

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

---

<b>IN THE MATTER OF</b>	)	
<b>SCOTT E. EIVINS, D.D.S.</b>	)	<b>NOTICE OF HEARING AND STATEMENT OF CHARGES</b>
<b>RESPONDENT.</b>	)	

---

**COMES NOW** the Iowa Dental Board (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code Sections 17A.12(2), 17A.18(3), and 650 Iowa Administrative Code (IAC) 51.6. Respondent was issued Iowa dental license number 7398 on June 26, 1989. Respondent's license is current and will next expire on August 31, 2008. Respondent's address as reported to the Board is 940 Central Park Drive, Suite 210, Steamboat Springs, Colorado 80487.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing. A disciplinary contested case hearing shall be held on October 28, 2008, before the Iowa Dental Board. The hearing shall begin at 3:00 p.m. and shall be located in the conference room at the office of the Iowa Dental Board, 400 SW 8<sup>th</sup> Street, Ste. D, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 650 IAC 51.12(2) to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Iowa Dental Board, 400 SW 8<sup>th</sup> Street, Ste. D, Des Moines, Iowa 50309.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the Board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 650 IAC chapter 51. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 650 IAC 51.18. The hearing may be open to the public or closed to the public at your discretion.

5. Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 650 IAC chapter 51.17.

6. Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings 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, Iowa 50319.

7. Communications. You may not contact Board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of

Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Constance L. Price, Executive Director at 515-281-5157.

**B. LEGAL AUTHORITY AND JURISDICTION**

1. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 153, and 272C.

2. Legal Authority. 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 and 650 IAC chapters 30 and 51.

3. Default. 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 IAC 51.22.

**C. SECTIONS OF STATUTES AND RULES INVOLVED**

**COUNT I**

Respondent is charged under Iowa Code Section 153.34(11)(2007) with having disciplinary action taken against his dental license by another state.

**COUNT II**

Respondent is charged under Iowa Code Section 153.34(4) (2005) with willfully or repeatedly violating a Board rule when he failed to report a license revocation, suspension, or other disciplinary action taken by a licensing authority of another state

within thirty (30) days of the final action, as required by Iowa Administrative Code 650-30.4(32).

#### **D. FACTUAL CIRCUMSTANCES**

1. Respondent was issued Iowa dental license number 7398 in the state of Iowa on June 26, 1989, which is current and on active status until August 31, 2008.
2. Respondent was issued Colorado dental license number 7859 in the state of Colorado on August 31, 1998.
3. On November 5, 2007, Respondent entered into a negotiated Stipulated Letter of Admonition with Conditions with the Colorado State Board of Dental Examiners.
4. According to the Colorado State Board of Dental Examiners records, Respondent altered or amended records after treatment without notation as to why the records were changed in violation of C.R.S. section 12-35-129(1)(c) and (z). The Board found that these facts compromised evidence of a violation of the practice act.
5. As a condition of this Stipulated Letter of Admonition, Respondent was required to complete 16 hours of Board approved continuing education in the areas of record keeping and pharmacology prescribing practices within 6 months.

#### **E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 IAC chapter 51.19. If you are interested in pursuing settlement of this matter, please contact Theresa O'Connell Weeg, Assistant Attorney General, at 515.281.6858.

**F. PROBABLE CAUSE FINDING**

On this 16 day of July, 2008, the Iowa Dental Board found probable cause to file this Notice of Hearing and Statement of Charges.

  
DEENA R. KUEMPÉL, D.D.S.  
Chairperson  
Iowa Dental Board

Copies to: Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor Hoover Bldg.  
Des Moines, IA 50319