

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

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**BRONY F. KASTANTIN, JR., D.D.S., RESPONDENT**

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**STATEMENT OF CHARGES,**

**SETTLEMENT AGREEMENT and FINAL ORDER  
(combined)**

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**COMES NOW** the Iowa Board of Dental Examiners (the Board), and Brony F. Kastantin, Jr., D.D.S. (Respondent), on March 22, 2004, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

**STATEMENT OF CHARGES**

1. Respondent was issued license number 5697 to practice dentistry in Iowa on July 1, 1970.
2. Respondent's Iowa dental license is current and will expire on June 30, 2004.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

### **COUNT I**

The Respondent is charged with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, in violation of Iowa Code Section 153.34(9) (2003) and 650 Iowa Administrative Code Section 30.4(16).

### **COUNT II**

Respondent is charged under Iowa Code Section 153.34(4) (2003) with willful or repeated violations of the rules of the Board 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).

### **COUNT III**

Respondent is charged under Iowa Code Section 153.34(4) (2003) with willful or repeated violations of the rules of the Board by failing to maintain records in a manner consistent with the protection of the welfare of the patient, in violation of 650 Iowa Administrative Code Section 27.11.

### **THE CIRCUMSTANCES**

4. Board rule 650-27.11 states that dentists shall maintain patient records in a manner consistent with the protection of the welfare of the patient.
5. In August of 2003, multiple patient records were subpoenaed from Respondent's dental office. Respondent, shortly following this, enrolled in

and successfully completed a Board-approved dental record keeping course.

6. In January 2004, the Board reviewed the subpoenaed patient records along with a Board consultant report concerning these same records. The Board consultant's report indicated that all of the records were moderately to severely illegible, and that the majority of the records were not complete. The consultant also stated that Respondent is well below the standard of care when it came to his use (or lack thereof) of radiographs.
7. The Board determined at that time to have additional records reviewed as Respondent's dental record keeping protocols had changed.
8. In March 2004, additional patient records were subpoenaed from Respondent's dental office. In review of these records the Board determined that Respondent's record keeping protocols still fail to meet the standard of care as the Board consultant's concerns were still not fully addressed. Respondent's entries were still largely illegible and records were not complete. Use of radiographs still appear to be minimal. Patient folders still contain loose and undated radiographs.
9. Board rule 650-30.4(35) requires dentists to comply with universal precautions for preventing transmission of infectious diseases as issued by the CDC.
10. Following an office inspection on March 3<sup>rd</sup>, 2004, for infection control practices it was determined that Respondent's current infection control

protocols were insufficient to prevent the transmission of infectious diseases.

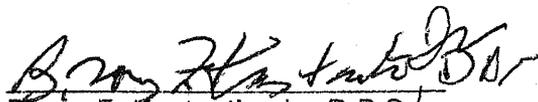
11. The following major deficiencies were identified during the office inspection:
  - a. Respondent failed to conduct proper sterilization monitoring to ensure the effectiveness of his sterilization equipment.
  - b. Respondent failed to heat sterilize dental handpieces between patients.
  - c. Respondent failed to sterilize film holding/positioning devices between patients.
12. Following this inspection, Respondent voluntarily agreed to cease and desist from seeing patients until he can bring both of his offices into compliance with Board and CDC guidelines. Respondent agreed not to resume the practice of dentistry until he receives a authorization from the Board.
13. Respondent subsequently addressed noted infection control deficiencies and both offices passed a second office inspection.

#### **SETTLEMENT AGREEMENT**

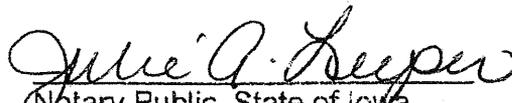
14. Respondent agrees not to accept any new patients into his dental practice effective with the date of this Order.
15. Respondent agrees to close his dental practice(s) and voluntarily surrender his license to practice dentistry in the state of Iowa within thirty (30) days of the date of this Order.

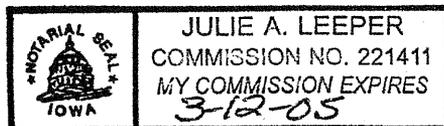
**FINAL ORDER**

16. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
17. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.
18. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
19. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.
20. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

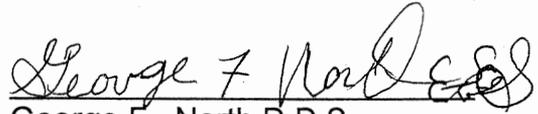
  
Brony F. Kastantin, Jr., D.D.S.  
Respondent

Subscribed and sworn to before me on March 15, 2004.

  
Notary Public, State of Iowa



This combined Statement of Charges, Settlement Agreement and Final  
Order is approved by the Board on March 22, 2004.



George F. North, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
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cc: Theresa O'Connell Weeg  
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