

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

IN THE MATTER OF:)

ANDRE' Q. BELL, D.D.S.)
207 E. Main Street)
Knoxville, IA 50138)

NOTICE OF HEARING

License #7621)

Respondent)

You are hereby notified that on October 15, 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 (2001), 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 January 14th, 2005, before the full Board or a panel of the Board. The hearing shall begin at 8:30 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:

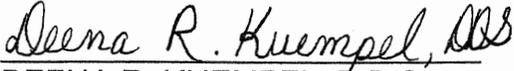
Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

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 15th day of October, 2004.


DEENA R. KUEMPEL, 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

Jeffrey A. Boehlert
Attorney for Respondent
Patterson Law Firm
505 Fifth Avenue, Ste. 729
Des Moines, IA 50309

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207 E. Main Street)
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STATEMENT OF CHARGES

License #7621)

Respondent)

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
- 2) On November 2, 1992, Andre' Q. Bell, D.D.S., the Respondent, was issued license number 7621 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 7621 is currently on probationary status and expires June 30, 2006.

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

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. Respondent was charged by the Board on April 17th, 2003, for 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, for obtaining a fee by fraud or misrepresentation, and for unprofessional conduct in the practice of dentistry.
2. To resolve those pending charges, Respondent entered into a Stipulation and Consent Order with the Board dated September 15th, 2003, placing Respondent's dental license on probation for a period of two (2) years, subject to numerous terms of probation, which included:
 - a) Successfully completing a Board approved course in dental record keeping within sixty (60) days, which Respondent has completed.
 - b) Contracting with an Iowa licensed dentist to serve as a practice monitor to review and monitor Respondent's billing procedures. Respondent was to submit a contract and the name of the practice monitor to the Board for approval within thirty (30) days of the date of the Order.
 - c) Contracting with an Iowa licensed dentist to serve as a practice monitor to review Respondent's record keeping practices. Respondent was to submit

a contract and the name of the practice monitor to the Board for approval within thirty (30) days of the date of the Order.

3. Approximately four (4) months later the Board reviewed Respondent's compliance with his Order and determined that Respondent was in violation of the terms for failing to submit a monitoring contract for billing and record keeping to the Board for approval within the thirty (30) day time period.
4. The Board communicated with Respondent on at least two occasions after that date, and directed him to immediately comply with the Order.
5. Up to October 14, 2004, Respondent has failed to comply with the requirements of the 9-15-03 Order that he submit a contract and name of practice monitor for Board approval.
6. In August 2004, additional records were subpoenaed from Respondent's dental office for review to ensure that all concerns had been addressed. A Board consultant reviewed these patient records and concluded that:
 - a. Respondent has not improved his record keeping to the standard of care.
 - b. When records prepared prior to the Board's disciplinary action were compared with the records prepared after, the consultant could not find that any changes had been made.
7. 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.

On this day 15th day of October, 2004, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

Deena R. Kuempel, DDS

DEENA R. KUEMPEL, D.D.S.
Chairperson
Iowa Board of Dental Examiners
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cc: Theresa O'Connell Weeg
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