

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

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<b>IN THE MATTER OF:</b>	)	
<b>GEORGE M. DUNCAN, D.D.S.</b>	)	
<b>Maple Shade Dental Group</b>	)	
<b>11825 North Route 40</b>	)	
<b>Dunlap, IL 61525</b>	)	<b>NOTICE OF HEARING</b>
<b>License #7967</b>	)	
<b>Respondent</b>	)	

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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 9:00 a.m. and shall be located in the Conference Room, Iowa Board of Dental Examiners at 400 SW 8<sup>th</sup> 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  
2<sup>nd</sup> 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 8<sup>th</sup> 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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<b>Maple Shade Dental Group</b>	)	
<b>11825 North Route 40</b>	)	<b>STATEMENT OF CHARGES</b>
<b>Dunlap, IL 61525</b>	)	
<b>Iowa Dental License #7967</b>	)	
<b>Respondent</b>	)	

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On January 19, 1999, the Respondent, was issued license number 7967 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 7967 is current and on active status until June 30, 2004.

**COUNT I**

The Respondent is charged with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, in violation of Iowa Code Section 153.34 (9) (2003) and 650 Iowa Administrative Code Section 30.4(16).

**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.

#### THE CIRCUMSTANCES

1. A Board consultant reviewed eighteen (18) patient records subpoenaed from Respondent's dental office and concluded that Respondent is not practicing to the standard of care due to the following:
  - a) Respondent performed a root canal on patient T.T. that was below the standard of care because he failed to use a rubber dam, and the root canal was not instrumented or obturated completely. Respondent's failure to diagnose multiple carious lesions shown on x-rays was also below the standard of care in this case.
  - b) Respondent performed two root canals on patient B.C. that were below the standard of care. First, both root canals were improperly instrumented and incompletely obturated. Second, Respondent's failure to diagnose multiple carious lesions shown on x-rays was also below the standard of care.
  - c) Respondent's treatment records for patient J.S. state that he performed a root canal on tooth #13, but radiographs show no evidence to support that the root canal was ever done. Respondent obtained a fee for this procedure.

- d) Respondent's treatment records for patient R.J. state that he performed a root canal on tooth #18, but radiographs show no evidence to support that the root canal was ever done. Respondent obtained a fee for this procedure. Another dentist performed the root canal on this tooth at a later date.
- e) Patient D.M. had restorations placed by Respondent on teeth #8 and #9 which had to be redone by another dentist due to Respondent leaving ledges under the gingival tissues.
- f) Respondent's treatment records for patient K.P. state that he performed a root canal on tooth #14, but radiographs show that the mesial buccal root was filled incompletely and the lingual root was overfilled.
- g) Respondent's treatment records for patient A.W. state that he performed a root canal on tooth #2, but the consultant could find no evidence that the root canal was ever done. Respondent obtained a fee for this procedure.
- h) Respondent's treatment records for patient B.A. state that he performed root canals on teeth #3 and #19. Radiographs of these teeth show canals that were not instrumented nor filled by Respondent. Respondent obtained a fee for this procedure.
- i) Respondent's treatment records for patient A.S. state that he placed restorations for this patient in August of 2002. These restorations had to be redone in November of 2002 due to the fact that decay remained.
- j) Respondent's treatment records for patient S.G. state that he performed a root canal on tooth #19, but radiographs show no evidence to support that

the root canal was ever done. Respondent obtained a fee for this procedure.

- k) On patient R.M., this patient had apical involvement with tooth #19. Respondent failed to document diagnosis of this condition in his records.

On this 22<sup>nd</sup> 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 G. NORTH, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

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