

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

.....
IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LANCE P FORBES, D.D.S, RESPONDENT

FILE NO. 12-059, 12-091

.....
EMERGENCY ADJUDICATIVE ORDER
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COMES NOW the Iowa Dental Board, and finds that on February 11, 2013, there is evidence which establishes that Respondent's continued practice of issuing prescriptions for controlled substances constitutes an immediate danger to the public health, safety, and welfare. The Board has conducted a full investigation of this matter.

A summary of the evidence obtained in that investigation is as follows:

FINDINGS OF FACT

1. The Board has received information indicating that Respondent has issued at least 59 prescriptions to several persons for approximately 2,328 pills of hydrocodone, a controlled substance. Several of these persons deny they are patients in Respondent's dental practice, and deny ever receiving any dental care from Respondent. Respondent has no patient records for any of these persons.
2. The Board has received information that Respondent's former girlfriend picked up at least fifty (50) prescriptions for hydrocodone that were called into several different pharmacies by Respondent. Respondent's former girlfriend delivered these prescriptions to Respondent, and she has personally observed him ingest

the hydrocodone pills.

3. The Board has received information indicating that at least one pharmacist personally contacted Respondent, who verified that one of the hydrocodone prescriptions was legitimate and authorized Respondent's girlfriend to pick it up.
4. Respondent stated to both law enforcement and a Board investigator that he had issued some of the prescriptions for hydrocodone in question.
5. Respondent stated to both law enforcement and a Board investigator that these hydrocodone prescriptions were issued to persons who were not patients of record, and who were not seen in his dental practice. Respondent also stated that he had no dental records for these persons.
6. Respondent stated that he provided dental care to some of these patients, and provided each of them a single prescription for hydrocodone. However, several of these patients state that they have never been treated by Respondent and have never received a prescription from him.
7. Respondent stated to both law enforcement and a Board investigator that he personally went to the pharmacy and picked up at least one of the hydrocodone prescriptions for the person to whom the prescription was written. However, Respondent then stated that he delivered this prescription to another person, who was not the person to whom the prescription was issued.
8. Respondent twice declined to be further interviewed by a Board investigator regarding these allegations.

CONCLUSIONS OF LAW

9. Respondent has violated Iowa Code Section 153.34(4) (2013) and 650 Iowa Administrative Code 16.2(1), which permit a dentist to prescribe, administer or dispense prescription drugs only if the use is directly related to the practice of dentistry within the scope of the dentist-patient relationship.
10. Respondent has violated Iowa Code Section 153.34(4) (2013) and 650 Iowa Administrative Code 16.2(2) when he failed to conduct a dental examination and failed to take a medical history before prescribing, administering, or dispensing medication to a patient, and when he failed to keep a dental record with written evidence of the examination and medical history in a dental record.
11. Respondent has violated Iowa Code Section 153.34(4) (2013) and 650 Iowa Administrative Code 16.2(3) when he failed on several occasions when prescribing, administering, or dispensing a medication to a patient to include in that patient's dental record the following information: the name, quantity, and strength of the medication; the directions for its use; the date of issuance; and the condition for which the medication was used.
12. Respondent has violated Iowa Code Section 153.34(4) (2013) and 650 Iowa Administrative Code 16.3(7) when he self-prescribed, self-administered, or self-dispensed controlled substances.
13. Iowa Code Section 17A.18A (2013) and 650 Iowa Administrative Code 51.30 authorize the Board to take immediate emergency action if necessary to protect the health, safety and welfare of the public.

14. The Board concludes this matter has been fully investigated and that the investigation has been sufficient to ensure the Board is proceeding on the basis of reliable information. Respondent was provided an opportunity to respond to the allegations against him.
15. Respondent's prescribing practices in this case establish that there is a serious and immediate threat to the public's health, safety and welfare if Respondent is allowed to continue to prescribe controlled substances before the Board's pending Statement of Charges is resolved. The emergency suspension of Respondent's ability to prescribe, administer, or dispense controlled substances is necessary to avoid this immediate threat.

ORDER

IT IS HEREBY ORDERED, in accordance with Iowa Code Section 17A.18A (2013) and 650 IAC 51.30, that Respondent, Lance P. Forbes, D.D.S., shall immediately cease and desist from prescribing, administering, or dispensing controlled substances. Respondent may continue to practice all other aspects of the practice of dentistry. Respondent shall be notified immediately of this Order pursuant to 650 IAC 51.30(3). A hearing on this Emergency Adjudicative Order and the Statement of Charges, which have been filed concurrently with this Order, shall be held on March 14, 2013. The hearing will be held at the Board office, located at 400 SW 8th Street, Suite D, Des Moines, Iowa.

Dated this 11th day of February, 2013.


LYNN D. CURRY, D.D.S.
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