

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

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**IN THE MATTER OF THE NOTICE OF HEARING FOR**

**MICHAEL P. POWERS, D.D.S., RESPONDENT**

**Cleveland, Ohio**

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**NOTICE OF HEARING, SETTLEMENT AGREEMENT AND FINAL ORDER**

**(combined)**

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**COMES NOW** the Iowa Board of Dental Examiners (the Board), and Michael P. Powers, D.D.S. (Respondent), on June 16, 2006, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Notice of Hearing, 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 Notice of Hearing, Settlement Agreement and Final Order.
2. Respondent was issued license number 6910 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 6910 is current and active until June 30, 2006.

## **LEGAL AUTHORITY AND JURISDICTION**

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2005).

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

### **COUNT I**

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

### **COUNT II**

6. Respondent is charged with 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).

## **STATEMENT OF MATTERS ASSERTED**

7. On or about March 9, 2005, Respondent entered into a Consent Agreement with the Ohio State Dental Board in lieu of formal proceedings. This Consent Agreement indefinitely suspended Respondent's license to practice dentistry in the state of Ohio and set forth numerous terms and conditions for reinstatement.
8. On June 8, 2005, the Ohio State Dental Board determined that Respondent had satisfied all necessary requirements for reinstatement, and reinstated his license

subject to the probationary terms set forth in his March 9, 2005 Consent Agreement.

9. Respondent failed to report this final action taken against his dental license to the Iowa Board of Dental Examiners within 30 days.

#### **SETTLEMENT AGREEMENT**

10. **THEREFORE, IT IS HEREBY ORDERED** that Respondent's Iowa Dental License shall be immediately placed on probationary status. Respondent shall not petition the Board for removal from probation until he has been successfully discharged from probation by the Ohio State Dental Board.
11. Respondent agrees to comply with all terms, conditions, and limitations imposed by the Ohio State Dental Board as outlined in his March 9, 2005 Consent Agreement.
12. Respondent agrees that should he wish to return to practice in Iowa prior to being successfully discharged from the Ohio State Dental Board's probation, Respondent shall provide notice to the Iowa Board of Dental Examiners who will at that time issue a Board Order that shall include additional terms and conditions regulating Respondent's ability to practice in Iowa.
13. Any violation of the March 9, 2005 Consent Agreement is grounds for further disciplinary action. Also, any violation of the terms 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) (2005).

## **FINAL ORDER**

14. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
15. By entering into this combined Notice of Hearing, 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.
16. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
17. Respondent acknowledges that he has the right to be represented by counsel in this matter.
18. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
19. 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.
20. 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.
21. This combined Notice of Hearing, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order, it shall be of no force

or effect to either party.

22. The Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.



Michael P. Powers, D.D.S.  
Respondent

Subscribed and sworn to before me on April 14, 2006.



Notary Public, state of Ohio

**ELIZABETH J. WINGERT**  
Notary Public, State of Ohio, Cuy. Cty.  
My commission expires Mar. 6, 2011

This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on June 16, 2006.



DEENA R. KUEMPEL, D.D.S., Chairperson  
Iowa Board of Dental Examiners  
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cc: Theresa O'Connell Weeg  
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