

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

IN THE MATTER OF:)	
DOUGLAS R. PICK, D.D.S.)	
206 Main Street)	
Ida Grove, IA 51445)	NOTICE OF HEARING
License #6598)	
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 1:00 p.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 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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Ida Grove, IA 51445)	STATEMENT OF CHARGES
License #6598)	
Respondent)	

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On July 1, 1980, Douglas R. Pick, D.D.S., the Respondent, was issued license number 6598 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 6598 is current and on active status until June 30, 2004.

COUNT I

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.

COUNT II

The Respondent is charged under Iowa Code Section 153.34(5) (2003) and 650 Iowa Administrative Code Section 30.4(10) with obtaining a fee by fraud or misrepresentation.

COUNT III

The Respondent is charged under Iowa Code Section 153.34(7) (2003) and 650 Iowa Administrative Code 30.4(13) with unprofessional conduct in the practice of dentistry by reporting incorrect treatment dates in violation of Iowa Administrative Code 27.7(5).

COUNT IV

The Respondent is charged under Iowa Code Section 153.34(4) (2003) with willfully or repeatedly violating a Board rule by failing to protect the health of patients by delegating auxiliary staff duties which cannot be legally delegated to them, which is in violation of 650 Iowa Administrative Code Section 27.5.

THE CIRCUMSTANCES

1. 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.
2. Board rule 650-27.7(5) states that a dentist who submits a claim form to a third party reporting incorrect treatment dates is engaged in making unethical, false or misleading representations.
3. Approximately eleven (11) patient records were reviewed by a Board consultant. Following this review, the consultant concluded that :
 - a. All of Respondent's computer generated patient records fail to comply with Board record keeping rules because the records fail to include information regarding materials or bases used, anesthetics administered, prognosis, health data updates, and treatment sequence.

- b. On patient D.A. and patient R.W., Respondent performed procedures in 2002 that were partially billed to third party programs during the 2002 benefit period and the 2003 benefit period in order to receive the maximum payable allowance.
4. Iowa law requires that a person engaged in the practice of dental assisting to register with the Board pursuant to Iowa Code Section 153.39(1), and 650 Iowa Administrative Code Section 20.1.
5. Respondent allowed an unregistered auxiliary staff person to perform dental assisting duties which cannot be legally delegated to them.
6. Respondent was previously disciplined by the Board in 1988 for, inter-alia, allowing an unlicensed dentist and unlicensed auxiliary staff to perform acts which constitute the unauthorized practice of dentistry and for allowing his auxiliary staff to take radiographs before becoming certified.

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

400 SW 8th Street, Ste. D

Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
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