

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

IN THE MATTER OF:)

DENNIS J. SCHULLER, D.D.S.)

REINSTATEMENT ORDER

License #06013)

Respondent)

On this 16th day of July, 2012, the Iowa Dental Board and Dennis J. Schuller, D.D.S., each hereby agree with the other and stipulate as follows:

1. Reinstatement of Respondent's license to practice dentistry in the state of Iowa shall be resolved without proceeding to hearing, as the parties have agreed to the following Reinstatement Order.

2. Respondent was issued a license to practice dentistry in the state of Iowa on the 7th day of February, 1975, as evidenced by license number 06013.

3. On July 14th, 2010, the Board issued an Emergency Adjudicative Order immediately suspending Respondent's license to practice dentistry to avoid immediate danger to the public health, safety, and welfare.

4. On July 14th, 2010, Respondent was charged with the inability to practice dentistry with reasonable skill and safety by reason of illness, habitual or excessive use of drugs, intoxicants, narcotics, chemicals, or other types of materials, or as a result of a mental or physical condition; with allowing a dental hygienist to practice dentistry; for failing to protect the health of his patients by assigning a dental assistant duties for which she was not qualified; with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, for fraud or deceit in renewing his dental license;

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with obtaining a fee by fraud or misrepresentation; for failing to maintain records in a manner consistent with the protection of the welfare of the patient; and for increasing fees to patients solely because the patients have insurance.

5. To resolve these charges, Respondent entered into a Stipulation and Consent Order with the Board on October 1st, 2010, which continued to suspend Respondent's dental license until the Board reinstates his license pursuant to 650 IAC 51.34. Respondent agreed not to apply for reinstatement of his dental license until he had met all of the requirements of that October 1st, 2010 Order.

6. The Board has received and reviewed information documenting that Respondent has complied with the terms for reinstatement set forth in the Board's October 1st, 2010 Order, and pursuant to that Order, Respondent has requested reinstatement of his license pursuant to Iowa Administrative Code 650-51.34.

7. The Board acknowledges that Respondent has successfully completed these terms for reinstatement.

8. The issuance of this Order is subject to the Respondent submitting a completed reinstatement application and paying all required fees.

THEREFORE, IT IS HEREBY ORDERED that Respondent's Iowa dental license shall be reinstated and placed on **indefinite probation** effective the date of this Order, subject to the following terms and conditions:

SECTION I.

1. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order and Board rules.
2. The Board shall on a monthly basis select patient records for review by a Board consultant. Respondent shall be solely responsible for the costs associated with this review and shall promptly reimburse the Board consultant the usual and

- customary fee for the service. After six (6) months of successful reviews, the Board may, at its discretion, order these reviews to be done on a quarterly basis.
3. Respondent shall fully comply with any recommendations made by the Board consultant or the Board following such reviews.
 4. Respondent shall ensure that all patient records and submissions for reimbursement of services contain evidence that clearly establishes that such services are necessary and appropriate, and contain both treatment options and treatment plans.
 5. Respondent shall submit the names of at least two staff members for Board approval, who are not related to Respondent, to complete a Board approved Staff Review Form by the 1st of each month, for a period of (1) year. Following this one year period, reports shall be submitted quarterly and are due by the 1st of January, April, July, and October of each calendar year. Respondent shall ensure staff members are responsible for sending Staff Review Forms directly to the Board office. Respondent shall not have access to the contents of these forms.
 6. Respondent shall report to the Board with signed statements from all current and future licensees, employees and employers within fourteen (14) days of the date of this Order, and thereafter within fourteen (14) days of any new employment relationship, indicating that they have read and understand this Order; the Board's July 14th, 2010 Emergency Adjudicative Order; the Board's July 14th, 2010 Notice of Hearing and Statement of Charges; and the Board's October 1st, 2010 Stipulation and Consent Order.
 7. Respondent shall allow for all employees to report directly to the Board any violation of this Order, or any violations of the rules of the Board or state statutes related to the practice of dentistry, dental hygiene, or dental assisting in Iowa.

Such reporting employee(s) shall not be subject to adverse action by Respondent as a result of such report.

8. Respondent shall completely abstain from the personal use and possession of alcohol and benzodiazepines. Respondent shall not use any controlled substances or drugs in any form unless prescribed by a duly licensed and treating health care provider in consultation with his discharging addictionologist. Respondent shall ensure that all treating health care providers consult with his discharging addictionologist before issuing him any prescriptions for any controlled substances, including Tramadol. The Respondent shall report to the Board in writing within forty-eight (48) hours, the use of any prescription drugs. The report shall include the name and quantity of the prescription, the name and phone number of the prescribing health care provider, the reason for the prescription, and the name and telephone number of the pharmacy where the prescription was filled.
9. Respondent shall participate in the Board's random drug and alcohol screening program. Respondent agrees to submit to testing at the frequency rate determined by the Board. In addition, Respondent shall submit to unannounced random witnessed blood, urine, hair, or breath analysis samples on demand by any agent or designee of the Board. Respondent shall promptly pay all costs associated with all drug and alcohol screenings.
10. Respondent shall immediately sign releases to allow for the free flow of information between the Board and all of Respondent's current evaluators, counselors, and treatment providers.
11. Respondent shall remain under the care of his Board approved psychiatrist and psychologist. Respondent shall meet with each of his Board approved providers at

a frequency determined by the provider and approved by the Board. Respondent shall promptly document compliance with any and all recommendations made by his Board approved providers.

12. Respondent shall be responsible for ensuring that each of his Board approved providers submits written quarterly reports to the Board due on the 1st day of January, April, July, and October of each calendar year concerning Respondent's treatment and progress. The report shall include, but are not limited to, Respondent's progress, participation in treatment, and compliance with the provider's recommendations.

- a. The Board's approval of the treatment provider may be rescinded by the Board for good cause.
- b. If the Respondent or treatment provider feels it is necessary to terminate their doctor/patient relationship, a written explanation by both parties must be submitted to the Board at least thirty (30) days before termination of the relationship.
- c. In either case, the Respondent shall submit names of other treatment providers for the Board's consideration within fifteen (15) days from the date of the Board's rescission Order or date of doctor/patient relationship termination.

13. Respondent shall submit reports to the Board detailing his compliance with the terms of this Order. Respondent shall ensure that the reports are submitted prior to the 1st day of January, April, July, and October, of each calendar year. These reports shall include, but not be limited to Respondent's compliance with this Order and his participation with his Board approved treatment providers.

14. Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for all costs incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit three hundred (\$300.00) dollars on or before the first day of January, April, July, and October, of each calendar year of probation for monitoring costs.
15. Respondent shall upon reasonable notice, and subject to the provisions of 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
16. 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 he 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. Notice of any change of practice location must be provided to the Board within fourteen (14) days.
17. All costs associated with this Order are the sole responsibility of Respondent.

SECTION II.

1. Respondent acknowledges that he has read in its entirety the foregoing Reinstatement Order and that he understands its content and that he executed the Order freely, voluntarily, and with no mental reservation whatsoever.
2. Respondent acknowledges his right to a hearing as provided for by law and waives his right to a hearing in this matter.

3. Respondent acknowledges that he has the right to be represented by counsel in this matter.
4. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
5. 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.
6. 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.
7. Respondent acknowledges that this Order is subject to approval of a majority of the full Board. If the Board fails to approve this proposed Order, it shall be of no force or effect as to either party.
8. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of dentistry in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code Section 272C.3(2)(a) (2011).
9. The Board's approval of this Reinstatement Order shall constitute a FINAL ORDER of the Board.

This Reinstatement Order is voluntarily submitted on this 16th day of July, 2012.


Dennis J. Schuller, D.D.S.
Respondent

This Reinstatement Order is accepted by the Iowa Dental Board on this 16th day
of July, 2012.


LYNN D. CURRY, D.D.S.
Vice Chairperson
Iowa Dental Board
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
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