

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

IN THE MATTER OF:)

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

NOTICE OF HEARING

License #6365)

Respondent)

You are hereby notified that on June 13, 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 (2001), 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 August 20, 2003, 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 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:

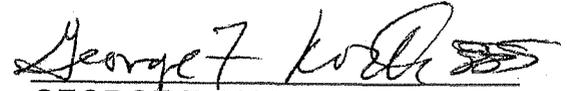
Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

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 13th day of June, 2003.



GEORGE F. NORTH, D.D.S.
Vice 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

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MICHAEL J. LOW, D.D.S.)	
814 Seventh Avenue)	
Camanche, IA 52730)	STATEMENT OF CHARGES
License #6365)	
Respondent)	

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2003).
- 2) On July 1, 1978, Michael J. Low, D.D.S., the Respondent, was issued license number 6365 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 6365 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.

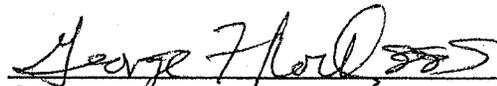
THE CIRCUMSTANCES

1. A Board consultant reviewed fourteen (14) patient records subpoenaed from Respondent's dental office and concluded the following:
 - a) Patient J.L. was not treated to the standard of care. The patient had multiple restorations performed without any bitewing x-rays taken to determine if decay was present on the interproximal surfaces.
 - b) Patient M.G. was not treated to the standard of care. The patient record was incomplete and bitewing x-rays were not dated.
 - c) Patient L.L. was not treated to the standard of care. The patient was seen on a regular basis but bitewing x-rays were never taken.
 - d) Patient T.T. was not treated to the standard of care. The patient was seen on a regular basis but bitewing x-rays were never taken.
 - e) For patient G.R., the consultant could not determine the level of care delivered to this patient as bitewing x-rays were not dated.
 - f) Patient C.S. was not treated to the standard of care. The patient was seen on a regular basis but bitewing x-rays were never taken.
 - g) Patient J.N. was not treated to the standard of care. X-rays indicate that the patient has active periodontal disease present. The patient's record contains no mention that the disease has been diagnosed.
 - h) Patient N.W. was not treated to the standard of care. X-rays indicate that the patient has active periodontal disease. The patient's record contains no mention that the disease has been diagnosed.

- i) For patient R.T., the consultant could not determine the level of care delivered to this patient as bitewing x-rays were not dated.
- j) Patient D.G. was not treated to the standard of care. When the patient transferred care to another dentist, there was gross decay on multiple teeth. The consultant concluded decay was present while the patient was seeing Respondent. Due to the fact that Respondent did not take x-rays, he could not diagnose the interproximal decay.
- k) Patient A.G. was not treated to the standard of care. The Respondent's records indicate that he was restoring interproximal lesions, but was doing so without ever taking bitewing x-rays in order to diagnose and restore the lesions.
- l) Patient T.J. was not treated to the standard of care. When the patient transferred care to another dentist, she was diagnosed with multiple lesions. The Respondent failed to diagnose the lesions.
- m) Patient B.J. was not treated to the standard of care. The patient was seen every six months by Respondent for cleanings. After Respondent transferred care to another practitioner, it was noted that the patient had generalized heavy supra- and sub-gingival calculus. The consultant questioned the quality of the cleanings that Respondent provided to this patient.
- n) The consultant concluded there were a multitude of deficiencies in Respondent's treatment and records. Some patients had undiagnosed periodontal disease and not a single record contained periodontal

probings. Many chart entries were not correct nor were they complete. Many of the reviewed records did not include the necessary diagnostic x-rays and some of the x-rays were not dated.

On this 13th day of June, 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.
Vice Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

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Assistant Attorney General
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