

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

KENNETH WOLF, D.D.S., RESPONDENT

NASHVILLE, TENNESSEE

#19-0025

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COME NOW the Iowa Dental Board (Board), and Kenneth Wolf, 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 09496 in the state of Iowa on December 28, 2017.
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.

B. STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged under 650 IAC 30.4(1)"d" with permitting an unlicensed or unregistered person to practice dentistry, dental hygiene, or dental assisting.

COUNT II

5. Respondent is charged under 650 IAC 30.4(1)"e" with encouraging, assisting, or enabling in any manner the unauthorized practice of dentistry, dental hygiene, or dental assisting.

STATEMENT OF MATTERS ASSERTED

6. Respondent is engaged in the practice of dentistry in Iowa by remotely performing examination, diagnosis, treatment, and attempted correction by any appliance, of conditions, disorders, lesions, injuries, deformities, or defects of the oral cavity and maxillofacial area, which methods are by education, background experience, and expertise are common to the practice of dentistry.
7. Iowa law requires any person who practices as a dentist, dental hygienist, or dental assistant to be licensed or registered with the Board.
8. Respondent allegedly authorized unlicensed and unregistered persons to perform mouth scanning on individuals using an iTero intraoral scanner that is physically located in an office in Iowa.
9. Respondent utilizes the 3D models created by the iTero mouth scans taken by unlicensed and unregistered persons to practice dentistry in Iowa.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

THEREFORE IT IS HEREBY ORDERED:

10. Respondent is **CITED** for permitting an unlicensed or unregistered person to perform mouth scans on individuals using an iTero intraoral scanner that is physically located in Iowa and **WARNED** that future violations may result in further disciplinary action.
11. Respondent agrees to only utilize licensed dentists, licensed dental hygienists, or registered dental assistants to perform mouth scans using an iTero intraoral scanner, or similar technology, that is physically located in Iowa.
12. Respondent agrees not to operate any legal entity in a manner that violates Iowa Code chapter 153 or the Board's rules.
13. Within thirty (30) days of this Order, Respondent shall submit evidence of Iowa licensure or registration for all individuals that perform mouth scans using an iTero intraoral scanner or evidence that he has ceased practicing dentistry and operating in a manner that violates Iowa Code chapter 153 and the Board's rules.
14. Respondent agrees to submit a civil penalty in the amount of ten thousand dollars (\$10,000.00) to the Board within thirty (30) days of this Order, made payable to Treasurer, State of Iowa, to be deposited in the general fund.
15. This Order constitutes the initiation and resolution of a contested case proceeding.
16. Respondent denies that use of an iTero intraoral scanner constitutes the practice of dentistry, but enters into this Order and agrees to the terms contained herein to avoid the expense and uncertainty associated with a contested case hearing.
17. 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.

18. 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.
19. This 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 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.
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. 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.
25. The Board's approval of this Order shall constitute a FINAL ORDER of the Board.



KENNETH WOLF, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on June 5th, 2020.



WILLIAM MCBRIDE, D.D.S.
Chairperson, Iowa Dental Board