

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

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IN THE MATTER OF: )

DOUGLAS R. PICK, D.D.S. )  
1250 NW 142<sup>nd</sup> Street, Ste. 201 )  
Clive, IA 50325 )

**NOTICE OF HEARING**

License #6598 )

Respondent )

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You are hereby notified that on May 11, 2005, 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 (2005), 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 25, 2005, before the full Board or a panel of the Board. The hearing shall begin at 10:00 a.m. and shall be located in the 1<sup>st</sup> Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8<sup>th</sup> 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  
2<sup>nd</sup> 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 11<sup>th</sup> day of May, 2005.

  
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

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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IN THE MATTER OF: )

DOUGLAS R. PICK, D.D.S. )  
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Clive, IA 50325 )

**STATEMENT OF CHARGES**

License #6598 )

Respondent )

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2005).
- 2) On July 1, 1980, Douglas R. Pick, D.D.S., the Respondent, was issued license number 6598 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 6598 is current and on active status until June 30, 2006.
- 4) The Respondent's dental license is currently on probation with the Board until December 2, 2007.

**COUNT I**

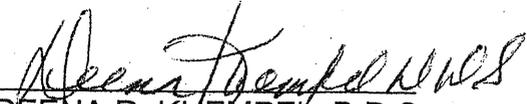
The Respondent is charged under Iowa Code Section 153.34(4) (2005) with willful or repeated violations of the rules of the Board by failure to comply with standard precautions for preventing and controlling infectious diseases and managing personnel health and safety concerns related to infection control, as required or recommended for dentistry by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, in violation of 650 Iowa Administrative Code Section 30.4(35).

## **THE CIRCUMSTANCES**

1. On March 19, 1988, Respondent was charged by the Board with multiple rule violations, including but not limited to, permitting an unlicensed dentist to practice dentistry in his office, and for allowing uncertified auxiliary staff to take radiographs. Following a hearing on June 9, 1988, Respondent's dental license was placed on probation for a period of two (2) years subject to numerous conditions.
2. On August 22, 2003, Respondent was charged by the Board with other rule violations, including but not limited to, failing to protect the health of patients by delegating auxiliary staff duties which cannot be legally delegated to them. To resolve those pending charges, Respondent entered into a Stipulation and Consent Order with the Board dated December 2, 2003, placing Respondent's dental license on probation for a period of four (4) years, subject to numerous terms of probation.
3. In March 2005, the Board conducted a probation review to ensure that Respondent was in compliance with the terms and conditions of his Order.
4. Respondent is a sole practitioner and operates two different dental offices. Respondent employs two (2) registered dental assistants at each office.
5. Respondent delegates infection control responsibilities to his dental assistants at each of his dental offices.
6. Respondent previously addressed concerns of the Board regarding infection control issues. However, following the March 2005 inspection, it appeared that Respondent's current infection control protocols were insufficient to prevent the transmission of infectious diseases.

7. The probation review included an inspection at both of his dental offices. The following major deficiencies were identified during the March 2005 office inspections:
  - a. At his Clive dental office, Respondent failed to ensure proper sterilization monitoring was being conducted to ensure the effectiveness of his sterilization equipment.
  - b. At his Ida Grove dental office, Respondent failed to ensure proper sterilization of his hand pieces between patients.
8. Board rule 650-30.4(35) requires dentists to comply with standard precautions for preventing the transmission of infectious diseases as issued by the CDC.
9. Board rule 650-30.4(17) requires dentists to maintain adequate safety and sanitary conditions for a dental office.

On this 11th day of May, 2005, 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 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
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