

BEFORE THE BOARD OF DENTAL EXAMINERS

OF THE STATE OF IOWA

IN THE MATTER OF:)

TERRY R. SHIVELY, D.D.S.)

1206 2nd Avenue East)

Spencer, IA 51301)

License #5797)

Respondent)

STIPULATION AND
CONSENT ORDER

On this 22nd day of March, 2004, the Iowa Board of Dental Examiners and Terry R. Shively, D.D.S., 1206 2nd Avenue East, Spencer, Iowa, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing scheduled to commence before the Iowa Board of Dental Examiners on the 4th day of December, 2003, and was continued instead to be held May 21, 2004, on the allegations specified in the Statement of Charges which is attached to the Notice of Hearing dated August 22, 2003, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice dentistry on the 1st day of July, 1971, as evidenced by License Number 5797, which is recorded in Book C, Page 97, of the permanent records in the office of the Iowa Board of Dental Examiners.
2. That Iowa Dental License Number 5797 is current and in full force until June 30, 2004.
3. Respondent shall make timely application for renewal of his license at that time.
4. That the Iowa Board of Dental Examiners has jurisdiction over the parties and subject matter herein.

5. A Notice of Hearing and Statement of Charges was filed against Respondent on August 22, 2003.

6. Respondent has filed an answer denying the allegations in the Statement of Charges.

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the State of Iowa shall be placed on probation for a period of five (5) years. Respondent may apply for early termination of probation after eighteen (18) months, following submission of a successful practice review of 10 randomly-selected records by a Board-approved dentist. The probation shall be subject to the following terms and conditions:

SECTION I.

TERMS AND CONDITIONS OF PROBATION

1. Within sixty (60) days of the date of this Order, Respondent shall submit to the Board for its approval a continuing education plan in the areas of diagnosis and treatment planning. Respondent shall complete this continuing education within one hundred twenty (120) days of the date of this Order.
2. Respondent shall successfully complete a Board-approved course in dental record keeping within sixty (60) days of the date of this Order.
3. Respondent shall within sixty (60) days of the date of this Order submit to the Board for approval a plan for improving the quality of the radiographs in his office.
4. Respondent shall remit to the Board a civil penalty in the amount of one thousand dollars (\$1,000.00) within sixty (60) days of the date of this Order.
5. Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for all costs, including mileage and expenses incurred by

the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit for such costs.

6. Respondent shall fully cooperate with random unannounced office visits by agents of the Board to determine compliance with this Order.
7. Respondent shall upon reasonable notice, and subject to the provisions of Board rule 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
8. Respondent shall make quarterly reports to the Board with respect to his practice and detailing his compliance with the terms of this Order.
9. If Respondent moves to another state, he shall notify the Board fourteen (14) days prior to his departure.

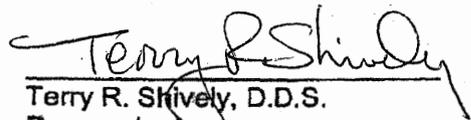
SECTION II.

GENERAL PROVISIONS

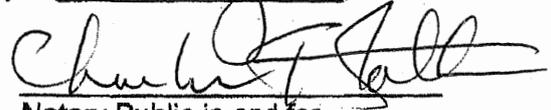
1. Respondent acknowledges that he has read in its entirety the foregoing Stipulation and Consent Order and that he understands its content and that he enters into this Order freely and voluntarily.
2. Respondent agrees this Stipulation and Consent Order constitutes the resolution of a pending contested case. By entering into this Stipulation and Consent Order, Respondent voluntarily waives any right to a contested case hearing on allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.
3. Respondent acknowledges that he has the right to be represented by counsel in this matter.

4. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
5. Respondent understands that the Board will report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
6. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way whatsoever, to execute this Order.
7. Respondent acknowledges that this proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party.
8. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of dentistry in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code Section 272C.3(2)(a) (2003).
9. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board.

This Stipulation and Consent Order is voluntarily submitted on this 26TH day of FEBRUARY, 2004.


Terry R. Shively, D.D.S.
Respondent

Subscribed and Sworn to before me on this 26th day of February, 2004.


Notary Public in and for
the State of Iowa

This Stipulation and Consent Order is accepted by the Iowa Board of Dental Examiners
on this 22nd day of March, 2004.

Deena R. Kuempel, D.D.S.

DEENA R. KUEMPEL, D.D.S.
Vice-Chairperson
Iowa Board of Dental Examiners

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