

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE NOTICE OF HEARING FOR

MICHAEL W. BARBA, D.D.S., RESPONDENT

DECORAH, IOWA

NOTICE OF HEARING, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Michael W. Barba, D.D.S. (Respondent), on July 15, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Notice of Hearing, 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 Notice of Hearing, Settlement Agreement and Final Order.
2. Respondent was issued license number 7089 by the Board to engage in the practice of dentistry, subject to the laws of the state of Iowa and the rules of the Board.
3. License number 7089 is current and expires August 31, 2010.

LEGAL AUTHORITY AND JURISDICTION

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2007).

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. Respondent is charged under Iowa Code Section 153.34(4) and 650 Iowa administrative Code 30.4(22) with employing or permitting an unregistered person to practice dental assisting.

STATEMENT OF MATTERS ASSERTED

6. Iowa law requires that a person engaged in the practice of dental assisting to register with the Board pursuant to Iowa Code Section 153.39(1), and 650 Iowa Administrative Code Section 20.1.
7. Respondent allowed an unregistered person to perform dental assisting duties which cannot be legally delegated to that person.

SETTLEMENT AGREEMENT

8. Respondent agrees to submit a civil penalty in the amount of five hundred dollars (\$500.00) to the Iowa Dental Board within sixty (60) days of the date of this Order.

FINAL ORDER

9. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

10. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Matters Asserted, and waives any objections to the terms of this Settlement Agreement.
11. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
12. Respondent acknowledges that he has the right to be represented by counsel in this matter.
13. This combined Notice of Hearing, 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.
14. 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.
15. This combined Notice of Hearing, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order, it shall be of no force or effect to either party.

16. The Board's approval of this Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

Michael W. Barba

Michael W. Barba, D.D.S.
Respondent

Subscribed and sworn to before me on May 1, 2009.

Notary Public, State of Wisconsin

This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on July 15, 2009.

Deena R. Kuempel, D.D.S.

DEENA R. KUEMPEL, D.D.S.

Chairperson

Iowa Dental Board

400 SW 8th Street, Suite D

Des Moines, IA 50309-4687

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319