

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

IN THE MATTER OF:)

NICHOLAS A. KUBIK, D.D.S.)
1311 McClellan Street)
P. O. Box 418)
Tama, IA 52339)

License #6785)

Respondent)

**STIPULATION AND
CONSENT ORDER**

On this 27th day of August, 2004, the Iowa Board of Dental Examiners and Nicholas A. Kubik, D.D.S., each hereby agree with the other and stipulate as follows:

The disciplinary hearing scheduled to commence before the Iowa Board of Dental Examiners on the 27th day of August, 2004, on the allegations specified in the Statement of Charges which is attached to the Notice of Hearing dated June 18, 2004, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice dentistry in the state of Iowa on the 1st day of July, 1982, as evidenced by License Number 6785 which is recorded in Book D, Page 31, of the permanent records in the office of the Iowa Board of Dental Examiners.
2. That Iowa Dental License Number 6785 is currently valid and expires June 30, 2006.
3. That the Iowa Board of Dental Examiners has jurisdiction over the parties and subject matter herein.
4. A Notice of Hearing and Statement of Charges was filed against Respondent on June 18, 2004.

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the state of Iowa shall be immediately suspended if he does not successfully complete Section I. (h), below, within thirty (30) days of the date of this Order. Respondent's license shall be placed on probationary status subject to the terms and conditions set forth below, effective the date of this Order. Respondent may not petition the Board for termination of this probation for three (3) years from the date of this Order. During his probationary period, Respondent shall fully comply with the terms set forth in this settlement agreement.

SECTION I.

- a. Respondent agrees to submit a civil penalty in the amount of four thousand (\$4,000.00) dollars within sixty (60) days of the date of this Order.
- b. Respondent shall disclose to all current and future licensees, employers, and staff in his practice of this Stipulation and Consent Order and of the Board's June 18th, 2004, Statement of Charges. The Respondent shall report back to the Board with signed statements from all current and all future employers/employees/staff within fourteen (14) days of the date of this Order, and thereafter within fourteen (14) days of any new employment relationship, indicating that they have read this Order and the Statement of Charges filed against Respondent's dental license.
- c. The Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order.
- d. The Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for all costs incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit

one hundred (\$100.00) dollars on or before the first day of January, April, July, and October, of each calendar year for such costs.

- e. Respondent shall upon reasonable notice, and subject to the provisions of 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
- f. Periods of residence outside of the state of Iowa may be applied toward period of probation if approved by the Board prior to the commencement of the out of state residency. Notice of any change of residence must be provided to the Board within fourteen (14) days of the change.
- g. Respondent shall submit quarterly reports to the Board detailing his compliance with the terms and conditions of this Order. Respondent shall ensure that the reports are submitted prior to the first day of January, April, July, and October, of each calendar year.
- h. Respondent shall successfully complete the dental jurisprudence examination and an infection control/hazardous materials examination administered by the Board within thirty (30) days of the date of this Order.
- i. After fourteen (14) days from the date of this Order, Respondent shall not delegate any infection control duties to any dental assistant in his office until such time that he can demonstrate that they have been properly trained and have successfully completed the dental assistant infection control/hazardous materials examinations.

SECTION II.

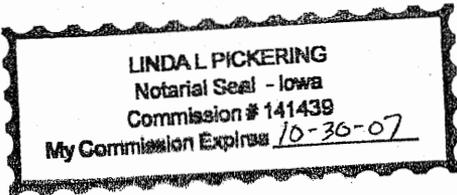
- a. The Respondent acknowledges that he has read in its entirety the foregoing Stipulation and Consent Order and that he understands its content and that he executed the Stipulation and Consent Order freely and voluntarily.

- b. The Respondent agrees this Stipulation and Consent Order constitutes the resolution of a pending contested case. By entering into this Stipulation and Consent Order, the Respondent voluntarily waives any right to a contested case hearing on allegations contained in the Statement of Charges, and waives any objections to the terms of this Stipulation and Consent Order.
- c. The Respondent acknowledges that he has the right to be represented by counsel in this matter.
- d. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
- e. The 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.
- f. The 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.
- g. The Respondent acknowledges that this proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party.
- h. The Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of dentistry in Iowa. Any violation of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code Section 272C.3(2)(a) (2003).
- i. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board.

This Stipulation and Consent Order is voluntarily submitted on this 24th day of August, 2004.

Nicholas A. Kubik, D.D.S.
Nicholas A. Kubik, D.D.S.
Respondent

Subscribed and sworn to before me on this 24th day of August, 2004.



Linda Pickering
Notary Public in and for
the state of Iowa

This Stipulation and Consent Order is accepted by the Iowa Board of Dental Examiners on this 27th day of August, 2004.

Deena R. Kuempel, DDS
Deena R. Kuempel, D.D.S.
Chairperson
Iowa Board of Dental Examiners
400 S.W. 8th Street, Suite D
Des Moines, IA 50309

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