

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

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**GREG S. SAMUELSON, D.D.S., RESPONDENT**

**OMAHA, NE**

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**STATEMENT OF CHARGES, SETTLEMENT AGREEMENT AND FINAL ORDER**

**(combined)**

**#17-0110**

\*\*\*\*\*

**COMES NOW** the Iowa Dental Board (the Board), and Greg S. Samuelson, D.D.S. (Respondent), on January 25<sup>th</sup>, 2018, and pursuant to Iowa Code Sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

**NOTICE OF HEARING**

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Statement of Charges, Settlement Agreement and Final Order ("Order").
2. Respondent was issued license number 07618 to practice dentistry in the state of Iowa on October 30, 1992.
3. Respondent's Iowa dental license is on active status and will expire on August 31, 2018.

## **LEGAL AUTHORITY AND JURISDICTION**

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 153 and 272C.

## **STATEMENT OF CHARGES**

### **SECTIONS OF STATUTES AND RULES INVOLVED**

#### **COUNT I**

5. Respondent is charged under Iowa Code section 153.34(11) (2017) with having disciplinary action taken against him by a licensing authority of another state.

### **STATEMENT OF MATTERS ASSERTED**

6. On August 4, 2017, the Nebraska Department of Health and Human Services Division of Public Health issued an Order on Agreed Settlement resolving disciplinary charges filed against Respondent regarding orthodontic treatment provided to pediatric patients A and B. A copy of the Order on Agreed Settlement is attached as Exhibit A.
7. Following a review from an orthodontic consultant, the Nebraska Department of Health and Human Services alleged that Respondent departed from the acceptable standard of care for multiple reasons, including, but not limited to, the following:
  - a. failure to provide appropriate orthodontic treatment to patient A;
  - b. failure to monitor the status of patient A's teeth and periodontal tissues during orthopedic treatment;
  - c. failure to properly obtain and maintain necessary orthodontic records for patients A and B; and

- d. failure to obtain informed consent prior to commencing orthodontic treatment on patients A and B.
8. Pursuant to Nebraska's Order on Agreed Settlement, Respondent's license was placed on probation for one (1) year with multiple conditions, including completion of two courses on risk management and orthodontic treatment planning, and supervision and reporting by an orthodontist practice monitor.

### **SETTLEMENT AGREEMENT**

**THEREFORE IT IS HEREBY ORDERED** that Respondent's license to practice dentistry in the state of Iowa shall immediately be placed on probation for a period of one (1) year from the date of this Order subject to the following:

9. Respondent shall immediately comply and document successful compliance with all items from the August 4, 2017, Order on Agreed Settlement with the Nebraska Department of Health and Human Services ("Nebraska Order").
10. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order.
11. Respondent shall fully cooperate with random patient record reviews, conducted by the Board to ensure appropriate orthodontic treatment for patients.
12. Respondent shall be responsible for all costs associated with compliance with this agreement, and shall also be responsible for all costs incurred by the Board in the monitoring of this agreement to determine compliance. Respondent shall promptly remit (\$300.00) dollars on or before the first day of January, April, July and October, of each calendar year for monitoring costs.

13. Periods in which Respondent does not practice dentistry and/or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Notice of any change of residence must be provided to the Board within fourteen (14) days of the change.
14. Respondent may request early termination of probation after he successfully completes and provides documentation of his compliance with all terms and conditions set forth in the Nebraska Order.

**FINAL ORDER**

15. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
16. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Settlement Agreement.
17. Respondent acknowledges that he has read in its entirety the foregoing and that he understands its content and that he executed the Agreement freely and voluntarily.
18. Respondent understands that by entering into this combined Statement of Charges, Settlement Agreement and Final Order, he cannot obtain a copy of the investigative file. Under Section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

19. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
20. Respondent acknowledges that he has the right to be represented by counsel in this matter.
21. This combined Statement of Charges, Settlement Agreement and Final Order becomes public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.
22. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.
23. 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.
24. Respondent agrees that the State's counsel may present this Agreement to the Board and may have *ex parte* communications with the Board while presenting it.
25. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to approval of either party.
26. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

*Greg Samuelson*

Greg S. Samuelson, D.D.S.  
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on January 25<sup>th</sup>, 2018.

*Steven P. Bradley 005*

STEVEN P. BRADLEY, D.D.S.  
Chairperson  
Iowa Dental Board  
400 S.W. 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Sara Scott  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

COPY

Exhibit A

STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH

STATE OF NEBRASKA ex rel. )  
DOUGLAS J. PETERSON, )  
Attorney General, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GREG SAMUELSON, D.D.S., )  
 )  
Defendant. )

AGREED SETTLEMENT

The Plaintiff and Defendant, Greg Samuelson, D.D.S., in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Greg Samuelson, was issued a license (#5341) to practice as a dentist by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
2. The Defendant acknowledges receipt of a copy of the Petition for Disciplinary Action ("Petition") and waives the need for further service of the Petition upon him.
3. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Chief Medical Officer which approves the terms of this Agreed Settlement.
4. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.

5. The Defendant acknowledges that he has read the Petition filed by the Nebraska Attorney General's Office and admits the allegations of the Petition.
6. The Defendant acknowledges that he is not licensed to practice dentistry in any state other than Nebraska.
7. The Plaintiff and Defendant consent to the Chief Medical Officer entering a final disciplinary order which finds the allegations of the Petition are true, and places the Defendant's license on probation for one (1) year, commencing ten (10) days from the entry of the final order, with the following probationary conditions:
  - a. The Defendant shall successfully complete two courses, on Risk Management and Orthodontic Treatment Planning. Both courses shall be approved in advance by the Nebraska Board of Dentistry. The courses must be completed within one (1) year from the date the Chief Medical Officer signs the Order on Agreed Settlement. The Defendant shall be financially responsible for all costs associated with successful course completion. In the event the Defendant fails to complete the courses by the stated deadline, the Chief Medical Officer may summarily suspend the Defendant's dentistry license, which suspension shall remain in effect until proof of course completion is provided to the Department as directed.
  - b. The Defendant's practice as an orthodontist shall be supervised by a dentist currently licensed in Nebraska in good standing, and actively engaged as an orthodontist in the State of Nebraska. Such person ("practice monitor") may be chosen by the Defendant, but the practice monitor must be approved by the Board of Dentistry. Prior to the Board's approval, the practice monitor shall submit a report to the Board of Dentistry acknowledging that he or she has read the Petition for Disciplinary Action, the Agreed Settlement and Order placing the Defendant's license on probation, and that the practice monitor understands and agrees to perform the monitoring obligations as set forth herein. The Defendant shall submit the proposed practice monitor to the Board within thirty (30) days of the date of the order approving the Agreed Settlement.
    - i. The practice monitor shall not be required to be present at all times while Defendant is engaged in dental practice, but shall be responsible for overall supervision of the Defendant's conduct as a dentist. The practice monitor shall agree to provide the Department and the Board with quarterly reports regarding the Defendant's work habits and progress throughout the probationary period. The practice

monitor shall meet face to face with the Defendant at the Defendant's work site(s) for no less than one (1) hour per month during the probationary term. Supervision shall include an emphasis on appropriate record keeping and treatment planning.

- ii. The practice monitor shall complete a monthly on-site review of at least twenty (20) percent of the Defendant's patient records, seen during the month prior, and selected by the practice monitor. The practice monitor shall review at least twenty (20) percent of patient records at each of the Defendant's work sites. The Defendant shall follow the instructions and directives of the Department regarding such review. Reviews of patient records shall include, but not be limited to: informed consent documentation, orthodontic treatment planning and maintenance, monitoring patients' dental health and making referrals to other providers as needed, obtaining and retaining orthodontic records including extra and intraoral imaging, dental casting and panoramic and cephalometric radiographs, and detailed progress notes. In addition, the practice monitor shall submit quarterly reports regarding the Defendant's recordkeeping and treatment practices, and any recommendations to the Department.
  - iii. The practice monitor shall also immediately report to the Department, in writing, any action on the part of the Defendant that he or she feels violates any law or regulation with respect to dentistry, any provision of this Agreed Settlement, or any action or conduct that the practice monitor feels is not in accordance with the generally accepted standard of dentistry in Nebraska.
  - iv. The Defendant agrees to cooperate fully with any reasonable request by the practice monitor necessary to implement the supervision contemplated by this Agreed Settlement, including any request to examine records and documents relating to the Defendant's dental practice in this state.
- c. The Defendant shall provide notification of his disciplinary action to all employers and to the licensing authority in any state where he has or obtains an active dentistry license within five (5) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer and within five (5) days of any changes in employment or subsequent out-of-state licensure. Such notification shall include providing copies of the Petition for Disciplinary Action, this Agreed Settlement, and the Order on Agreed Settlement entered by the Chief Medical Officer. Written confirmation of this notification shall be provided by the Defendant to the Department within thirty (30) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer and within thirty (30) days of any changes in employment or any subsequent out-of-state licensure.

- d. The Defendant shall submit written notification to the Department within seven (7) days of any changes in employment, employment status, residence or telephone number.
  - e. All reports, notices and other documentation requested by the Department shall be provided using report forms provided by the Department.
  - f. The Defendant shall promptly respond to all requests and inquiries by the Department concerning the Defendant's compliance with the terms of probation.
  - g. The Defendant shall obey all state and federal laws and rules and regulations regarding the practice of dentistry.
  - h. The Defendant shall pay any costs associated with assuring compliance with this agreed settlement.
  - i. The Defendant shall appear at any meetings of the Board of Dentistry when requested.
  - j. Any period the Defendant may hold an inactive Nebraska credential or is not employed in the practice of dentistry shall not reduce the probationary period or satisfy the terms and conditions of probation. Practice in another jurisdiction that adopts the Nebraska probationary terms and conditions of licensure will serve to reduce the Nebraska probationary period.
8. In the event the Defendant violates any of the above terms of probation, the Chief Medical Officer after motion by the Attorney General and a hearing, may take further disciplinary action against the Defendant's dentist license, including revocation of his license.
  9. The Attorney General has given notice of this Agreed Settlement to the Board of Dentistry and has received their input in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2016).
  10. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

