

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

IN THE MATTER OF:)	CASE NO:14-0116
NICHOLAS G. HINDLEY, D.D.S.)	SETTLEMENT AGREEMENT
License #07891)	AND FINAL ORDER
Respondent)	

On this 13th day of October, 2016, the Iowa Dental Board and Nicholas G. Hindley, D.D.S., each hereby agree as follows:

The licensee disciplinary hearing scheduled before the Iowa Dental Board on the 12th day of August, 2016, shall be resolved without proceeding to hearing, as the parties have agreed to the following Settlement Agreement and Final Order:

1. Respondent was issued a license to practice dentistry on the 13th day of June, 1997, as evidenced by license number 07891 which is recorded in the permanent records in the office of the Iowa Dental Board.
2. Respondent's Iowa dental license number 07891 is current and on active status until August 31, 2018.
3. 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 May 12, 2016.

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the state of Iowa shall be placed on probation for a period of five (5) years, effective the date of this Order. Respondent may request the Board to review the probation period two (2) years after the date of this Order. The decision as to whether to amend or terminate the probation remains at the discretion of the Board. This probation is subject to the following terms and conditions:

A. Professional Competency.

1. Respondent is restricted from taking new orthodontic cases. Respondent must request and receive approval from the Board to remove this restriction. Prior to requesting removal of this restriction, Respondent shall successfully complete a minimum of twenty (20) hours of additional continuing education and training in the area of orthodontics. Respondent shall successfully complete the Level 1 Basic Straight Wire Orthodontics Continuing Dental Education Course as such course is provided at www.orthodontics.com or another program prior approved by the Board in the areas of orthodontics, at Respondent's expense. The course shall be taken within 30-60 days of the Order and the Board shall be notified of course completion.
2. Respondent's current orthodontics cases will be permitted to be completed by Respondent subject to review by a practice monitor. Respondent shall notify each current orthodontic patient of the full terms and conditions of the Notice of Hearing and Statement of Charges and this Order and provide them with the option of continuing under his care or having their case transferred to another dentist.
3. Respondent shall provide a list to the Board office within fourteen (14) days of the date of this Order detailing the names of all patients under his care who are receiving orthodontic services.
 - a. Within thirty (30) days of this Order, Respondent shall submit the name and curriculum vitae of a proposed practice monitor and written practice monitoring plan for Board approval. The practice monitor must be an Iowa licensed dentist who has special skills, knowledge and expertise in the area of orthodontics.

The practice monitoring plan must include the following:

- i. On a monthly basis, the practice monitor shall review records for all current orthodontic patients, to ensure that they conform to the appropriate standard of

care. Once the orthodontic restriction is lifted, the practice monitor shall randomly select a designed number of new patient records and shall conduct a review of those records. After one (1) year, the Board may, at its discretion, order that these reviews be conducted on a quarterly basis or semi-annual basis.

- ii. The practice monitor shall additionally review all cases which involve interproximal reduction. This review shall take place both prior to the procedure and after the procedure has been completed. Review of these cases should be included in the report to the Board.
- iii. Respondent shall ensure that the practice monitor submits a monthly written report to the Board following each records review for the first six (6) months. Thereafter the practice monitor's written reports may be submitted quarterly. The practice monitor shall immediately report to the Board any competency concerns. The practice monitor shall make any necessary recommendations for changes in Respondent's clinical practice related to orthodontics.
- iv. Respondent shall fully comply with all recommendations made by the practice monitor.
- v. Respondent shall be solely responsible for the costs associated with practice monitoring. Respondent shall promptly reimburse the practice monitor the usual and customary fee for the services.

B. Civil Penalty.

1. Respondent shall, within ninety (90) days of the date of this Order submit a civil penalty to the Board office in a single payment in the amount of two thousand five hundred dollars (\$2,500.00), payable to Treasurer, State of Iowa, and deposited in the general fund.

C. Record Keeping Course.

1. Respondent shall successfully complete a Board approved record keeping course within ninety (90) 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.

D. Quarterly Reports.

1. 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, October of each calendar year, monthly reports are due by the 1st of the month.
2. 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 dollars (\$300.00) on or before the first day of January, April, July, and October, of each calendar year for such costs while on probation.

E. Employee Verifications.

1. Respondent shall fully disclose this Order to all current and future licensees, employees and/or employers at 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 Settlement Agreement and Final 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.

F. General Provisions.

1. 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.
2. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order.
3. Respondent acknowledges that he has read in its entirety the foregoing Settlement Agreement and Final Order and that he understands its content and that he executed the Order freely, voluntarily, and with no mental reservation whatsoever.
4. Respondent acknowledges he has a right to a hearing in this matter, and he hereby waives that right.
5. Respondent acknowledges that he has the right to be represented by counsel in this matter.
6. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
7. Respondent understands that the Board will report this Order to the National Practitioner Data Bank.
8. 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.
9. 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.
10. Notice of any change of practice location must be provided to the Board within fourteen (14) days.

11. 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.
12. 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 is 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)(2015).
13. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted on this 5th day of October, 2016.


Nicholas G. Hindley, D.D.S.
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Dental Board on this 13th day of October, 2016.


STEVEN P. BRADLEY, D.D.S.
Chairperson

cc: Sara Scott
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