

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

IN THE MATTER OF:)

BRUCE S. KUHN, D.D.S.)
2727 S. 144th, Ste. 235)
Omaha, NE 68144)

NOTICE OF HEARING

License #7350)

Respondent)

You are hereby notified that on May 11, 2005, 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 (2005), 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 August 25, 2005, before the full Board or a panel of the Board. The hearing shall begin at 10:30 a.m. and shall be located in the 1st Floor 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 11th day of May, 2005.


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

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STATEMENT OF CHARGES

Iowa Dental License #7350)

Respondent)

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2005).
- 2) On July 14, 1988, Bruce S. Kuhn, D.D.S., the Respondent, was issued license number 7350 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 7350 is current and on active status until June 30, 2006.

COUNT I

Respondent is charged under Iowa Code Section 153.34(11) (2005) with having disciplinary action taken against his dental license by another state.

COUNT II

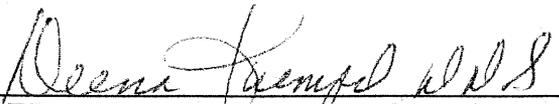
Respondent is charged under Iowa Code Section 153.34(4) (2005) with willfully or repeatedly violating a Board rule when he failed to report a license revocation, suspension, or other disciplinary action taken by a licensing authority of another state within thirty (30) days of the final action, as required by Iowa Administrative Code 650-30.4(32).

THE CIRCUMSTANCES

- 1) Respondent was issued Iowa dental license number 7350 in the state of Iowa on July 14, 1988, which is currently on active status.
- 2) Respondent was issued Nebraska dental license number 5138 in the state of Nebraska on June 6, 1983.
- 3) On May 31, 2001, Respondent was attempting to perform a cranial bone graft and subsequent dental reconstruction on a patient. Respondent failed to identify that a cranial and dural perforation had occurred. This resulted in a catastrophic brain injury and ultimately brain death.
- 4) On or about December 6, 2004, the Nebraska Department of Health and Human Services Regulation and Licensure filed a Petition for Disciplinary Action against Respondent for unprofessional conduct, for dishonorable conduct evidencing unfitness to meet the standards required for practice, and for failing to report any adverse judgments, settlements, or awards arising out of a professional liability claim within thirty (30) days of said judgment, settlement or award.
- 5) On January 19, 2005, an Order on Agreed Settlement was issued resolving the charges without proceeding to hearing.
- 6) Respondent agreed to the imposition of sanctions, which included:
 - a. Permanent restriction precluding Respondent from participating in cranial bone graft procedures.
 - b. A thirty (30) day suspension in Respondent's license beginning the first day of February, 2005.
 - c. A civil penalty in the amount of twenty-thousand dollars (\$20,000.00).
 - d. Forty (40) hours of Continuing Medical Education.

7) Respondent failed to report this action against his dental license to the Iowa Board of Dental Examiners.

On this 11th day of May, 2005, 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, D.D.S.
Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
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