

BEFORE THE BOARD OF DENTAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE NOTICE OF HEARING FOR

ROBERT A. DUBAY, D.D.S., RESPONDENT

CORYDON, IOWA

NOTICE OF HEARING, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Board of Dental Examiners (the Board), and Robert A. DuBay, D.D.S. (Respondent), on August 25, 2006, 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 4975 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 4975 is currently on probation pursuant to a Board Order dated August 27, 2004, and is active until June 30, 2006.

LEGAL AUTHORITY AND JURISDICTION

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2005).

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. The Respondent is charged under Iowa Code Section 153.34(14) (2005) with the inability to practice dentistry with reasonable skill and safety by reason of habitual or excessive use of drugs, intoxicants, narcotics, chemicals, or other types of materials.

STATEMENT OF MATTERS ASSERTED

6. Respondent entered into a combined Statement of Charges, Settlement Agreement, and Final Order with the Board on August 27, 2004, after violating the terms of a recovery contract that he entered into with the Iowa Practitioner Review Committee (IPRC) by relapsing.
7. Respondent submitted to urinalysis for chemical testing on May 9, 2006, that tested positive for alcohol consumption.

SETTLEMENT AGREEMENT

8. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent agrees to voluntarily surrender his license to practice dentistry in the state of Iowa and understands that pursuant to 650 Iowa Administrative Code section 51.34(2) a voluntary surrender, when accepted by the Board, shall have the same force and effect as an order of revocation.
9. This agreement shall constitute Respondent's written statement of intention to surrender his Iowa dental license pursuant to 51.34(2) effective December 1, 2006.
10. Effective the date of this Order, Respondent shall not accept any new patients into his practice.
11. Respondent shall make proper arrangements for the discontinuance of practice pursuant to Board rule 650-27.10.
12. Respondent shall cease and desist from the practice of dentistry before December 1, 2006.
13. Respondent agrees to never seek reinstatement of his dental license.

FINAL ORDER

14. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
15. 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.
16. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
 17. Respondent acknowledges that he has the right to be represented by counsel in this matter.
 18. This combined Notice of Hearing, Settlement Agreement, Final Order and Statement of Matters Asserted become public records available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.
 19. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
 20. 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.
 21. 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.

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

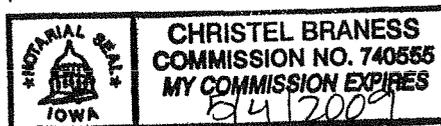
Robert A. DuBay

Robert A. DuBay, D.D.S.
Respondent

Subscribed and sworn to before me on 20 July, 2006.

Christel Branes

Notary Public, state of Iowa



This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on August 25, 2006.

Deena R. Kuempel, DDS

DEENA R. KUEMPEL, D.D.S., Chairperson
Iowa Board of Dental Examiners
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