

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

IN THE MATTER OF)	
LANCE P. FORBES, D.D.S.)	NOTICE OF HEARING AND STATEMENT OF CHARGES
RESPONDENT.)	

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 07957 on July 29, 1998. Respondent's license is current and will next expire on August 31, 2014. Respondent's address as reported to the Board is 1515 Blairs Ferry Road NE, Cedar Rapids, Iowa 52402.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on March 14, 2013, before the Iowa Dental Board. The hearing shall begin at 8:30 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: Theresa O'Connell Weeg, 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 Melanie Johnson, J.D., Executive Director at 515-281-5157.

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(4) (2013) with willful or repeated violations of the rules of the Board by failing to prescribe, administer or dispense prescription drugs only if the use is directly related to the practice of dentistry within the scope of the dentist-patient relationship, in violation of 650 Iowa Administrative Code 16.2(1).

COUNT II

Respondent is charged under Iowa Code Section 153.34(4) (2013) with willful or repeated violations of the rules of the Board for failing to conduct a dental examination and for failing to take a medical history before prescribing, administering, or dispensing medication to a patient, and for failing to keep a dental record with written evidence of the examination and medical history, in violation of 650 Iowa Administrative Code 16.2(2).

COUNT III

Respondent is charged under Iowa Code Section 153.34(4) (2013) with willful or repeated violations of the rules of the Board for failing to include in that patient's dental record the following information: the name, quantity, and strength of the medication; the directions for its use; the date of issuance; and the condition for which the medication was used, after prescribing, administering, or dispensing a medication, in violation of 650 Iowa Administrative Code 16.2(3).

COUNT IV

Respondent is charged under Iowa Code Section 153.34(4) (2013) with willful or repeated violations of the rules of the Board for self-prescribing, self-administering, or self-dispensing controlled substances, in violation of 650 Iowa Administrative Code 16.3(7).

COUNT V

Respondent is charged under Iowa Code Section 153.34(7) (2013) and Iowa Administrative Code 30.4(13) with dishonorable or unprofessional conduct for pleading guilty in the Iowa District Court of Johnson County to the crime of prostitution.

D. FACTUAL CIRCUMSTANCES

1. The Board has received information indicating that Respondent has issued at least 59 prescriptions to several persons for approximately 2,328 pills of hydrocodone, a controlled substance. Several of these persons deny they are patients in Respondent's dental practice, and deny ever receiving any dental care from Respondent. Respondent has no patient records for any of these persons.
2. The Board has received information that Respondent's former girlfriend picked up at least fifty (50) prescriptions for hydrocodone that were called into several different pharmacies by Respondent. Respondent's former girlfriend delivered these prescriptions to Respondent, and she has personally observed him ingest the hydrocodone pills.
3. The Board has received information indicating that at least one pharmacist personally contacted Respondent, who verified that one of the hydrocodone prescriptions was legitimate and authorized Respondent's girlfriend to pick it up.
4. Respondent stated to both law enforcement and a Board investigator that he had issued some of the prescriptions for hydrocodone in question.
5. Respondent stated to both law enforcement and a Board investigator that these hydrocodone prescriptions were issued to persons who were not patients of record, and who were not seen in his dental practice. Respondent also stated that he had no dental records for these persons.
6. Respondent stated that he provided dental care to some of these patients, and provided each of them a single prescription for hydrocodone. However, several of

these patients state that they have never been treated by Respondent and have never received a prescription from him.

7. Respondent stated to both law enforcement and a Board investigator that he personally went to the pharmacy and picked up at least one of the hydrocodone prescriptions for the person to whom the prescription was written. However, Respondent then stated that he delivered this prescription to another person, who was not the person to whom the prescription was issued.
8. Respondent was arrested and charged with prostitution after attempting to pay for sex with a police officer posing as a prostitute.
9. Respondent pled guilty in the Iowa District Court for Johnson County to a charge of prostitution. An Order For Deferred Judgment was entered on July 23rd, 2012.

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 Melanie Johnson, J.D., Executive Director, at 515-281-5157.

F. PROBABLE CAUSE FINDING

On this 11th day of February, 2013, the Iowa Dental Board found probable cause to file this Notice of Hearing and Statement of Charges.


LYNN D. CURRY, D.D.S.
Vice Chairperson
Iowa Dental Board
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