

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES FOR

ROBERT S. BATES, D.D.S., RESPONDENT

CLARENCE, NY

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Robert S. Bates, D.D.S. (Respondent), on February 1, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Statement of Charges, Settlement Agreement and Final Order.
2. Respondent was issued license number 08463 on May 21, 2007, 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 08463 expires August 31, 2014.

LEGAL AUTHORITY AND JURISDICTION

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapter 153 and 272C (2011).

STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. Respondent is charged under Iowa Code Section 153.34(4) (2011) and 650 Iowa Administrative Code Section 30.4(13) with willful or repeated violations of the rules of the Board for failing to properly notify patients upon discontinuation of practice in violation of 650 Iowa Administrative Code Section 27.10(1).

COUNT II

6. The Respondent is charged under Iowa Code Section 153.34(11)(2011) with disciplinary action taken by a licensing authority of another state.

STATEMENT OF MATTERS ASSERTED

7. Respondent was the President of Allcare Dental Management, LLC, and Allcare Dental & Dentures, Inc. of IA, PC ("Allcare"), which on December 31, 2010, without warning, but based upon the advice of counsel due to financial problems, closed multiple Allcare offices within the United States, including its Des Moines, Iowa, office.
8. Dentists in Iowa are required upon retirement, or discontinuance of the practice of dentistry to notify all active patients in writing, or by publication once a week for three consecutive weeks and are required to make reasonable arrangements

with active patients for the transfer of patient records. Respondent failed to fully comply with these requirements.

9. The Board has received information from the dental licensing agencies in Massachusetts, West Virginia, Ohio, North Dakota, New Hampshire, Vermont, and Connecticut, that Respondent had formal disciplinary action taken against him following the closing of Allcare.
10. The information from other states, and information the Board received in Iowa, indicated that patients of Allcare were abandoned without notice, paid for dental services that were not completed, and patient records were not transferred following the closing of Allcare.
11. Respondent, without admitting these allegations, has chosen not to contest these allegations. Respondent acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.

SETTLEMENT AGREEMENT

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the state of Iowa is hereby placed on probation for a period of five (5) years. This probation is subject to the following terms and conditions:

12. Respondent agrees to submit a civil penalty in the amount of one thousand dollars (\$1,000.00) to the Iowa Dental Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa, and deposited in the general fund.

13. Respondent shall remain in full compliance with all of the terms and conditions set forth in the Massachusetts, West Virginia, Ohio, North Dakota, New Hampshire, Vermont, and Connecticut Orders.
14. Respondent shall submit quarterly reports detailing his compliance with the terms and conditions of the Orders above during the remainder of his probationary period. Respondent shall ensure that the reports are submitted prior to the first day of January, April, July, and October, of each calendar year during the probationary period.
15. Respondent shall be responsible for all costs associated with compliance with this agreement, and shall also be responsible for all costs incurred by the Board in the monitoring of this agreement to determine compliance. Respondent shall promptly remit one hundred (\$100.00) dollars on or before the first day of January, April, July, and October, of each calendar year for monitoring costs.
16. Respondent shall fully cooperate with the Board to determine compliance with this Agreement.
17. Respondent shall inform the Board in writing prior to commencing practice in the state of Iowa.
18. Respondent may request early termination of probation after he successfully completes and provides documentation of the terms and conditions set forth in the Massachusetts, West Virginia, Ohio, North Dakota, New Hampshire, Vermont, and Connecticut Orders.

FINAL ORDER

19. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
20. Respondent understands that by entering into this combined Statement of Charges, Settlement Agreement and Final Order, he cannot obtain a copy of the investigative file. Under Section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.
21. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
22. Respondent acknowledges that he has the right to be represented by counsel in this matter.
23. This combined Statement of Charges, Settlement Agreement and Final Order become public records available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.
24. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
25. 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.

26. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.
27. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.



Robert S. Bates, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on February 1, 2013.



LYNN D. CURRY, D.D.S., Vice Chairperson
Iowa Dental Board
400 SW 8th Street, Suite D
Des Moines, IA 50309-4687

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

James M. McGovern
Attorney for Respondent
Graff & McGovern, LPA
604 E. Rich Street
Columbus, OH 43215