

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

IN THE MATTER OF:)

RICHARD E. WORKMAN, D.D.S.)

1200 Network Centre Drive)

Effingham, IL 62401)

NOTICE OF HEARING

Iowa Dental License #8076)

Respondent)

You are hereby notified that on January 14, 2004, 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 (2003), 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 May 21, 2004, before the full Board or a panel of the Board. The hearing shall begin at 8:30 a.m. and shall be located in the 1st Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8th 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
2nd 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 14th day of January, 2004.



GEORGE F. NORTH, D.D.S.

Chairperson

Iowa Board of Dental Examiners

400 SW 8th 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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1200 Network Centre Drive)
Effingham, IL 62401)

STATEMENT OF CHARGES

Iowa Dental License #8076)

Respondent)

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On October 30, 2000, the Respondent was issued license number 8076 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 8076 is current and on active status until June 30, 2004.

COUNT I

The Respondent is charged with failing to report the acts or omissions committed by another licensee, which could result in the suspension or revocation of a license, in violation of Iowa Code Section 272C.9(2) (2003), and 650 Iowa Administrative Code Section 30.4(24).

COUNT II

Respondent is charged under Iowa Code Section 153.34(4) (2003) with willful or repeated violations of the rules of the Board by violating the mandatory reporting requirements of 650 Iowa Administrative Code Section 31.13 and 31.14.

COUNT III

The Respondent is charged under Iowa Code Section 153.34(7) (2003) and 650 Iowa Administrative Code 30.4(13) with unprofessional conduct in the practice of dentistry by failing to report to the Board instances of gross or continually faulty treatment by another licensee, in violation of Iowa Administrative Code 27.6(1).

THE CIRCUMSTANCES

1. Board statute and rules require licensees to file a report with the Board when a licensee has knowledge that another person licensed by the Board may be involved in any conduct that may constitute a basis for disciplinary action under the rules or statutory provisions governing the practice of dentistry, or instances of gross or continually faulty treatment by other licensees.
2. Board rules require licensees to maintain a satisfactory standard of competency and state that failing to do so shall constitute grounds for disciplinary action.
3. Respondent had concerns about the competency of another dentist that his organization employed, and requested that a random audit be performed to review the treatment provided by this dentist.
4. Respondent received the results of this audit in September of 2000, which indicated that out of the fifteen reviewed charts, three were acceptable and twelve were identified as having major competency concerns.
5. After receipt of the results of this audit, Respondent continued to receive information regarding the poor quality of care being provided by this same dentist and continued to document cases in which this dentist failed to meet the standard of care.

6. Respondent terminated this dentist's employment with his organization in August of 2002, on the grounds this dentist was unable to practice in accordance with the current standard of care.
7. Respondent did not report this substandard care to the Board.
8. The Board received a complaint from another source regarding the quality of care being provided by this dentist.
9. The Board later reviewed the records of multiple patients whom this dentist treated and found probable cause to file a Statement of Charges against him for failing to maintain a reasonably satisfactory standard of competency in the practice of dentistry.

On this 14th day of January, 2004, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



GEORGE F. NORTH, D.D.S.
Chairperson
Iowa Board of Dental Examiners
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Des Moines, IA 50309

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