settlement Agreement and Final Order involving Respondent.

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.

THE CIRCUMSTANCES

1. On April 17th, 2003, the Iowa Board of Dental Examiners entered into a combined Statement of Charges, Settlement Agreement and Final Order with Respondent.
2. The Board at that time charged the Respondent with the inability to practice dentistry with reasonable skill and safety by reason of habitual or excessive use of drugs, narcotics, chemicals, or other types of materials, after receiving information that Respondent was chemically dependant.
3. In that Settlement Agreement, Respondent was required to comply with any recommendations of the residential evaluating/treatment facility that he attended. Further, Respondent's dental license was placed on indefinite probation, subject to a number of standard terms for monitoring a substance abuse condition, including abstinence from the personal use and possession of alcohol and all controlled substances or drugs in any form, unless lawfully prescribed by a duly licensed and treating health care provider in consultation with his treating physician counselor.
4. On May 21st, 2003, the Board received information confirming that Respondent had used an illegal controlled substance. Respondent at that time admitted that he had relapsed and voluntarily re-entered the residential evaluating/treatment facility for further in-patient treatment.
5. Respondent was later successfully discharged from the treatment facility and on June 19th, 2003, the Board informed him that further action with respect to this type of conduct would be dealt with in a formal manner.

6. On March 1st, 2004, the Board received information indicating that Respondent had experienced another relapse, this time involving alcohol. The Respondent later admitted that he had relapsed with alcohol on several occasions.

On this 22nd day of April, 2004, 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 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
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