

BEFORE THE BOARD OF DENTAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF:)

KENNETH P. CARLSON, D.D.S.)
2228 North 2nd Street)
Clinton, IA 52732)

NOTICE OF HEARING

License #5556)

Respondent)

You are hereby notified that on September 15, 2003, 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 December 4, 2003, before the full Board or a panel of the Board. The hearing shall begin at 4:30 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:

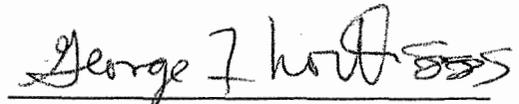
Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

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 15th day of September, 2003.



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

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

IN THE MATTER OF:)
KENNETH P. CARLSON, D.D.S.)
2228 North 2nd Street)
Clinton, IA 52732) **STATEMENT OF CHARGES**

Iowa Dental License #5556)

Respondent)

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On July 1, 1968, the Respondent was issued license number 5556 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 5556 is current and on active status until June 30, 2004.

COUNT I

The Respondent is charged with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, in violation of Iowa Code Section 153.34 (9) (2003) and 650 Iowa Administrative Code Section 30.4(16).

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 failing to maintain records in a manner consistent with the protection of the welfare of the patient, in violation of 650 Iowa Administrative Code Section 27.11.

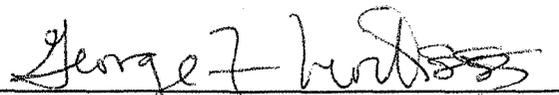
THE CIRCUMSTANCES

1. The Board reviewed multiple patient records subpoenaed from Respondent's dental office and noted multiple competency concerns.
2. The Board met with Respondent in August 2002 to discuss these concerns.
3. Following Respondent's Board appearance, the Board notified Respondent that it would follow up at a later date to ensure that its concerns had been fully addressed. The Board encouraged Respondent to undergo an assessment of his clinical skills and to address any deficiencies by taking courses with an emphasis on patient examination, diagnosis, treatment planning, and periodontal examinations. In addition, the Board suggested that Respondent take a course in patient record keeping.
4. Respondent responded to the Board in September 2002 and indicated that he planned on taking a course on patient record keeping.
5. In May 2003, the Board subsequently subpoenaed additional records from Respondent's dental office to ensure that all concerns were addressed.
6. A Board consultant reviewed eleven (11) patient records subpoenaed from Respondent's dental office and concluded the following:
 - a) Respondent's radiographic protocols were inconsistent. Patient J.H. has been a patient of record for approximately nineteen years and nothing in the record indicated that bitewing radiographs had ever been taken.
 - b) Respondent's tooth charting is inadequate. Some teeth planned for extraction are not marked. None of the charts contained any post-

treatment charting to indicate what dental work had been completed and most of the records did not indicate missing teeth in any manner.

- c) No periodontal pocket measurements were noted in any charts.
- d) Respondent did not take appropriate radiographs for patient D.C..
- e) On patient F.D., Respondent provided a new maxillary partial denture. A panorex radiograph was properly obtained but not entered in the record. Radiographs clearly show that tooth #12 is badly broken down and has a radiolucent lesion at the apex of tooth, and tooth #15 appears to have decay on the mesial surface. These findings are not noted in the record, and there is no record that the patient was properly informed. Tooth #12 clearly should have been removed prior to placing the partial.
- f) Respondent appears to not be charting and/or treating some decay. This involves both incipient and restorable lesions on the following patients:
 - 1. Patient F.D., tooth #15.
 - 2. Patient A.K., teeth #3, #4, #10, #15, #18, and #19.
 - 3. Patient J.B, tooth #14.
 - 4. Patient G.W., tooth #3.
 - 5. Patient J.P., teeth #12 and #29.
- g) Respondent's records of regular preventive care show great inconsistency. The patient records of J.G and G.W. show that neither patient has received any preventive care and neither record indicates that the patient declined care.

On this 15th day of September, 2003, 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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