

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

IN THE MATTER OF)
PAUL R. SCHULTZ, D.D.S.)
RESPONDENT.)

**NOTICE OF HEARING
AND STATEMENT OF CHARGES**

COMES NOW the Iowa Dental Board (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 650 Iowa Administrative Code (IAC) 51.6. Respondent was issued Iowa dental license number 07329 on July 1, 1988. Respondent's license is current and will next expire on August 31, 2014. Respondent's address as reported to the Board is 400 N. Park Place, Audubon, Iowa 50025.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on August 1, 2014, before the Iowa Dental Board. The hearing shall begin at 9:00 a.m. and shall be located in the conference room at the office of the Iowa Dental Board, 400 SW 8th Street, Ste. D, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 650 IAC 51.12(2) to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Iowa Dental Board, 400 SW 8th Street, Ste. D, Des Moines, Iowa 50309.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing 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 IAC chapter 51. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 650 IAC 51.18. The hearing may be open to the public or closed to the public at your discretion.

5. Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 650 IAC chapter 51.17.

6. Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: Sara Scott, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact Board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. 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 Sara Scott, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

B. LEGAL AUTHORITY AND JURISDICTION

1. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 153, and 272C.

2. 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 and 650 IAC chapters 30 and 51.

3. 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 IAC 51.22.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

Respondent is charged under Iowa Code section 153.34(8) (2013) and 650 IAC 30.4(16) with failure to maintain a satisfactory standard of competency in the practice of dentistry.

COUNT II

Respondent is charged under Iowa Code section 153.34(4) (2013) and 650 IAC 27.11 for failing to maintain patient records in a manner consistent with the protection of the welfare of the patient.

D. FACTUAL CIRCUMSTANCES

1. Respondent is a general dentist engaged in the practice of dentistry in Audubon, Iowa.
2. Iowa Code section 153.34(8) provides that a ground for discipline includes failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry.
3. Board rule 27.11 requires that a dentist maintain patient records in a manner consistent with the protection of the welfare of the patient.
4. The Board received a complaint from patient BR in July 2010. The complaint stated that Respondent failed to diagnose and properly treat periodontal disease. A Board consultant reviewed this case and determined that the Respondent did not practice to an acceptable standard of care because patient BR had active periodontal disease present that Respondent failed to diagnose and treat.
5. In October 2010, Respondent was issued a letter of warning by the Board for failing to meet the minimum standards for patient record keeping. Respondent was informed in this letter that the Board would be reviewing his current record keeping protocols to determine if further Board review was warranted.
6. In March 2011, Respondent voluntarily underwent and completed a record keeping course which included in the course of its study the proper protocol for recording periodontal disease.
7. In May 2012, multiple patient records were subpoenaed from Respondent. These records were limited to only those patients who received treatment following

March, 2011. These new records, and the original record of the complainant BR, were reviewed by two Board consultants who concluded that Respondent failed to meet the minimum standard of care that he provided to the majority of these patients due to the following:

- a. Patient SR was not treated to the standard of care as Respondent's records contained undated periodontal probings. These undated probings indicated 4mm pockets which would indicate treatment was needed, but Respondent's records reflect no treatment plan. Respondent performed root canal treatment on teeth #4 and #30 and both canals were below the standard of care as the final obturations were short of the apex.
- b. Patient MG was not treated to the standard of care as the patient's record lacked any health history updates, lacked a full mouth series of radiographs and/or periodontal probings. Radiographs show that bone loss is evident but Respondent failed to make a diagnosis or propose treatment. Respondent placed restorations on teeth #4, #5, #13, #20, and all were below the standard of care.
- c. Patient PE was not treated to the standard of care as the patient's record lacked full mouth radiographs and/or periodontal probings. Radiographs indicated that disease was evident, and that disease worsened under Respondent's care. Respondent failed to properly diagnose or propose treatment to this patient.

- d. Patient LW was not treated to the standard of care as the patient's record lacked full mouth radiographs and/or periodontal probings. Radiographs show evidence of bone loss.
- e. Patient WH was not treated to the standard of care as the patient's record lacked full mouth radiographs and/or periodontal probings. Respondent failed to properly diagnose or propose treatment to this patient.
- f. Patient RN was not treated to the standard of care as the patient's record lacked full mouth radiographs and/or periodontal probings. Respondent failed to properly diagnose or propose treatment to this patient.
- g. Patient GM was not treated to the standard of care as the patient's record lacked full mouth radiographs and/or periodontal probings. Radiographs show that bone loss is evident, yet Respondent failed to properly diagnose or propose treatment to this patient.
- h. Patient CH was not treated to the standard of care as the patient's record lacked full mouth radiographs and/or periodontal probings. Respondent failed to properly diagnose or propose treatment to this patient.
- i. Patient NW was not treated to the standard of care as the patient's record lacked full mouth radiographs and/or periodontal probings. Respondent failed to properly diagnose or propose treatment to this patient.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 IAC chapter 51.19. If you are

interested in pursuing settlement of this matter, please contact Dee Ann Argo at 515-281-3738.

F. PROBABLE CAUSE FINDING

On this 10th day of April, 2014, the Iowa Dental Board found probable cause to file this Notice of Hearing and Statement of Charges.

Handwritten signature of Steven P. Bradley in cursive, with the initials "D.D.S." written to the right of the signature.

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

cc: Sara Scott
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover Bldg.
Des Moines, IA 50319

Kevin J. Driscoll
Finley Law Firm
699 Walnut Street, Suite 1900
Des Moines, IA 50309