



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Joel O. Diven, D.D.E
Docket No.: 06-10-A-1023DE
Document: Order of Summary Suspension

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
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Olympia, WA 98504-7865
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You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION**

In the Matter of the Credential to
Practice as a Dentist of:

JOEL O. DIVEN, D.D.E.,
Credential No. DE00003155

Respondent.

Docket No. 06-10-A-1023DE

EX PARTE ORDER OF
SUMMARY SUSPENSION

PRESIDING OFFICER: John F. Kuntz, Health Law Judge

COMMISSION PANEL: Terrance Hauck, M.D., D.D.S., Chair
Abdul Alkezweeny, Ph.D., Public Member
Lorin D. Peterson, D.D.S.

This matter came before the Dental Quality Assurance Commission (Commission), on October 27, 2006 on a Motion for Order of Summary Suspension brought by the Dental Program of the Department of Health (Program) through the Office of the Attorney General. The Program issued a Statement of Charges alleging Respondent violated RCW 18.130.180(4), (7), (24), and WAC 246-817-310, WAC 246-817-320, and WAC 246-817-380. The Commission, after reviewing the Statement of Charges, Motion, and supporting evidence, grants the motion. CREDENTIAL SUSPENDED pending further action.

I. FINDINGS OF FACT

1.1 Joel O. Diven (Respondent) is a dentist, credentialed by the state of Washington at all times applicable to this matter.

1.2 The Program issued a Statement of Charges alleging Respondent violated RCW 18.130.180(4), (7), (24), and WAC 246-817-310, WAC 246-817-320, and

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WAC 246-817-380. The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

1.3 As set forth in the allegations in the Statement of Charges, as well as the Declaration and Exhibits in Support of the Motion for Summary Action, Respondent exhibited callous disregard for the pain and injury he was inflicting upon his patient. Respondent performed a grossly substandard extraction of two upper molars, along with the tuberosity and a portion of the jawbone. Respondent wrongfully continued with the extraction attempt when any prudent dentist would have stopped and either proceeded in a different manner or referred to a specialist. Respondent abandoned the patient who was in need of emergency life-saving measures immediately thereafter, and pervasively violated rules and basic standards of general dentistry practice before, during, and after the botched procedure.

1.4 The evidence of Respondent's pervasive violation of rules and basic standards of general dentistry before, during and after the botched procedure, coupled with Respondent's lack of acknowledgment of his errors and failure to initiate remedial action, substantiates that the immediate suspension sought is necessary to safeguard the health care public. No lesser restriction is adequate because Respondent's failures involve inadequacies of all aspects of patient care, including: patient history, informed consent, diagnostic procedures, technique, record keeping, the most basic awareness of patient needs, and concern for patient welfare. No limited area of dental practice exists that does not require a level of professional competency beyond that exhibited by Respondent in the facts presented herein.

1.5 The allegations and evidence presented establish that there is a risk of immediate danger to the public health, safety, and welfare.

II. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent's credential to practice as a dentist. RCW 18.130.040.

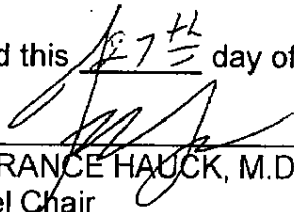
2.2 The Commission has authority to take emergency adjudicative action to address an immediate danger to the public health, safety, or welfare. RCW 34.05.422(4); RCW 34.05.479; RCW 18.130.050(7); and WAC 246-10-301.

2.3 The Findings of Fact establish the existence of an immediate danger to the public health, safety, or welfare if Respondent has an unrestricted credential. The Findings of Fact establish that the requested summary action is necessary and adequately addresses the danger to the public health, safety, or welfare.

III. ORDER

Based on the Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's credential to practice as a dentist is SUMMARILY SUSPENDED pending further disciplinary proceedings by the Commission. Respondent shall immediately deliver all licenses, including wall, display, and/or wallet, if any, to the Commission.

Dated this 27th day of October, 2006.



TERRANCE HAUCK, M.D., D.D.S.
Panel Chair

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