

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

RYAN D. CULLINAN, D.D.S., RESPONDENT

CHANDLER, AZ

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Ryan D. Cullinan, D.D.S. (Respondent), on May 10th, 2013, and pursuant to Iowa Code Sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Statement of Charges, Settlement Agreement and Final Order.
2. Respondent was issued license number 08885 to practice dentistry in the state of Iowa on October 28, 2011.
3. Respondent's Iowa dental license is on active status and will expire on August 31, 2014.

LEGAL AUTHORITY AND JURISDICTION

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 153 and 272C.

STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. Respondent is charged under Iowa Code Section 153.34(11) (2011) with having disciplinary action taken against him by a licensing authority of another state.

STATEMENT OF MATTERS ASSERTED

6. In June 2012, the Board received information indicating that Respondent entered into a Consent Agreement and Order with the Arizona Dental Board on May 29, 2012 to resolve a disciplinary charge filed against him regarding third molar extractions on patient AS. A copy of the Consent Agreement and Order is attached as Exhibit A.
7. The Arizona Dental Board reviewed the third molar extractions on patient AS. Following this review, the Arizona Dental Board alleged that Respondent engaged in unprofessional conduct for the following:
 - a. Respondent failed to document any concerns with the periodontal status of the second or third molars.
 - b. There is no documentation that Respondent offered the patient the option of having the teeth extracted by an oral surgeon.

8. Pursuant to Arizona's Order, Respondent was ordered to pay restitution to the patient and the insurance company for the procedure.
9. Respondent was also ordered to obtain continuing education in the following areas: six hours of diagnosis and treatment planning of impacted teeth; three hours of anatomy of the head and neck area, specifically concerning nerve blocks; four hours of pharmacology in local anesthetics; and four hours in risk management.
10. Respondent's practice was restricted in the area of removal of impacted teeth until he completed the continuing education courses.

SETTLEMENT AGREEMENT

THEREFORE IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the state of Iowa shall immediately be placed on probation for a period of one (1) year from the date of this Order subject to the following:

11. Respondent shall immediately comply and document successful compliance with all items from his May 29th, 2012, Consent Agreement and Order with the Arizona Dental Board.
12. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order.
13. Respondent shall fully cooperate with random patient record reviews, conducted by the Board to ensure appropriate diagnosis, treatment planning, and care for patients.

14. Respondent shall be responsible for all costs associated with compliance with this agreement, and shall also be responsible for all costs incurred by the Board in the monitoring of this agreement to determine compliance. Respondent shall promptly remit (\$300.00) dollars on or before the first day of January, April, July and October, of each calendar year for monitoring costs.
15. Periods of residence or practice outside of the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice dentistry and/or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Notice of any change of residence must be provided to the Board within fourteen (14) days of the change.
16. Respondent may request early termination of probation after he successfully completes and provides documentation of his compliance with all terms and conditions set forth in the Arizona Order.

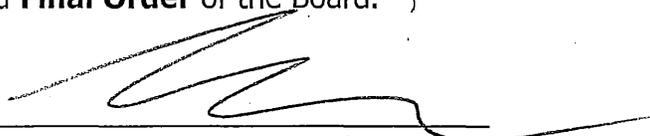
FINAL ORDER

17. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
18. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Settlement Agreement.
19. Respondent acknowledges that he has read in its entirety the foregoing and that

he understands its content and that he executed the Agreement freely and voluntarily.

20. Respondent understands that by entering into this combined Statement of Charges, Settlement Agreement and Final Order, he cannot obtain a copy of the investigative file. Under Section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.
21. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
22. Respondent acknowledges that he has the right to be represented by counsel in this matter.
23. This combined Statement of Charges, Settlement Agreement and Final Order becomes public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.
24. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
25. 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.

26. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to approval of either party.
27. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.)



Ryan D. Cullinan, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on May 10th, 2013.



STEVEN P. BRADLEY, D.D.S.
Chairperson
Iowa Dental Board
400 SW 8th Street, Suite D
Des Moines, IA 50309-4687

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319

Ex. A

AZ STATE BOARD
DENTAL EXAMINERS
BEFORE THE ARIZONA STATE BOARD OF DENTAL EXAMINERS

2012 MAY 14 A 7 34

1 IN THE MATTER OF:

Case No. 201100200

2
3 **Ryan D. Cullinan, D. D. S.**

**CONSENT AGREEMENT
AND ORDER**

4 Holder of License No. D 5911
5 For the Practice of Dentistry
6 In the State of Arizona.

7
8 In order to resolve this case quickly and judiciously, the Arizona State Board of
9 Dental Examiners ("Board") and Ryan D. Cullinan, D.D.S. enter into this Consent
10 Agreement and Order ("Consent Agreement") in lieu of further administrative and
11 judicial proceedings. It is consistent with the public interest and the requirements and
12 statutory authority of the Board, specifically, A.R.S. §§ 32-1263.01, -1263.02, and 41-
13 1092.07(F) (5). This Consent Agreement shall resolve all issues the Board has reviewed
14 and investigated regarding the allegations in this matter.

15 Therefore, in lieu of further proceedings, Ryan D. Cullinan, D.D.S. admits and
16 understands that:

17 1. Any record prepared in this matter, all investigative materials prepared and
18 received by the Board concerning the allegations, and all related materials and exhibits
19 may be retained in the Board's file pertaining to this matter.

20 2. Dr. Cullinan waives any right to a further hearing or re-hearing of this
21 matter and any right to judicial review of the attached Findings of Fact, Conclusions of
22 Law, and Order.

23 3. Dr. Cullinan has the right to consult with an attorney prior to entering into
24 this Consent Agreement.

25 4. The findings contained in the Findings of Fact portion of the Consent
26 Agreement are conclusive evidence of the stated facts. The Board may consider this
Consent Agreement when and if future disciplinary proceedings arise.

1 teeth. A pain assessment recorded for patient AS was 0 on a scale of 0 to 10. AS' general
2 dentist did not document a medical necessity for the removal of the wisdom teeth.

3 4. AS presented to Dr. Cullinan as a healthy 30 year old patient with no
4 symptoms or pain and no documented periodontal conditions related to her wisdom teeth.
5 Dr. Cullinan documented AS' pain as 0 on a scale of 0 – 10. His diagnosis was
6 “impacted and malposed” wisdom teeth.

7 5. Dr. Cullinan saw AS on 7/25/11 for the removal of teeth nos. 1, 16, 17 and
8 32. AS' x-rays show the lower third molars to be impacted and extremely close to the
9 mandibular nerve.

10 6. Dr. Cullinan failed to document any concerns with the periodontal status of
11 the 2nd or 3rd molars. There is no documentation Dr. Cullinan offered AS the option of
12 having the teeth extracted by an oral surgeon.

13 7. Dr. Cullinan admitted the extractions were more difficult than he
14 anticipated. Dr. Cullinan attempted to extract tooth #16 and was unable to do so. He
15 advised the patient he hoped tooth #16 would not be a problem in the future. AS stated in
16 a telephonic interview she was not advised (written or verbally) by Dr. Cullinan of any
17 consequence of not having her wisdom teeth extracted.

19 CONCLUSION OF LAW

20 The conduct and circumstances described in the above Findings of Fact constitute
21 unprofessional conduct as defined by A.R.S. § 32-1201 21(n). Such conduct is grounds
22 for discipline under A.R.S. § 32-1263(1).

1 **ORDER**

2 1. **IT IS HEREBY ORDERED** that, within thirty days from the effective date of
3 this Consent Agreement and Order, RESTITUTION in the amount of \$400.80, payable
4 to Complainant and \$1,329.60, payable to Delta Dental of Georgia Insurance Co.
5 Dr. Cullinan shall submit the restitution in certified funds to the Board for delivery.

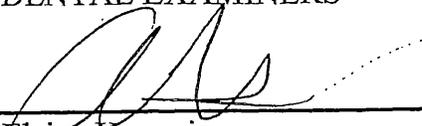
6 2. **IT IS FURTHER ORDERED** that, within twelve (12) months from the effective
7 date of this Consent Agreement and Order, Dr. Cullinan shall take and complete the
8 following continuing education: six (6) hours of diagnosis and treatment planning of
9 impacted teeth, three (3) hours of anatomy of the head and neck area, specifically
10 concerning nerve blocks and four (4) hours of pharmacology in local anesthetics, in a
11 dental school setting; four (4) hours in risk management. Home study or online courses
12 are not acceptable unless they are on the list of Board Approved courses that do not
13 require prior approval. At least ten business days prior to the date of the continuing
14 education course(s), Dr. Cullinan shall obtain pre-approval for the continuing education
15 from the Board's Executive Director. Within five days of completion of each
16 continuing education course, Dr. Cullinan shall submit to the Board verification of
17 completion of the course(s). Verification shall be by canceled checks, attendance slips,
18 if any, and a copy of any notes taken during the course. The continuing education
19 ordered in this Consent Agreement is in addition to the continuing education hours
20 required for license renewal.

21 3. **IT IS FURTHER ORDERED** that, Dr. Cullinan's scope of practice is restricted
22 in the area of removal of impacted teeth until completion of the continuing education
23 ordered.

24 4. **IT IS FURTHER ORDERED** that, in the event Dr. Cullinan fails to comply
25 with any of the terms of this Consent Agreement and Order, the Board may take further
26 disciplinary action, after notice to Dr. Cullinan and an opportunity to be heard.

1
2 DATED this 29th day of ^{May} April, 2012.

3 ARIZONA STATE BOARD OF
4 DENTAL EXAMINERS

5 
6 Elaine Hugunin
7 Executive Director

8 A copy of the following mailed by CERTIFIED MAIL this 29th day of ^{May} April 2012 to:

9 _____
10 Ryan D. Cullinan, DDS
11 470 W. Half Moon Way
12 Chandler, AZ 85225

13 A.S.

14 A copy mailed by US MAIL to:

15 Edwin M. Gaines, Jr.
16 4801 E. Broadway Blvd., Suite 400
17 Tucson, AZ 85711
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