

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

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IN THE MATTER OF THE )  
STATEMENT OF CHARGES )  
AGAINST )

MICHAEL J. LOW, D.D.S. )  
814 Seventh Avenue )  
Camanche, IA 52730 )

**NOTICE OF HEARING**

Iowa Dental License #6365 )

Respondent )

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**COMES NOW** the Iowa Board of Dental Examiners and files this Notice of Hearing pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa dental license number 6365 on July 1, 1978. That license is currently on probationary status and is current and active through June 30, 2008.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing. A disciplinary contested case hearing shall be held on April 18, 2007, before the full Board of Dental Examiners. The hearing shall begin at 10:00 a.m. and shall be located in the conference room at the office of the Iowa Board of Dental Examiners office at 400 SW 8<sup>th</sup> Street, Ste D, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. 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.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing you must review the requirements in 650 Iowa Administrative Code 51.18. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. Prosecution. 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, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Constance L. Price, Executive Director at 515-281-5157.

## **B. LEGAL AUTHORITY AND JURISDICTION**

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 153, and 272C (2005).

8. Legal Authority: 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 (2005) and 650 Iowa Administrative Code Chapter 51.

9. Default. 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.

## **C. SECTIONS OF STATUTES AND RULES INVOLVED**

### **COUNT I**

10. Respondent is charged under Iowa Code Section 153.34(4) (2005) 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.

### **COUNT II**

11. Respondent is charged under Iowa Code Section 272C.3(2)(a) (2005) and 650 Iowa Administrative Code Section 30.4(23), with failing to comply with a decision of the Board imposing licensee discipline.

12. Disciplinary History. On June 13, 2003, Respondent was charged by the Board under Iowa Code section 153.34(9) with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, and under Iowa Code section

153.34(4) 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. The circumstances of that case involved Respondent providing substandard dental treatment to patients and for failing to properly maintain patient records.

13. On August 5, 2003, Respondent entered into a Stipulation and Consent Order with the Board resolving those charges without proceeding to hearing. Respondent was required to comply with numerous terms and conditions pursuant to this Order, and Respondent's license was placed on probation for a five year period.

14. Statement of Matters Asserted. The Board has reviewed this matter and has approved the short and plain Statement of Matters Asserted. A Statement of the Matters Asserted shall be furnished to Respondent as an attachment to this Notice. The Statement of Matters Asserted is not a public record at this time. The Statement of the Matters Asserted is a public record at the time the Board approves a settlement agreement or issues a final decision after a contested case hearing.

15. Settlement. 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.

16. On this 30<sup>th</sup> day of November, 2006, the Iowa Board of Dental Examiners found probable cause to file this Notice of Hearing.

*Deena R. Kuempel, D.D.S.*

DEENA R. KUEMPEL, D.D.S.

Chairperson

Iowa Board of Dental Examiners

400 SW 8<sup>th</sup> Street, Ste. D

Des Moines, IA 50309

515-281-5157

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