

BEFORE THE BOARD OF DENTAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

PERRY T. WILLIAMS, III., D.D.S., RESPONDENT

STATEMENT OF CHARGES,

SETTLEMENT AGREEMENT and FINAL ORDER
(combined)

COMES NOW the Iowa Board of Dental Examiners (the Board), and Perry T. Williams, III., D.D.S. (Respondent), on June 25th, 2004, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued license number 6423 to practice dentistry in Iowa on July 30th, 1979.
2. Respondent's Iowa dental license is current and will expire on June 30, 2004.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. The Respondent is charged under Iowa Code Section 153.34(15) (2003) with the inability to practice dentistry with reasonable skill and safety by reason of habitual or excessive use of drugs, narcotics, chemicals, or other types of materials.

COUNT II

5. Respondent is charged under Iowa Code Section 272C.3(2)(a) (2003) and 650 Iowa Administrative Code Section 30.4(23) with failing to comply with a decision of the Board imposing licensee discipline.

CIRCUMSTANCES

6. Respondent was charged by the Board on December 4th, 1992, with having disciplinary action taken against his license by another state and for failing to report this action to the Iowa Board within thirty (30) days. On January 14th, 1993, the Board filed additional charges for indiscriminately or promiscuously prescribing or dispensing any drug for other than lawful purposes and for repeated violations of Board rules. To resolve these pending charges, Respondent entered into a Stipulation and Consent Order with the Board dated April 16th, 1993, placing Respondent's dental license on indefinite probation. Respondent's prescribing, administering, and distributing privileges relating to certain controlled substances were suspended for a period of ten (10) years.
7. Respondent was charged by the Board on July 19th, 1996, with failing to maintain a reasonably satisfactory standard of competency in his practice of endodontics. To resolve those pending charges, Respondent entered into a Stipulation and Consent Order with the Board dated February 11th, 1997, placing Respondent's dental license on probation for a period of five (5) years, subject to numerous terms of probation.
8. Respondent was charged by the Board on April 16th, 1999, with numerous allegations related to his illegal use of controlled substances. To resolve those pending charges, Respondent entered into a Stipulation and Consent Order with the

Board dated July 8th, 1999, placing his dental license on indefinite probation subject to numerous terms of probation.

9. Respondent was charged by the Board on September 22nd, 1999, with failing to maintain a reasonably satisfactory standard of competency in the practice of dentistry for failing to follow appropriate recordkeeping procedures and for failing to comply with a previous Order of the Board when he (a) failed to submit verification to the Board of attending three (3) AA or NA meetings each week, and (b) failed to provide notice to all employees of the action taken against his dental license and to report this to the Board. To resolve those pending charges, Respondent entered into a Stipulation and Consent Order with the Board dated December 31st, 1999, placing his dental license on indefinite probation subject to numerous terms of probation.
10. Respondent was charged by the Board on March 29th, 2000, with failing to comply with an Order of the Board imposing discipline when he (a) failed to submit verification to the Board of attending three (3) AA or NA meetings each week, (b) failed to report the use of any prescription drugs within fourteen (14) days of use, following confirmation of the presence of Hydrocodone in a urinalysis test, which is the controlled substance that Respondent was previously charged with abusing and prescribing for unlawful purposes, and (c) for failing to abstain from the personal use of controlled substances, following confirmation of the presence of cocaine in a urinalysis test. On May 5th, 2000, the State of Iowa filed a Motion to amend the Statement of Charges to add a third count for violating Iowa Code section 153.34 (15) (1999) for being unable to practice dentistry with reasonable skill and safety by reason of habitual or excessive use of drugs or as a result of a mental condition.

11. A hearing on the matter was held on May 8th, 2002. The Board issued a Findings of Fact, Conclusions of Law, Decision and Order, on June 1st, 2000, and Respondent's license to practice dentistry in the State of Iowa was indefinitely suspended. It was further ordered that the Board would not consider an application for reinstatement from Respondent until multiple conditions were met.
12. A reinstatement hearing was held on January 16th, 2001. The Board concluded at that time that Respondent had satisfied the conditions of his previous order and reinstated Respondent's dental license subject to numerous terms and conditions including, but not limited to:
 - a. Completely abstaining 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.
 - b. Attending meetings of Alcoholics Anonymous or Narcotics Anonymous at least four (4) times each week and submitting written verification of his attendance in monthly reports to the Board.
 - c. Participating in counseling with a physician expert in substance abuse counseling at a frequency recommended by the counselor and approved by the Board.
 - d. Providing notice to all current and future employers, employees, and staff of the action taken against his license and to report back to the Board with signed statements from current and future employers, employees, and staff within ten (10) days of the date of the Order, and, thereafter, within ten (10) days of any new employment relationship, that they have read the Board's Decision and Order.

- e. Entering into an agreement with another licensed dentist to serve as a practice monitor to periodically review patient records, radiographs and treatment plans.
 - f. Submitting monthly reports detailing his compliance with the terms of probation.
13. Respondent has violated the terms and conditions of the January 16th, 2001, Order as follows:
- a. Two of Respondent's recent urinalysis results have tested positive for alcohol.
 - b. Respondent has failed to attend and provide proof of attendance to at least four AA/NA meetings a week. Respondent stated when interviewed that it had been several months since he has even attended a meeting.
 - c. Respondent has failed to meet with his physician expert in substance abuse at the frequency recommended by the expert.
 - d. Respondent has failed to provide notice to his current employers, employees, and staff, of the disciplinary action taken against his license.
 - e. Respondent has failed to enter into an agreement with a practice monitor to periodically review patient records, radiographs and treatment plans.
 - f. Respondent has failed to submit monthly reports detailing his compliance with the terms of his probation.

SETTLEMENT AGREEMENT

- 14. The Respondent shall voluntarily surrender his dental license effective the date of this Order.
- 15. The Board may consider an application for reinstatement of Respondent's dental license provided all the following are met:

- a. Respondent shall participate with a local Board-approved physician counselor with expertise in substance abuse. Respondent shall maintain regular contact with the physician counselor and document successful compliance with all recommendations made by the physician counselor.
- b. Respondent shall forward to the Board a recommendation from the physician counselor indicating that he can safely return to the practice of dentistry.
- c. Respondent shall document proof of successful compliance with the terms and conditions of the Board's January 16th, 2001, Order, and document successful compliance with all recommendations made by his local physician counselor to the Board office over a sixty (60) day period.
- d. Respondent shall undergo a comprehensive clinical assessment by a college of dentistry prior approved by the Board to determine Respondent's level of competency. Following said assessment, the university shall prepare a proposed course of study to address any concerns identified by the Board as well as any deficiencies, if any, noted during Respondent's clinical assessment. The university shall report directly to the Board, with a copy to Respondent, the results of that assessment. This assessment shall be taken at the expense of Respondent.
- e. In the event the Board determines from the information received that Respondent is not competent to practice dentistry the Board may deny reinstatement, impose restrictions on Respondent's practice, and/or require additional remedial education and testing as may be necessary to achieve the Respondent's competency.
- f. The Respondent shall successfully complete the assessing dental school's recommended course of study, which shall be taken at an accredited

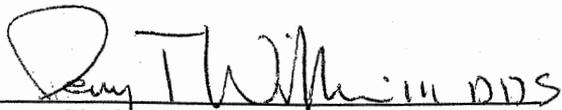
dental school prior approved by the Board. The course of study shall be prior approved by the Board. Following completion of the course of study, Respondent shall advise the supervising faculty to contact the Board to verify that the Respondent has completed the course of study. The verification from the university shall include a written report relative to Respondent's successful completion of the program, a narrative evaluation of his participation in the program, and any other information relative to Respondent's abilities in the practice of dentistry and any recommendations regarding Respondent's future practice. Respondent agrees to comply with any future practice recommendations. This course of study shall be taken at the expense of Respondent.

- g. The course of study shall be successfully completed prior to application for reinstatement.
- h. All costs associated with the assessment and course of study shall be the sole responsibility of Respondent.

FINAL ORDER

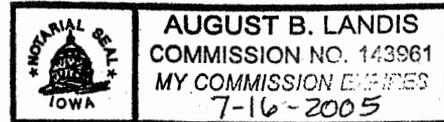
- 16. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
- 17. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.
- 18. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

19. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.
20. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

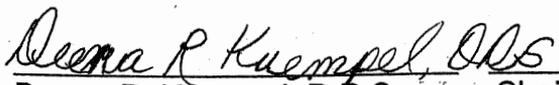

Perry T. Williams, III., D.D.S.
Respondent

Subscribed and sworn to before me on June 16, 2004.

Notary Public, State of



This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on June 25th, 2004.


Deena R. Kuempel, D.D.S., Chairperson
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