

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

---

<b>IN THE MATTER OF THE</b>	)	
<b>STATEMENT OF CHARGES</b>	)	
<b>AGAINST</b>	)	
	)	
<b>ANDRE Q.' BELL, D.D.S.</b>	)	<b>STATEMENT OF</b>
<b>207 E. Main Street</b>	)	<b>MATTERS ASSERTED</b>
<b>Knoxville, IA 50138</b>	)	
	)	
<b>Iowa Dental License #7621</b>	)	<b>(CONFIDENTIAL)</b>
	)	
<b>Respondent</b>	)	

---

**COMES NOW** the Iowa Board of Dental Examiners, and in support of the Notice of Hearing filed in this case on this 25<sup>th</sup> day of October, 2006, sets forth the following summary of the facts which support the allegations contained in the Notice of Hearing.

1. The Board has received multiple complaints regarding Respondent's dental practice. These complaints express concerns in the areas of insurance fraud, quality of care, and infection control practices.
2. Based upon the information provided in the complaints, numerous patient records were subpoenaed from Respondent's office for review.
3. A Board consultant identified the following concerns following review:
  - a. Respondent did not treat patient B.P. to the standard of care. Respondent failed to properly diagnose decay on tooth #12, and delivered substandard care when later restoring the tooth.

- b. Respondent did not treat patient E.S. to the standard of care. Respondent failed to properly diagnose decay on tooth #12.
- c. Respondent did not treat patient R.H. to the standard of care due to an alarming amount of overhangs.
- d. Respondent did not treat patient C.C. to the standard of care. The consultant could not find evidence that Respondent treatment planned the removal of a retained primary root tip.
- e. Regarding patient T.G., Respondent committed fraud by attempting to make a non-covered procedure appear to be a covered procedure.
- f. Regarding patient T.G., Respondent committed fraud by accepting a third-party payment under a co-payment plan as payment in full without disclosing to the third-party payer that the patient's portion would not be collected.
- g. The consultant expressed concern regarding Respondent's protocols for crown try-ins, which could place the patient in a serious situation.
- h. Respondent cut himself while performing a dental procedure on a patient but took no action and continued to treat the patient even though blood was present.

On this 25th day of October, 2006, The Iowa Board of Dental Examiners  
found probable cause to this file this Statement of Matters Asserted.

*Deena R. Kuempel, DDS*

DEENA R. KUEMPEL, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309  
515-281-5157

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

Jeffrey A. Boehlert  
Attorney for Respondent  
Patterson Law Firm  
505 Fifth Avenue, Ste. 729  
Des Moines, IA 50309



hearing itself.

5. It is in the interest of justice to allow this amendment. The new factual allegations concern Respondent's ability to safely practice dentistry, and therefore affect the public's health and welfare. There is sufficient time to prepare a defense to these new complaints. It would be unnecessary duplication of the time and resources of both parties and the Board to require the Board to initiate an entirely new proceeding in this matter.

6. A new legal count should be added as paragraph 13 to the Notice of Hearing to state:

Respondent is charged under Iowa Code Section 153.34(7) (2007) with unprofessional conduct.

7. A new legal count should be added as paragraph 14 to the Notice of Hearing to state:

Respondent is charged under Iowa Code Section 153.34(14) with inability to practice dentistry with reasonable skill and safety by reason of illness, or as a result of a physical or mental condition.

Subsequent paragraphs of the Notice of Hearing should be re-numbered.

8. A new paragraph 4 should be added to the Statement of Matters Asserted to state:

On January 25, 2007, February 28, 2007, and March 2, 2007, the Board office received inappropriate letters from Respondent that were threatening in nature.

**WHEREFORE**, the State of Iowa requests the Board amend the charges in the manner and for the reasons set forth above.

Respectfully submitted,

THOMAS J. MILLER  
ATTORNEY GENERAL OF IOWA

 (RD)

\_\_\_\_\_  
THERESA O'CONNELL WEEG AT0008305

Assistant Attorney General  
Hoover Building, 2nd Floor  
Des Moines, IA 50319

Tele: (515) 281-6858

FAX: (515) 281-4209

[tweeg@ag.state.ia.us](mailto:tweeg@ag.state.ia.us)

ATTORNEY FOR BOARD OF DENTAL  
EXAMINERS

Copy to:

Andre Q. Bell, D.D.S.  
207 E. Main Street  
Knoxville, IA 50138

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the [redacted] instrument was served upon each of the attorneys of record of all parties in the above-entitled cause by enclosing the same in an envelope addressed to each such attorney at his respective address as disclosed by the pleadings of record herein, with postage fully paid, and by depositing the envelope in a United States Post Office depositary in Des Moines, Iowa, on the 5th day

of March, 2007.  
R. Dale

RECEIVED

MAR 23 2007

BEFORE THE BOARD OF DENTAL EXAMINERS  
STATE OF IOWA

IOWA DENTAL BOARD

---

IN THE MATTER OF :	)	
	)	
ANDRE BELL, D.D.S.	)	
207 E. Main St.	)	RULING GRANTING MOTION
Knoxville, IA 50138	)	TO AMEND NOTICE OF HEARING
	)	AND STATEMENT OF MATTERS
LICENSE NO. 7621	)	ASSERTED
	)	
Respondent	)	

---

On October 25, 2006, the Iowa Board of Dental Examiners (Board) issued a Notice of Hearing and Statement of Matters Asserted (Confidential) charging Andre Bell, D.D.S. (Respondent) in three counts with obtaining a fee by fraud or misrepresentation, failure to maintain a satisfactory standard of competency in the practice of dentistry, and failing to comply with standard precautions for preventing and controlling infectious diseases and managing personnel health and safety concerns related to infection control. A hearing is currently scheduled for April 17, 2007 at 1:00 p.m.

On March 5, 2007, the state filed a Motion to Amend Notice of Hearing and Statement of Matters Asserted to add new legal and factual allegations against Respondent. The motion was served on Respondent, and he has not resisted the Motion to Amend. On March 20, 2007, the Board delegated ruling on the motion to the undersigned administrative law judge.

It is in the interests of justice to grant the amendments. The new counts concern Respondent's ability to safely practice dentistry, and there is sufficient time for Respondent to prepare a defense. Given the nature of the new allegations, it would be an unnecessary duplication of time and resources to initiate a separate disciplinary proceeding to resolve them. IT IS THEREFORE ORDERED that the Notice of Hearing is hereby amended to add the following counts:

**COUNT IV**

14. Respondent is charged under Iowa Code section 153.34(7) (2007) with unprofessional conduct.

**COUNT V**

15. Respondent is charged under Iowa Code section 153.34(14) with inability to practice dentistry with reasonable skill and safety by reason of illness, or as a result of a physical or mental condition.

IT IS FURTHER ORDERED that the remaining original paragraphs of the Notice of Hearing are renumbered to 16-21.

IT IS FURTHER ORDERED that the Statement of Matters Asserted is hereby amended to add the following new paragraph:

4. On January 25, 2007, February 28, 2007, and March 2, 2007, the Board office received inappropriate letters from Respondent that were threatening in nature.

Dated this 22<sup>nd</sup> day of March, 2007.



Margaret LaMarche  
Administrative Law Judge  
FOR THE BOARD OF DENTAL EXAMINERS

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Hoover Bldg, 2nd Floor  
Des Moines, Iowa

Andre Q. Bell, D.D.S.  
207 E. Main Street  
Knoxville, IA 50138  
(RESTRICTED CERTIFIED) and (FIRST-CLASS MAIL)

Connie Price  
Executive Director  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Suite D  
Des Moines, IA 50309-4687