

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

IN THE MATTER OF:)	
TIM P. NICOLINO, D.D.S.)	
1004 E. Park)	STIPULATION AND
Des Moines, IA 50315)	CONSENT ORDER
License #6914)	
Respondent)	

On this 17th day of June, 2004, the Iowa Board of Dental Examiners and Tim P. Nicolino, D.D.S., 1004 E. Park, Des Moines, Iowa, each hereby agree with the other and stipulate as follows:

The disciplinary hearing scheduled to commence before the Iowa Board of Dental Examiners on the 18th day of June, 2004, on the allegations specified in the Statement of Charges which is attached to the Notice of Hearing dated April 22, 2004, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice dentistry in the state of Iowa on the 27th day of 1983, as evidenced by License Number 6914 which is recorded in Book D, Page 35, of the permanent records in the office of the Iowa Board of Dental Examiners.
2. That Iowa Dental License Number 6914 is currently on indefinite probationary status and is valid until June 30, 2004.
3. That the Iowa Board of Dental Examiners has jurisdiction over the parties and subject matter herein.

4. A Notice of Hearing and Statement of Charges was filed against Respondent on April 22, 2004.

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the State of Iowa shall continue to be on indefinite probationary status and Respondent may not petition the Board for termination of this probation for five (5) years from the date of this Order. All terms and conditions in Respondent's April 17th, 2003, Stipulation and Consent Order remain in full force and effect.

SECTION I.

- a. Respondent agrees to bring himself into, and to remain in, full compliance with the terms and conditions of his April 17th, 2003, Order.
- b. Respondent agrees and understands that he is responsible for compliance with the terms and conditions of this Order effective upon the Board's acceptance of this Order, as well as continued compliance with all of the terms and conditions of his April 17th, 2003, Order.
- c. Respondent agrees to submit a civil penalty in the amount of one thousand (\$1,000.00) dollars within sixty (60) days of the date of this Order.
- d. Respondent shall disclose to all current and future licensees, employers, and staff in his practice of this Stipulation and Consent Order and of the Board's April 22nd, 2004, Statement of Charges. The Respondent shall report back to the Board with signed statements from all current and all future employers/employees within fourteen (14) days of the date of this Order and thereafter within fourteen (14) days of any new employment relationship, that they have read the Stipulation and Consent Order.
- e. Respondent shall allow for all employees to report directly to the Board any violation of this Order, the Board's April 17th, 2003, Order, or any violations of statutes or rules

regulating the practice of dentistry in Iowa. Such reporting employee(s) shall not be subject to adverse action by Respondent as a result of such report.

SECTION II.

1. The Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order.
2. The Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for all costs, including mileage and expenses, incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit for such costs.
3. The Respondent acknowledges that he has read in its entirety the foregoing Stipulation and Consent Order and that he understands its content and that he executed the Stipulation and Consent Order freely and voluntarily.
4. The Respondent agrees this Stipulation and Consent Order constitutes the resolution of a pending contested case. By entering into this Stipulation and Consent Order, the Respondent voluntarily waives any right to a contested case hearing on allegations contained in the Statement of Charges, and waives any objections to the terms of this Stipulation and Consent Order.
5. The Respondent acknowledges that he has the right to be represented by counsel in this matter.
6. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
7. The Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

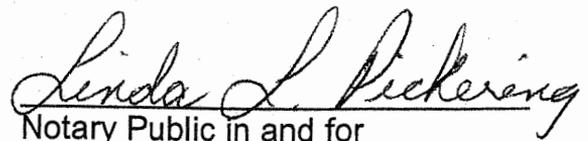
8. The Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way whatsoever, to execute this Order.
9. The Respondent acknowledges that this proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party.
10. The Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of dentistry in Iowa. Any violation of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code Section 272C.3(2)(a) (2003).
11. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board.

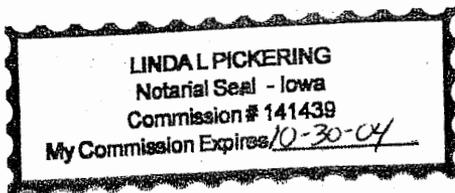
This Stipulation and Consent Order is voluntarily submitted on this 26TH day of

May, 2004.


Tim P. Nicolino, D.D.S.
Respondent

Subscribed and sworn to before me on this 26th day of May, 2004.


Notary Public in and for
the State of Iowa



This Stipulation and Consent Order is accepted by the Iowa Board of Dental

Examiners on this 17th day of June, 2004.

Deena R. Kuempel, D.D.S.

Deena R. Kuempel, D.D.S.

Chairperson

Iowa Board of Dental Examiners

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