

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

IN THE MATTER OF:)

JOSHUA S. BROWER, D.D.S.)
37 3rd Avenue NW)
LeMars, IA 51031)

NOTICE OF HEARING

License #8023)

Respondent)

You are hereby notified that on November 23, 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 Thursday, January 13, 2005, before the full Board or a panel of the Board. The hearing shall begin at 1:00 p.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 23rd day of November, 2004.



DEENA R. KUEMPEL, 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

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

IN THE MATTER OF:)	
JOSHUA S. BROWER, D.D.S.)	
37 3rd Avenue NW)	
LeMars, IA 51031)	STATEMENT OF CHARGES
License #8023)	
Respondent)	

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On November 5, 1999, Joshua S. Brower, D.D.S., the Respondent, was issued license number 8023 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 8023 is current and on active status until June 30, 2006.

COUNT I

The Respondent is charged under Iowa Code Section 153.34(4) (2003) with willfully or repeatedly violating a Board rule by administering conscious sedation in a dental facility without a conscious sedation permit, in violation of 650 Iowa Administrative Code Sections 29.2(2) and 29.5 (1).

COUNT II

The Respondent is charged under Iowa Code Section 153.34(4) (2003) with willfully or repeatedly violating a Board Rule by regularly administering conscious

sedation to patients in a dental facility that is not in compliance with the requirements of 650 Iowa Administrative Code 29.4(3).

COUNT III

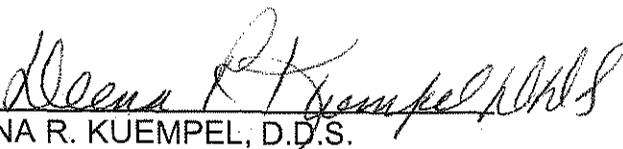
The Respondent is charged under Iowa Code Sections 147.55(3), 272C.10(3) (2003), and 650 Iowa Administrative Code 30.4 (39) with practice harmful or detrimental to the public by administering conscious sedation to patients without a conscious sedation permit, and for administering conscious sedation in a dental facility not properly equipped as required by 650 Iowa Administrative Code Section 29.4 (3).

THE CIRCUMSTANCES

1. Dentists licensed in Iowa shall not administer conscious sedation until they have obtained a conscious sedation permit from the Board. 650 IAC 29.2(2). Numerous requirements must be met before a conscious sedation permit may be issued. 650 IAC 29.4.
2. A dentist utilizing conscious sedation is required by Board rules to maintain a properly equipped facility. The facility shall maintain and the dentist shall be trained on the following equipment: anesthesia or analgesia machine, EKG monitor, positive pressure oxygen, suction, laryngoscope and blades, endotracheal tubes, magill forceps, oral airways, stethoscope, blood pressure monitoring device, pulse oximeter, emergency drugs, and defibrillator. 650 IAC 29.4(3)
3. Respondent has repeatedly administered conscious sedation to patients in a dental facility for approximately (1) one year, without a conscious sedation permit.

4. Respondent has repeatedly administered conscious sedation to patients in a dental facility without the equipment required by 650 IAC 29.4(3).

On this 23rd day of November, 2004, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


DEENA R. KUEMPEL, 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

