

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

IN THE MATTER OF:)

ROBERT J. FOUST, D.D.S.)
475 S. 50th Street, Ste. 300)
West Des Moines, IA 50265)

License #7930)

Respondent)

**STIPULATION AND
CONSENT ORDER**

On this 22nd day of September, 2009, the Iowa Dental Board and Robert J. Foust, D.D.S., each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing scheduled to commence before the Iowa Dental Board on the 15th day of April, 2009 and was continued until July 16, 2009, on the allegations specified in the Notice of Hearing and Statement of Charges dated January 16, 2009, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice dentistry on the 1st day of July, 1998.
2. That Iowa Dental License Number 7930 is current and in full force until August 31, 2010.
3. That the Iowa Dental Board has jurisdiction over the parties and subject matter herein.
4. A Notice of Hearing and Statement of Charges was filed against Respondent on January 16, 2009.
5. Respondent filed an Answer on April 15, 2009, in which he denied the allegations against him.

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the state of Iowa shall be immediately placed on probation for a period of five (5) years. The Respondent may petition the Board for termination of probation after two (2) years following successful compliance of the terms and conditions set forth below:

SECTION I.

TERMS AND CONDITIONS

1. Respondent shall within sixty (60) days of the date of this Order successfully complete a comprehensive clinical assessment at a college of dentistry prior approved by the Board to determine Respondent's level of competency. This assessment and any subsequent courses of study shall be taken at the expense of Respondent.
 - a. The Board shall forward to the evaluating college, prior to the assessment, the Board's file relating to the Statement of Charges. The college shall report directly to the Board, with a copy to Respondent, the results of said assessment.
 - b. Following said assessment, the college shall prepare a proposed course of study to address any concerns or deficiencies, if any, noted during Respondent's clinical assessment.
 - c. Respondent agrees to comply with any recommendations made by the college. If the college recommends he cease practicing during the period of remediation, Respondent agrees to do so pending further Order of the Board.
 - d. Respondent shall, within six (6) months of the completion of the assessment, successfully complete any course of study recommended by

the assessing college, if any, which shall be taken at an accredited college of dentistry prior approved by the Board. The course of study shall be prior approved by the Board. Respondent shall comply with any recommendations made by the assessing college.

- e. 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 college 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.
 - f. Respondent agrees to comply with any future practice recommendations made by the college.
 - g. The Board shall review the report from the college to determine if the Respondent has successfully completed the course of study.
2. Respondent shall successfully complete a Board approved record keeping course within sixty (60) days of the date of this Order. Respondent shall maintain his records in accordance with the Board's rules at 650 Iowa Administrative Code 27.11 and the standard of care.
3. In the event Respondent is unable to meet any of the specified timeframes in this Order because of the inability of the facility/program to schedule within the terms of this Order, Respondent shall submit in writing an explanation and request for consideration of an extension and the Board shall reasonably consent to the extension.

4. Respondent shall make monthly written reports to the Board with respect to his practice, detailing his compliance with the terms of this Order for the first six (6) months, and quarterly thereafter. Quarterly reports are due by the 1st of January, April, July, and October of each calendar year, monthly reports are due by the 1st of the month.
5. Respondent shall fully cooperate with random unannounced visits by agents of the Board and shall fully cooperate with random unannounced reviews and audits.
6. The Board shall periodically conduct reviews to ensure that Respondent's practice is in accordance with the standard of care.
7. Respondent shall fully disclose this Order to all current and future licensees, employees and/or employers at the Respondent's place of employment. Respondent shall report back to the Board with signed statements from all such licensees, employees and employers within fourteen (14) days of the date of this Order, and thereafter within fourteen (14) days of any new employment relationship, indicating that they have read the Notice of Hearing and Statement of Charges, and this Stipulation and Consent Order, and understand the current terms and conditions placed on Respondent's dental license. All employees shall report any concerns directly to the Board without adverse employment consequences.
8. 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 one hundred (100.00) dollars on or before the first day of January, April, July, and October, of each calendar year for such costs while on probation.

9. Respondent shall upon reasonable notice, and subject to the provisions of 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
10. Periods of residence outside of the state of Iowa may be applied toward period of probation if approved by the Board prior to the commencement of the out of state residency. Notice of any change of residence must be provided to the Board within fourteen (14) days.
11. Notice of any change of practice location must be provided to the Board within fourteen (14) days.

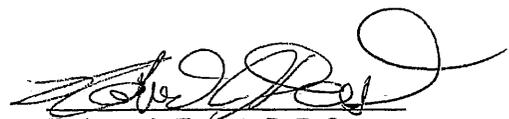
SECTION II.

GENERAL PROVISIONS

1. Respondent acknowledges that he has read in its entirety the foregoing Stipulation and Consent Order and that he understands its content and that he enters into this Order freely and voluntarily.
2. Respondent agrees this Stipulation and Consent Order constitutes the resolution of a pending contested case. By entering into this Stipulation and Consent Order, the Respondent voluntarily waives any right to a contested case hearing on allegations contained in the Notice of Hearing and Statement of Charges, and waives any objections to this Stipulation and Consent Order.
3. Respondent acknowledges that he has the right to be and is represented by counsel in this matter.
4. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
5. Respondent understands that the Board will report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

6. 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.
7. Respondent acknowledges that this proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party.
8. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of dentistry in Iowa. Any violation of the terms of this Order may serve as grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code Section 272C.3(2)(a) (2009).
9. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board.

This Stipulation and Consent Order is voluntarily submitted on this 24 day of July, 2009.


Robert J. Foust, D.D.S.
Respondent

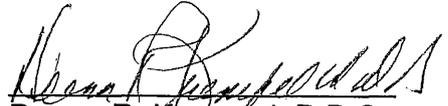
Subscribed and Sworn to before me on this 24 day of July, 2009.

 NICOLE BOLLENBAUGH
Commission No. 746467
My Comm. Expires 04-17-2010



Notary Public in and for
the state of Iowa

This Stipulation and Consent Order is accepted by the Iowa Dental Board on this
22nd day of September, 2009.



Deena R. Kuempel, D.D.S.
Chairperson
Iowa Dental Board
400 S.W. 8th, Suite D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
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