

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 February 4, 2005, 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, 2006.
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, 2000. 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.
13. Respondent later violated the terms and conditions of the January 16th, 2001, Order by testing positive for alcohol on two separate occasions, for failing to attend and provide proof of attendance to at least four AA/NA meetings a week, for failing to meet with his physician expert in substance abuse at the frequency recommended by the expert, for failing to provide notice to his current employers, employees, and staff, of the disciplinary action taken against his license, for failing to enter into an agreement with a practice monitor to periodically review patient records, radiographs and treatment plans, and for failing to submit monthly reports detailing his compliance with the terms of his probation.
14. To resolve those violations, Respondent entered into a combined Statement of Charges, Settlement Agreement, and Final Order with the Board on June 25th, 2004, in which Respondent voluntarily surrendered his dental license.
15. On November 23rd, 2004, Respondent entered into a Stipulation and Consent Reinstatement Order with the Board, reinstating his dental license. This Order then placed Respondent's dental license on indefinite probation subject to numerous terms of probation.

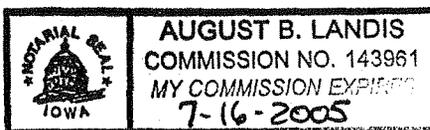
16. Respondent has violated the terms of the November 23rd, 2004, Order by testing positive for alcohol on two separate occasions.

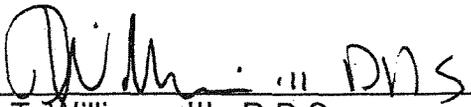
SETTLEMENT AGREEMENT

17. The Respondent's license to practice dentistry in the State of Iowa shall immediately be revoked effective the date of this Order.

FINAL ORDER

18. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
19. 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.
20. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
21. 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.
22. 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 Feb. 3, 2005.

Notary Public, State of *Iowa*

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on *February 4*, 2005.

Deena R. Kuempel, DDS
Deena R. Kuempel, D.D.S., Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Suite D
Des Moines, IA 50309-4687

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319

August B. Landis
Attorney for Respondent
Whitfield & Eddy
317 6th Avenue, Ste. 1200
Des Moines, IA 50309