

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

IN THE MATTER OF:)

MICHAEL D. WARM, D.D.S.)
1160 3rd Street)
Lake View, IA 51450)

License #7038)

Respondent)

**STIPULATION AND
CONSENT ORDER**

On this 17th day of April, 2002, the Iowa Board of Dental Examiners and Michael D. Warm, D.D.S., 1160 3rd Street, Lake View, Iowa, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing scheduled to commence before the Iowa Board of Dental Examiners on the 17th day of April, 2002, on the allegations specified in the Statement of Charges which is attached to the Notice of Hearing dated February 1, 2002, 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 on the 13th day of November, 1984, as evidenced by License Number 7038, which is recorded in Book D, Page 40, of the permanent records in the office of the Iowa Board of Dental Examiners.
2. That Iowa Dental License Number 7038 is current and in full force until June 30, 2002.
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 February 1, 2002.

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the State of Iowa shall be placed on probation for a period of five (5) years subject to the following terms and conditions:

SECTION I.

**CLINICAL ASSESSMENT
REMEDIAL EDUCATION**

1. Within sixty (60) days of the date of this Order, the Respondent shall undergo a comprehensive clinical assessment in the area of operative dentistry by a college of dentistry prior approved by the Board, to determine Respondent's level of competency. The university shall report directly to the Board, with a copy to Respondent, the results of that assessment. The university shall prepare a proposed course of study to address any concerns identified in the Board's Statement of Charges as well as any deficiencies, if any, noted during Respondent's clinical assessment. The Board shall forward to the university, prior to the assessment, the Board's file relating to the Statement of Charges. This assessment shall be taken at the expense of Respondent.
2. Respondent agrees to suspend his practice of dentistry until further Order of the Board if the Board determines the results of the assessment lead to the reasonable conclusion that to allow the Respondent to continue to practice would pose an imminent threat to the public's health, safety and welfare. In the event of suspension, Respondent agrees to remain under suspension until such time as he demonstrates to the satisfaction of the Board that he has attained competence in the practice of dentistry. At such time, the Board shall issue an Order granting the Respondent the right to resume his practice of

dentistry. In the event the Board determines from the information received that Respondent is not competent to practice dentistry the Board may impose restrictions on Respondent's practice and/or additional remedial education and testing as may be necessary to achieve the Respondent's competency.

3. The Respondent shall successfully complete the assessing dental school's recommended course of study, which shall be taken at an accredited dental school prior approved by the Board. The course of study shall be prior approved by the Board. Following completion of the course of study, Respondent shall advise the supervising faculty to contact the Board to verify that the Respondent has completed the course of study. The verification from the university shall include a written report relative to Respondent's successful completion of the program, a narrative evaluation of his participation in the program, and any other information relative to Respondent's abilities in the practice of dentistry and any recommendations regarding Respondent's future practice. Respondent agrees to comply with any future practice recommendations. This course of study shall be taken at the expense of Respondent.
4. The Board shall review the report from the university to determine if the Respondent has successfully completed the course of study.
5. The course of study shall be successfully completed within six (6) months of the date of this Order.
6. All costs associated with the assessment and course of study shall be the sole responsibility of Respondent.

SECTION II.

ADDITIONAL PROBATIONARY TERMS

1. Respondent shall successfully complete a Board-approved course in dental record keeping within sixty (60) days of the date of this Order.
2. Respondent shall successfully pass a written jurisprudence examination to be taken at the office of the Board at 400 SW 8th Street, Ste. D, Des Moines, Iowa within thirty (30) days of the date of this Order.
3. The Respondent shall disclose to all current and future licensees, employers, or staff in his practice of this action against his license. The Respondent shall report back to the Board with signed statements from current and 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 Statement of Charges and this Order.
4. Respondent shall allow for all employees to report directly to the Board any violation of this 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.
5. 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.
6. The Respondent shall fully cooperate with random unannounced office visits by agents of the Board to determine compliance with this Order.

7. The Respondent shall upon reasonable notice, and subject to the provisions of Board rule 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
8. The Respondent shall make monthly reports to the Board with respect to his practice and detailing his compliance with the terms of this Order for six (6) months from the date of this Order. Following this six (6) month period Respondent shall thereafter make quarterly reports to the Board for the remainder of the probationary period.
9. If Respondent moves to another state, he shall notify the Board fourteen (14) days prior to his departure.

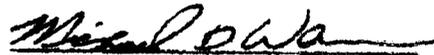
SECTION III.

GENERAL PROVISIONS

1. 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 enters into this Order freely and voluntarily.
2. 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 this Stipulation and Consent Order.
3. Respondent acknowledges that he has the right to be represented by counsel in this matter.
4. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.

5. The Respondent understands that the Board will report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
6. 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.
7. 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.
8. 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 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) (2001).

This Stipulation and Consent Order is voluntarily submitted on this 4th day of April, 2002.

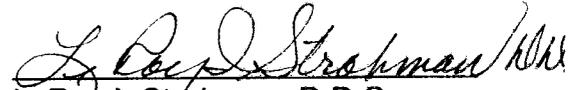

Michael D. Warm, D.D.S.
Respondent

Subscribed and Sworn to before me on this _____ day of _____, 2002.

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 April, 2002.



LeRoy I. Strohman, D.D.S.

Chairperson

Iowa Board of Dental Examiners

400 S.W. 8th, Suite 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