

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

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**IN THE MATTER OF:** )  
  
**ERIC R. PEARSON, D.D.S.** )  
**804 South Kenyon Road, Ste. 120** )  
**Fort Dodge, IA 50501** )  
  
**License #7327** )  
  
**Respondent** )

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**NOTICE OF HEARING**

You are hereby notified that on June 7, 2002, 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 (2001), 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 23, 2002, before the full Board or a panel of the Board. The hearing shall begin at 9:00 a.m. and shall be located in the 1<sup>st</sup> Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8<sup>th</sup> 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  
2<sup>nd</sup> 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 7<sup>th</sup> day of June, 2002.

  
LERØY I. STROHMAN, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> 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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<b>ERIC R. PEARSON, D.D.S.</b>	)	
<b>804 South Kenyon Rd, Suite 120</b>	)	
<b>Fort Dodge, IA 50501</b>	)	<b>STATEMENT OF CHARGES</b>
<b>License #7327</b>	)	
<b>Respondent</b>	)	

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
- 2) On July 1, 1988, Eric R. Pearson, D.D.S., the Respondent, was issued license number 7327 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 7327 is current and on active status until June 30, 2004.

**COUNT I**

The Respondent is charged under Iowa Code Section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by administering deep sedation / general anesthesia in a dental facility without a current permit, in violation of 650 Iowa Administrative Code Section 29.5 (1).

**THE CIRCUMSTANCES**

1. No dentist shall use or permit the use of deep sedation / general anesthesia or conscious sedation in a dental office for dental patients, unless the dentist

possesses a current permit issued by the Board pursuant to 650 Iowa Administrative Code 29.5(1).

2. In March of 1995 the Board received information that Respondent was engaged in the administration of general anesthesia without a permit.
3. Respondent subsequently applied for a general anesthesia permit in April of 1995. Respondent indicated that due to his oversight, he entered practice and had been practicing for one and a half years without a permit.
4. The Board first reviewed Respondent's application for general anesthesia in May of 1995 and granted Respondent a temporary provisional permit to engage in general anesthesia. On this provisional permit, Respondent was advised that permits are issued for a two (2) year period, and that they must be renewed every two (2) years.
5. The Board issued Respondent a permanent permit to administer general anesthesia in August of 1995. Respondent was advised at that time in writing that the permit was valid for two (2) years from the date of issuance and could be renewed following proper application.
6. Respondent did not renew his permit to administer general anesthesia, which then expired in August of 1997.
7. On May 21<sup>st</sup>, 2002, the Board received an application for a deep sedation / general anesthesia permit from Respondent. Respondent indicated at that time that there was an oversight, and that he had allowed his permit to expire.
8. Respondent has repeatedly administered sedation to patients since approximately August of 1997 without a current permit.

On this 7<sup>th</sup> day of June, 2002, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
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LeRoy I. Strohman, D.D.S., Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
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