

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

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**LINDSEY K. MAY, D.D.S., RESPONDENT**

**DUBUQUE, IOWA**

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**STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER**

**(combined)**

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**COMES NOW** the Iowa Dental Board (the Board), and Lindsey K. May, D.D.S. (Respondent), on April 24, 2015, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

**NOTICE OF HEARING**

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Statement of Charges, Settlement Agreement and Final Order.
2. Respondent was issued license number 08668 to practice dentistry in the state of Iowa on July 7, 2009.
3. Respondent's Iowa dental license is current and will expire on August 31, 2016.

## **LEGAL AUTHORITY AND JURISDICTION**

4. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 153 and 272C.

## **STATEMENT OF CHARGES**

### **SECTIONS OF STATUTES AND RULES INVOLVED**

#### **COUNT I**

5. Respondent is charged under Iowa Code section 153.34(4) (2013) and 650 Iowa Administrative Code rule 16.2(3) for failing to make an entry in the patient record on each occasion when a medication is prescribed.

### **STATEMENT OF MATTERS ASSERTED**

6. Iowa law allows a licensed dentist to prescribe, administer, or dispense prescription drugs if the use is directly related to the practice of dentistry within the scope of the dentist-patient relationship.
7. Board rules require that on each occasion when a medication is prescribed to a patient an entry be made in the patient's dental record containing 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 prescribed.
8. In August 2014, the Board received information from a pharmacy that Respondent attempted to call in a controlled substance for a patient (K.E.) with whom the Respondent has a personal relationship.

9. An investigation was conducted in this matter, and patient K.E.'s record was obtained.
10. On two occasions, Respondent prescribed a controlled substance to patient K.E., and failed to make an entry in the patient record.
11. Respondent stated to an investigator of the Board that once she realized she was prescribing to patient K.E. for a non-dental need she immediately ceased and made a referral to another provider.
12. Respondent's prescriber history was obtained during this investigation. No other discrepancies were present.

### **SETTLEMENT AGREEMENT**

**THEREFORE, IT IS HEREBY ORDERED** that Respondent's license to practice dentistry in the state of Iowa is hereby placed on probation for a period of one (1) year. This probation is subject to the following terms and conditions:

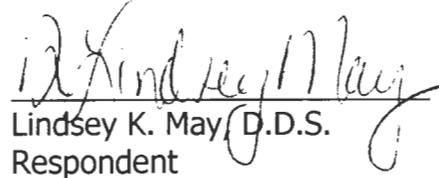
13. Respondent agrees to submit a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) to the Iowa Dental Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa, and deposited in the general fund.
14. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order and Board rules.
15. Respondent shall successfully complete a record keeping course prior approved by the Board within sixty (60) days of the date of this Order. Respondent shall

maintain her records in accordance with the Board's rules and the standard of care.

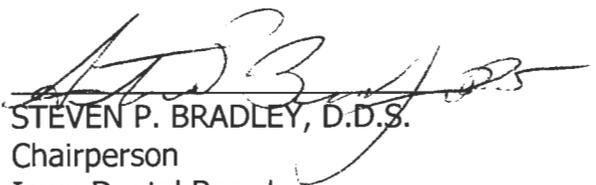
### **FINAL ORDER**

16. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
17. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Matters Asserted, and waives any objections to the terms of this Settlement Agreement.
18. Respondent understands that by entering into this combined Statement of Charges, Settlement Agreement and Final Order, she cannot obtain a copy of the investigative file. Under Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.
19. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
20. Respondent acknowledges that she has the right to be represented by counsel in this matter.
21. This combined Statement of Charges, Settlement Agreement and Final Order becomes public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code chapters 17A, 22 and 272C.

22. Respondent understands that the Board will report this Order to the National Practitioner Data Bank.
23. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured her, in any way whatsoever, to execute this Order.
24. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.
25. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a Final Order of the Board.

  
Lindsey K. May, D.D.S.  
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on April 24, 2015.

  
STEVEN P. BRADLEY, D.D.S.  
Chairperson  
Iowa Dental Board  
400 SW 8th Street, Suite D  
Des Moines, IA 50309-4687

cc: Sara Scott  
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