

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE NOTICE OF HEARING AGAINST

CRAIG D. STATER, D.D.S., RESPONDENT

CENTERVILLE, IOWA

NOTICE OF HEARING, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Craig D. Stater, D.D.S. (Respondent), on October 27, 2011, and pursuant to Iowa Code Sections 17A.10(2) and 272C.3(4), enter into the following combined Notice of Hearing, Settlement Agreement and Final Order.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order.
2. Respondent was issued license number 06366 to practice dentistry in the state of Iowa on July, 1, 1978.
3. Respondent's Iowa dental license is current and will expire on August 31, 2012.

LEGAL AUTHORITY AND JURISDICTION

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 153 and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. Respondent is charged under Iowa Code Section 153.34(4) (2011) with willful or repeated violations of Board rules by failing to comply with the terms of an Iowa Practitioner Review Committee contract, in violation of 650 Iowa Administrative Code 35.1(6)(b).

STATEMENT OF MATTERS ASSERTED

6. In April, 2008, Respondent self-reported to the Iowa Practitioner Review Committee due to alcohol dependency.
7. In May, 2008, Respondent submitted to a substance abuse evaluation which indicated that Respondent was alcohol dependent. The evaluation facility recommended Respondent enter substance abuse treatment.
8. Respondent subsequently completed substance abuse treatment in June, 2008.
9. The evaluating/treatment facility recommended that Respondent remain abstinent from alcohol and all other mood altering substances.
10. In May, 2011, the Board received information that Respondent relapsed multiple times by using alcohol.

11. Following these relapses, Respondent was interviewed and confirmed that relapses had occurred.
12. Respondent voluntarily removed himself from the practice of dentistry and submitted to an additional substance abuse evaluation at a Board approved facility in June, 2011. This evaluation indicated that Respondent was alcohol dependent. The evaluating facility recommended Respondent enter substance abuse treatment.
13. Respondent subsequently completed substance abuse treatment in August, 2011. The treatment facility supports Respondent's return to the practice of dentistry.

SETTLEMENT AGREEMENT

THEREFORE IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the state of Iowa is hereby placed on probation for a period of five (5) years.

This probation is subject to the following terms and conditions:

14. Respondent shall immediately comply and document successful compliance with all recommendations of the evaluating/treatment facility.
15. Respondent shall completely abstain from the personal use and possession of alcohol and all controlled substances or drugs in any form unless prescribed by a duly licensed and treating health care provider. The Respondent shall inform any treating health care provider of his prior chemical dependency prior to accepting any prescription drug.
16. Respondent shall come under the care of a Board approved certified addictionologist. Respondent shall meet with his addictionologist at a rate to be

determined by the addictionologist. Respondent shall sign releases to allow the Board to fully communicate with his addictionologist. Respondent shall promptly document compliance with any and all recommendations made by his addictionologist. Care provided by the addictionologist shall be at Respondent's expense.

17. Respondent shall continue outpatient therapy at a Board approved facility. Respondent shall meet with his therapist at a minimum of once per month. Respondent shall sign releases to allow the Board to fully communicate with his therapist. Respondent shall promptly document compliance with any and all recommendations made by his therapist. Therapy shall be at Respondent's expense.
18. The Board's approval of treatment providers may be rescinded by the Board for good cause. If the Respondent or treatment provider feels it is necessary to terminate their professional relationship, a written explanation from both parties must be submitted to the Board at least thirty (30) days before termination of the relationship. In either case, Respondent shall submit other names of alternate treatment providers for the Board's approval within fifteen (15) days from the date of the Board's rescission Order or date of discontinuance of care.
19. Respondent shall obtain and work with a local 12-step sponsor and attend meetings of Alcoholics Anonymous or Narcotics Anonymous at least four meetings each week. Respondent shall document and submit written verification of meeting attendance to the Board. Verification of meeting attendance requires the date, time, and location

of the meeting along with a signature or initials of another person in attendance accompanied by a phone number at which the per can be reached for verification.

20. 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 an agent or designee of the Board. Respondent shall promptly pay all costs associated with all drug and alcohol screenings.
21. Respondent shall submit the name of a practitioner or co-worker who regularly observes and/or supervises him in a practice setting to serve as his Worksite Monitor (WSM). The WSM is required to report to the Board any suspected impairment, inappropriate behavior, questionable dental practice, or professional misconduct. In addition, the WSM shall keep the Board apprised of any restriction in the scope of the Respondent's clinical privileges and changes thereof that were the result of or may be affected by the Respondent's impairment. The WSM shall provide written quarterly reports to the Board prior to the first day of January, April, July and October, of each calendar year during the probationary period.
22. Respondent shall disclose to all current and future licensees, employers, and staff in his practice this Agreement. The Respondent shall report back to the Board with signed statements from all current and all future employers/employees within fourteen (14) days of the date of this Agreement and thereafter within fourteen (14)

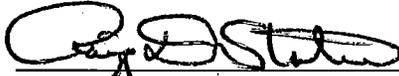
days of any new employment relationship, indicating that they have read this Agreement.

23. Respondent shall submit reports to the Board detailing his compliance with the terms of this Order for the remainder of his probationary period. Respondent shall ensure that the reports are submitted prior to the first day of January, April, July, and October, of each calendar year during the probationary period. These reports shall include, but not be limited to, verification of AA/NA attendance and participation.
24. 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) on or before the first day of January, April, July, and October, of each calendar year for monitoring costs.
25. Respondent shall upon reasonable notice, and subject to the waiver provisions of Board rule 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
26. Periods of residency outside of the state of Iowa may be applied toward the period of probation if prior approved by the Board. Any changes in residency must be provided to the Board in writing within fourteen (14) days of departure.
27. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order.

FINAL ORDER

28. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
29. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Matters Asserted, and waives any objections to the terms of this Settlement Agreement.
30. Respondent understands that by entering into this combined Notice of Hearing, Settlement Agreement and Final Order, he cannot obtain a copy of the investigative file. Under Section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.
31. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
32. Respondent acknowledges that he has the right to be represented by counsel in this matter.
33. This combined Notice of Hearing, Settlement Agreement and Final Order becomes public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

34. 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.
35. 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.
36. This combined Notice of Hearing, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order, it shall be of no force or effect to either party.
37. The Board's approval of this Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Craig D. Stater, D.D.S.
Respondent

This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on October 27, 2011.


GARY D. ROTH, D.D.S.
Chairperson
Iowa Dental Board
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