

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

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<b>IN THE MATTER OF</b>	)	
<b>JAY J. JENSEN, D.D.S.</b>	)	<b>NOTICE OF HEARING AND STATEMENT OF CHARGES</b>
<b>RESPONDENT.</b>	)	

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**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 7847 on July 1, 1996. Respondent's license is current and will next expire on August 31, 2010. Respondent's address as reported to the Board is 1089 Jordan Creek Parkway, #100, West Des Moines, Iowa 50266.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing. A disciplinary contested case hearing shall be held on January 13, 2010, before the Iowa Dental Board. The hearing shall begin at 1:00 p.m. and shall be located in the conference room at the office of the Iowa Dental Board, 400 SW 8<sup>th</sup> 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 8<sup>th</sup> 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, 2<sup>nd</sup> 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 Constance L. Price, 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 with failure to maintain a satisfactory standard of competency in the practice of dentistry, in violation of Iowa Code Section 153.34(8) (2009) and 650 Iowa Administrative Code Section 30.4(16).

### **FACTUAL CIRCUMSTANCES**

1. Respondent is a general practice dentist in West Des Moines, Iowa.
2. The Board received a complaint concerning the quality of the care provided when Respondent performed a full mouth reconstruction for a patient.

3. The Board and a consultant with expertise in prosthodontics reviewed the records of dental care provided to the patient by Respondent and by several other subsequent treating dentists.
4. Respondent failed to meet the standard of care because:
  - a. Respondent performed a full mouth reconstruction for this patient without providing a logical and proper sequence of treatment.
  - b. Respondent restored this patient's teeth without proper evaluation and reassessment, which caused the teeth to be over prepped. In addition, poor impressions were made, and crowns were over-contoured. Further, there was poor marginal fit, which led to recurrent caries, gingival irritation and facial and joint discomfort.
  - c. Respondent did not meet the standard of care in preparing the teeth for crowns, recording jaw position, and caring for gingival health.
  - d. Respondent lacked the skill and judgment to properly treat this patient, which resulted in an overall failure of this case, which then required the patient to undergo additional and extensive dental work.
  - e. Respondent admits the outcome of this case is not acceptable, and that this patient should have been referred to another practitioner because of the complexity of the case.

#### **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 Constance L. Price, Executive Director, at 515.281.5157.

**F. PROBABLE CAUSE FINDING**

On this 28<sup>th</sup> day of October, 2009, the Iowa Dental Board found probable cause to file this Notice of Hearing and Statement of Charges.

*Deena R. Kuempel, DDS*

DEENA R. KUEMPEL, D.D.S.

Chairperson

Iowa Dental Board

Copies to: Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor Hoover Bldg.  
Des Moines, IA 50319