

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WILLIAM K. LAY, D.D.S., RESPONDENT

WAVERLY, IOWA

#17-0016

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COME NOW the Iowa Dental Board (Board), and William K. Lay, D.D.S. (Respondent), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order (Order).

A. LEGAL AUTHORITY AND JURISDICTION

1. Respondent was issued dental license 09159 in the state of Iowa on January 12, 2015.
2. Respondent's dental license is current and will expire on August 31, 2020.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 153, and 272C (2017).

B. STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged under Iowa Code section 153.34(8) and 650 IAC 30.4(16) with failing to maintain a reasonably satisfactory standard of competency in the practice of dentistry.

STATEMENT OF MATTERS ASSERTED

5. Respondent is a general dentist engaged in the practice of dentistry in Waverly, Iowa.
6. The Board received a complaint concerning Respondent's endodontic treatment.
7. Records for multiple patients who had received endodontic treatment were obtained and reviewed by a consultant.
8. The consultant concluded that Respondent failed to meet the standard of care in endodontic treatment, particularly in Respondent's repeated failure to use a rubber dam and repeated failure to appropriately obturate the canal.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

THEREFORE IT IS HEREBY ORDERED:

9. Respondent is RESTRICTED from performing endodontic procedures in any office where he practices dentistry. 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 Board-approved course and exam in the area of endodontics. The course and exam shall be taken at

Respondent's expense.

10. Within fourteen (14) days of the date of this Order, Respondent shall, in writing, inform all current patients receiving or scheduled to receive an endodontic procedure that their care must be transferred to another dentist of the patient's choice, who has special skills, knowledge, and expertise in endodontics. All patient records shall be transferred at no cost to the patient or the patient's new dentist. Respondent shall reimburse all current patients for the portions of their treatment that have been pre-paid, but not provided.
11. Within forty-five (45) days of the date of this Order, Respondent shall provide a written report to the Board regarding his former endodontic patients, including each patient's name, date of notification, and a copy of the notification letter sent to the patient.
12. Within ninety (90) days of the date of this Order, Respondent shall submit a civil penalty to the Board office in a single payment in the amount of five thousand dollars (\$5,000.00), payable to Treasurer, State of Iowa.
13. Respondent shall disclose this Order to all licensees and registrants of the Board who work at Respondent's current and future practice locations, until such time as Respondent's dental license is free and clear of any restrictions or probationary requirements. Within fourteen (14) days of the date of this Order, Respondent shall submit to the Board signed statements from all such individuals at his current practice locations. Thereafter, Respondent shall submit to the Board signed statements from any licensee or registrant of the Board who begins

working with Respondent at any practice location within fourteen (14) days of beginning work. Any licensee or registrant of the Board shall report any concerns regarding Respondent's compliance with this Order to the Board without adverse employment consequences.

14. Upon reinstatement of Respondent's endodontic privileges, Respondent's license to practice dentistry in the state of Iowa shall be placed on PROBATION for a period of five (5) years, subject to the following terms:

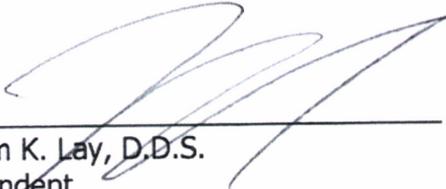
- a. Within fourteen (14) days, Respondent shall submit the name and curriculum vitae of a proposed practice monitor and proposed written practice monitoring plan for Board approval. The practice monitor must be an Iowa licensed dentist with special skills, knowledge, and expertise in the area of endodontics. Once the practice monitor and the practice monitoring plan are approved, practice monitoring shall commence.
- b. On a monthly basis, the practice monitor shall randomly select a designated number of Respondent's patient records and conduct a review of those records to ensure that Respondent is meeting the standard of care for endodontic procedures. The Board may, in its sole discretion, reduce the required frequency of these reviews.
- c. For the first six (6) months, Respondent shall ensure the practice monitor submits a written report each month following each records review. Thereafter, Respondent shall ensure the practice

monitor submits a written report on a quarterly basis. The practice monitor shall immediately report any competency concerns to the Board. The practice monitor shall make any necessary recommendations to Respondent regarding his clinical practice related to endodontics.

- d. Respondent shall fully comply with all recommendations made by the practice monitor.
- e. 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.
- f. Respondent shall, upon reasonable notice and subject to the provisions of 650 IAC 31.6, appear before the Board at the time and place designated by the Board.
- g. Respondent shall fully cooperate with unannounced visits by any agent of the Board to determine compliance with this Order.
- h. Respondent shall notify the Board of any change of practice location or any change in contact information within fourteen (14) days.
- i. For the first six (6) months, Respondent shall submit a written report each month detailing his compliance with the terms of this Order. Thereafter, Respondent shall submit a written report on a quarterly basis.

- j. All monthly reports are due by the 1st of each month. Quarterly reports are due by the 1st of January, April, July, and October of each year.
 - k. Respondent shall be responsible for the costs incurred by the Board in monitoring Respondent's probationary period. Respondent shall promptly remit payment in the amount of three hundred dollars (\$300.00) on or before the 1st of January, April, July, and October of each year for such costs while on probation.
15. This Order constitutes the initiation and resolution of a contested case proceeding.
 16. This Order is voluntarily submitted by Respondent to the Board for consideration.
 17. 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.
 18. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Order.
 19. Respondent understands that by entering into this Order, he cannot obtain a copy of the investigative file. Under Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after the initiation of a contested case proceeding and prior to its resolution.
 20. Respondent acknowledges that he has the right to be represented by counsel in this matter.

21. Respondent understands that the Board is required by federal law to report this Order to the National Practitioner Data Bank.
22. Upon approval by the Board, this Order becomes a permanent public record available for inspection and copying, in accordance with the requirements of Iowa Code chapters 22 and 272C.
23. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.
24. Upon approval by the Board, this Order shall constitute a FINAL ORDER of the Board.



William K. Lay, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on September 28th, 2018.



STEVEN P. BRADLEY, D.D.S.
Chairperson, Iowa Dental Board