

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ANDREW HARTWIG, D.D.S., RESPONDENT

IOWA CITY, IOWA

#19-0113

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COME NOW the Iowa Dental Board (Board), and Andrew Hartwig, 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 07663 in the state of Iowa on June 21, 1993.
2. Respondent's dental license is current and will expire on August 31, 2020.
3. Respondent was issued general anesthesia permit GA-0091 in the state of Iowa on October 20, 2000.
4. Respondent's general anesthesia permit is current and will expire on August 31, 2020.

5. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 153, and 272C (2019).

B. STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

6. Respondent is charged under Iowa Code section 153.34(7) and 650 IAC 30.4(2)"j" with unprofessional or unethical conduct.

STATEMENT OF MATTERS ASSERTED

7. Respondent is an oral surgeon engaged in the practice of dentistry in Iowa City, Iowa.
8. Respondent diverted opioids intended for use in sedation procedures for self-administration.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

THEREFORE IT IS HEREBY ORDERED:

9. Respondent's dental license shall be INDEFINITELY SUSPENDED. After January 31, 2020, the remainder of the suspension shall be STAYED, and Respondent's license placed on PROBATION subject to the terms set forth in paragraph 11, so long as Respondent is compliant with the Iowa practitioner program. If Respondent is successfully discharged from the Iowa practitioner program, he shall remain subject to the probationary terms in paragraph 11 until he is discharged from probation.
10. Respondent's general anesthesia permit shall be INDEFINITELY SUSPENDED.

After March 31, 2020, the remainder of the suspension shall be STAYED and Respondent's permit placed on PROBATION subject to the terms set forth in paragraph 11, so long as Respondent is compliant with the Iowa practitioner program. From April 1, 2020 through August 31, 2020, Respondent shall not personally administer sedation, but may use the services of a licensed sedation provider or another permit holder to administer sedation. Beginning September 1, 2020, Respondent may resume personally administering sedation if Respondent submits proof of clearance to practice sedation. If Respondent does not submit proof of clearance to practice sedation prior to September 1, 2020, the restriction on Respondent's ability to personally administer sedation shall remain in effect until proof of clearance is received by the Board. If Respondent is successfully discharged from the Iowa practitioner program, he shall remain subject to the probationary terms in paragraph 11 until he is discharged from probation.

11. Respondent's license and permit shall be placed on PROBATION for a period of five (5) years, subject to the following terms:
 - a. The Board may stay any of these requirements for the duration of Respondent's participation in the Iowa practitioner program.
 - b. Respondent shall comply with all requirements set forth in Respondent's Iowa practitioner program contract.
 - c. Respondent shall be restricted from administering opioids for sedation.

- d. Respondent shall have a Board-approved practice monitor, who regularly observes Respondent at work and is responsible for reporting any concerns to the Board. Respondent's practice monitor shall submit quarterly reports detailing compliance with this Order during the entire probationary period. Quarterly reports are due by the 1st of January, April, July and October of each year.
- e. Personnel at Respondent's private practice locations shall ensure Respondent does not have access to areas where controlled substances are stored.
- f. Respondent shall immediately report to the Board any charges under Iowa or federal law. Respondent shall also immediately report to the Board any violations of the requirements of the Iowa practitioner program.
- g. 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.
- h. Respondent shall submit quarterly reports detailing compliance with this Order during the entire probationary period. Quarterly reports are due by the 1st of January, April, July and October of each year.
- i. Respondent shall fully cooperate with random unannounced visits

by agents of the Board to determine compliance with this Order.

j. 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.

k. Any periods of suspension do not count towards Respondent's completion of five (5) years of probation.

12. If the stay of the suspension of Respondent's license and permit is lifted due to Respondent's noncompliance with the Iowa practitioner program, Respondent's license and permit shall remain suspended until he successfully petitions the Board to have his license and permit reinstated. To be reinstated, Respondent shall have the burden to prove that the basis for the suspension of his license and permit no longer exists and that it is in the public interest for his license and permit to be reinstated. If reinstated, Respondent's license and permit shall be placed on probation pursuant to paragraph 11, and Respondent understands the Board may impose additional probationary terms as part of a Board order granting reinstatement of his license and permit. Respondent understands that if an initial request for reinstatement is denied, the Board may establish requirements that must be met prior to considering a subsequent request.

13. Respondent shall submit a CIVIL PENALTY in the amount of ten thousand dollars (\$10,000.00) to the Board within ninety (90) days of this Order, made payable to Treasurer, State of Iowa, to be deposited in the general fund.

14. Respondent agrees to notify all individuals working at any current or future

private practice location/s of this Order and to maintain documentation from each individual acknowledging receipt of a copy of this Order. For any other practice locations, Respondent agrees to notify all supervisors and individuals working under his supervision of this Order and to maintain documentation from each individual acknowledging receipt of a copy of this Order.

15. This Order constitutes the resolution of a contested case proceeding.
16. 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.
17. 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 a Statement of Charges is filed but before the final resolution of those charges.
18. This Order is voluntarily submitted by Respondent to the Board for consideration.
19. Respondent acknowledges that he has the right to be represented by counsel in this matter.
20. This Order becomes public record available for inspection and copying upon execution by the Board, in accordance with the requirements of Iowa Code Chapters 22 and 272C.
21. Respondent understands that the Board is required by federal law to report this Order to the National Practitioner Data Bank.
22. 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.

23. This Order is subject to approval of the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.
24. The Board's approval of this Order shall constitute a FINAL ORDER of the Board.



ANDREW HARTWIG, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on December 3, 2019.



MONICA FOLEY, D.D.S.
Vice-Chairperson
Iowa Dental Board