

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

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<b>IN THE MATTER OF:</b>	)	
<b>ANDRE Q. BELL, D.D.S.</b>	)	
<b>Iowa Dental License #07621</b>	)	<b>ORDER DENYING REQUEST FOR RECONSIDERATION</b>
<b>RESPONDENT</b>	)	

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**NOW** on this 28th day of January, 2016, the Board considered a request from Respondent for reconsideration of the Board’s October 17, 2014 decision denying his request to modify the terms of his probation.

1. On September 13, 2013, the Board issued Findings of Fact, Conclusions of Law, Decision and Order (“September 13, 2013 Order”) following a hearing on the reinstatement of Respondent’s license to practice dentistry. The September 13, 2013 Order reinstated Respondent’s license and placed the license on probation for a period of five years, subject to several terms and conditions, including, but not limited to, the following: limiting Respondent’s practice setting to a group or institutional setting with at least one other licensed dentist; requiring a Board-approved written practice monitoring plan prior to returning to the practice of dentistry with certain reporting requirements; and the submission of quarterly reports by Respondent. The Order also specifically stated that periods of residence or practice outside the state of Iowa do not apply to the duration of the Order without prior Board approval.

2. On September 26, 2014, Respondent submitted a Petition for Waiver of Iowa Administrative Code rule 650—51.34(6)<sup>1</sup>, specifically requesting the Board amend

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<sup>1</sup> Iowa Admin. Code r. 650—51.34(6) provides as follows: “The order to grant or deny reinstatement shall include findings of fact and conclusions of law. If reinstatement is granted, terms and conditions of licensure may be imposed. Such terms and conditions may include restrictions on the licensee’s practice. This order will be published as provided for in rule 650—51.33(153).”

its September 13, 2013 Order to remove the requirement that Respondent's license be placed on probation for a period of five years and subject to terms and conditions. Given the timing of the Petition for Waiver, the Board treated the Petition for Waiver as a Request to Modify the Board's September 13, 2013 Order ("Request").

3. In support of his Request, Respondent submitted statements indicating that he had been working as a civilian dentist at Fort Sill, Oklahoma from February to September 2014 when he was terminated after officials learned of his probationary status in Iowa. Respondent expressed that the probationary terms imposed an undue hardship on his ability to find employment, citing his unsuccessful efforts to find a dental position. Respondent also submitted Exhibits A through R which included, among other items, a letter of recommendation from his supervisor, a recent performance evaluation and one of Respondent's recent quarterly reports.

4. The Board reviewed Respondent's Request at its October 17, 2014 meeting and voted to deny the Request until such time as Respondent had demonstrated a longer period of successful compliance.

5. On or about October 31, 2014, Respondent requested that the Board reconsider its decision denying Respondent's Request to Modify the September 13, 2013 Order, and submitted an email from Respondent, a letter from Respondent's spouse and the performance evaluation that was submitted with the original Request. The Board reviewed Respondent's Request for Reconsideration at its January 22, 2015 meeting.

6. The Board reviewed the Board's September 13, 2013 Order as well as the evidence Respondent submitted concerning his compliance with the Order and the alleged hardship it engendered to Respondent. The September 13, 2013 Order contained a detailed explanation for the Board's conclusion that a lengthy period of monitoring was necessary and appropriate in this case. Although the Board was sympathetic to Respondent's difficulties in locating and maintaining employment, the

concerns underlying the Board's September 13, 2013 Order remained. At that point, the only probationary term that Respondent met was the requirement that he submitted quarterly reports. Respondent had not obtained any dental employment that would count towards the five year probationary term imposed by the Board. Respondent did not seek Board approval to count his dental employment in Oklahoma towards his five year probationary term nor did Respondent seek Board approval of a practice monitoring plan for his employment in Oklahoma. Moreover, even if the Board counted his seven months of employment in Oklahoma towards his probationary term, the Board did not consider this to be a sufficient period of monitored practice. The Board voted to deny the request.

7. On or about December 30, 2015 Respondent requested that the Board reconsider its decision denying Respondent's Request to Modify the September 13, 2013 Order, and submitted an email from Respondent. The Board reviewed Respondent's Request for Reconsideration at its January 28, 2016 meeting.

8. In considering Respondent's Request for Reconsideration the Board reviewed the Board's 2007 Decision and Order, the Board's September 13, 2013 Order and the additional evidence Respondent submitted. The Board remains sympathetic to Respondent's difficulties in locating and maintaining employment; however, the concerns underlying the Board's September 13, 2013 Order remain. Although Respondent has submitted some quarterly reports, he has failed to meet the other requirements of the Board Order, including most significantly, the requirement that he have monitored dental employment that would count towards his five year probationary term. Respondent is directed to pages 8 and 9 of the Board's September 13, 2013 Order which sets forth in detail the terms of Respondent's probation. Respondent has not shown substantial compliance with the Order. Respondent must show additional compliance with these terms before the Board will reconsider a request to modify the Order.

**THEREFORE, IT IS HEREBY ORDERED** that Respondent's request for reconsideration of the Board's decision denying his request to modify the September 13, 2013 Order is **DENIED**.



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