

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

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<b>IN THE MATTER OF</b>	)	
<b>PETER L. VIDAL, 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 6152 on July 1, 1976. Respondent's license is current and will next expire on August 31, 2010. Respondent's address as reported to the Board is 160 West 4<sup>th</sup> Street, P. O. Box 10, Garner, Iowa 50438.

**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 3:00 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 under Iowa Code Section 153.34(7) (2009) with unprofessional conduct in the practice of dentistry towards patients and staff persons.

### **COUNT II**

Respondent is charged under Iowa Code Section 153.34(4) (2009) with willfully or repeatedly violating a rule of the Board, when he issued multiple prescriptions to a patient for controlled substances and failed to record the prescriptions in the patient's dental record, in violation of 650 Iowa Administrative Code 16.2(3).

### **COUNT III**

Respondent is charged under Iowa Code Section 153.34(4) (2009) with willfully or repeatedly violating a rule of the Board, by failure to comply with the decision of the Board imposing discipline in violation of 650 Iowa Administrative Code 30.4(23).

#### **FACTUAL CIRCUMSTANCES**

1. On February 23, 2009, Respondent entered into a Stipulation and Consent Order with the Board which stated that issues of unprofessional conduct arose after the Notice of Hearing and Statement of Charges was filed, and to address those issues Respondent agreed to complete a professional boundaries course, agreed to a worksite monitor, and agreed in the future to conduct himself in a professional manner towards patients and staff members.
2. The Stipulation and Consent Order also required the Respondent to complete a record keeping course and maintain his records in accordance with the Board's rules and the standard of care.
3. After the Stipulation and Consent Order became effective on February 23, 2009, additional information was received alleging Respondent did not maintain appropriate records. Information was also received alleging Respondent engaged in unprofessional and inappropriate conduct towards patients and staff members, which includes, but is not limited to, the following:
  - a) Respondent has on numerous occasions prescribed controlled substances to a young adult female patient by telephone, including some of which were

made to an out of state pharmacy, and failed to document these controlled substance prescriptions in the patient record.

- b) Respondent provided money and the use of his car to this young adult female patient, and attempted to recruit this patient to be employed in his home.
  - c) Respondent has a long-term pattern of loaning money and his car to patients, allowing patients to live in his home, and hiring patients and bartering his dental services in return for personal services.
  - d) Respondent engaged in unprofessional behavior towards, and made unprofessional comments to, staff persons and patients.
  - e) Respondent used his workplace computer in an unprofessional manner, and allowed staff persons to observe this.
  - f) Respondent's behavior occurred both before and after the completion of the two ethics and professional boundary courses that were required by the Board in the February 23, 2009, Stipulation and Consent Order.
4. On July 7, 2009, the Board ordered Respondent to undergo a complete psychological and psychiatric evaluation.

#### **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 28th day of October, 2009, the Iowa Dental Board found probable cause to file this Notice of Hearing and Statement of Charges.

  
DEENA R. KUEMPEL, D.D.S.  
Chairperson  
Iowa Dental Board

Copies to: Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
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