

**BEFORE THE DENTAL BOARD OF THE STATE OF IOWA**

\*\*\*\*\*

**IN THE MATTER OF THE NOTICE OF HEARING AGAINST**

**TONI L. HATFIELD, R.D.H., RESPONDENT**

**SWISHER, IOWA**

\*\*\*\*\*

**NOTICE OF HEARING, SETTLEMENT AGREEMENT and FINAL ORDER**

**(combined)**

\*\*\*\*\*

**COMES NOW** the Iowa Dental Board (the Board), and Toni L. Hatfield, R.D.H. (Respondent), on January 26, 2011, 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 1970 to practice dental hygiene in the state of Iowa on June 28, 2005.
3. Respondent's Iowa dental hygiene license is current and will expire on August 31, 2011.

## **LEGAL AUTHORITY AND JURISDICTION**

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 153 and 272C.

## **SECTIONS OF STATUTES AND RULES INVOLVED**

### **COUNT I**

5. Respondent is charged under Iowa Code Section 153.34(7) (2009) for dishonorable or unprofessional conduct in the practice of dental hygiene, in violation of 650 Iowa Administrative Code Section 27.7(7), for performing services that exceed her scope of practice and for allowing services to be billed that were not performed.

### **COUNT II**

6. Respondent is charged under Iowa Code Section 153.34(4)(2009) for engaging in practice harmful or detrimental to the public by failing to comply with universal precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control of the United States Department of Health and Human Services (CDC) in violation of 650 Iowa Administrative Code Section 30.4(35).

## **STATEMENT OF MATTERS ASSERTED**

7. Iowa law allows a licensed dental hygienist to perform those services which are educational, therapeutic, and preventive in nature. Iowa law does not allow a dental hygienist to perform examinations on patients or additional services which require the skill and education of a dentist.

8. Respondent was performing examinations on child patients and knowingly allowing them to be billed out as examinations being performed by her employer dentist.
9. Respondent was aware that patients she was treating were being billed for a full mouth debridement and four quadrants of root planing and scaling during the same appointment.
10. Board rule 650-30.4(35) requires licensees to comply with universal precautions for preventing the transmission of infectious diseases as issued by the CDC.
11. Board rule 650-30.4(17) requires licensees to maintain adequate safety and sanitary conditions.
12. Guidelines for sterilization of dental instruments are set forth by the CDC. These guidelines classify dental hand pieces as critical instruments, which are required to be heat sterilized before each use.
13. Respondent informed an agent of the Board that she has reused dental hand pieces on siblings that were not properly heat sterilized between uses.

#### **SETTLEMENT AGREEMENT**

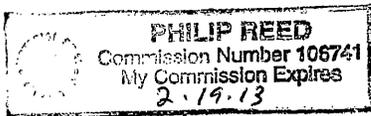
14. Respondent agrees to submit a civil penalty in the amount of one thousand dollars (\$1,000.00) to the Iowa Dental Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa, and deposited in the State's general fund.
15. Respondent shall successfully complete the dental hygiene jurisprudence examination within sixty (60) days of the date of this Order.

16. Respondent shall successfully complete the Board's infection control examination within sixty (60) days of the date of this Order.

### **FINAL ORDER**

17. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
18. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Settlement Agreement.
19. Respondent understands that by entering into this combined Notice of Hearing, Settlement Agreement and Final Order, she cannot obtain a copy of the investigative file. Under 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.
20. This combined Notice of Hearing, Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for consideration.
21. Respondent acknowledges that she has the right to be represented by counsel in this matter.
22. 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 17, 22 and 272C.

23. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured her, in any way whatsoever, to execute this Order.
24. 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 approval of either party.
25. The Board's approval of this Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.



*Philip Reed*

*Toni L. Hatfield R.D.H.*  
Toni L. Hatfield, R.D.H.  
Respondent

Subscribed and sworn to before me on JANUARY 3, 2011.

*Philip Reed*

Notary Public, state of Iowa

This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on January 26, 2011.

*Gary D. Roth*

GARY D. ROTH, D.D.S.  
Chairperson  
Iowa Dental Board  
400 SW 8<sup>th</sup> Street, Suite D  
Des Moines, IA 50309-4867

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