

BEFORE THE BOARD OF DENTAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DONNA D. PIPHO, D.D.S., RESPONDENT

LAPORTE CITY, IOWA

STATEMENT OF CHARGES,

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

COMES NOW the Iowa Board of Dental Examiners (the Board), and Donna D. Pipho, D.D.S., (Respondent), on August 25, 2005, 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 6337 to practice dentistry in Iowa on July 1, 1978.
2. Respondent's Iowa dental license is current and will expire on June 30, 2006.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. The Respondent is charged under Iowa Code Section 153.38(2005) with delegating unauthorized duties to her dental assistants in violation of Iowa Administrative Code 650-20.3(2)(e.).

COUNT II

5. Respondent is charged under Iowa Code Section 153.34(4) (2005) with repeatedly violating a Board rule by failing to protect the health of patients by assigning personnel duties which cannot be legally delegated to them, which is in violation of 650 Iowa Administrative Code Section 27.5.

CIRCUMSTANCES

6. Iowa Code Section 153.38 (2005) states that a dentist shall delegate to a registered dental assistant only those acts which are authorized to be delegated to registered dental assistants by the board of dentistry.
7. Iowa Administrative Code 650 Chapter 20.3(2)(e.) states that a dentist may not delegate to a dental assistant the removal of any plaque, stain, or hard natural or synthetic material except by toothbrush, floss, or rubber cup coronal polish, or removal of any calculus.
8. Iowa Administrative Code 650 Chapter 10.3(1)(e.) states that a dentist may only delegate to a dental hygienist the removal of any plaque, stain, calculus, or hard natural or synthetic material except by toothbrush, floss, or rubber cup coronal polish.
9. Respondent's dental assistants remove supra-gingival plaque, stain, and calculus with scalers and explorers.

SETTLEMENT AGREEMENT

10. **THEREFORE, IT IS HEREBY ORDERED** that Respondent's license to practice dentistry in the state of Iowa shall be immediately placed on probationary status subject to the terms and conditions set forth below. Respondent may not petition

the Board for termination of this probation for three (3) years from the date of this Order.

11. Respondent shall successfully complete the dental jurisprudence examination administered by the Board within thirty (30) days of the date of this Order.
12. Respondent agrees to submit a civil penalty in the amount of two thousand five hundred dollars (\$2,500.00) within sixty (60) days of the date of this Order.
13. Respondent shall disclose to all current and future licensees, employers, and staff in her practice the contents of this Order. 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.
14. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order and compliance with Board rules.
15. 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 dollars (\$100.00) on or before the first day of January, April, July, and October, of each calendar year for such costs.
16. Respondent shall submit quarterly reports to the Board detailing compliance with the terms and conditions of this Order. Respondent shall ensure that the reports are

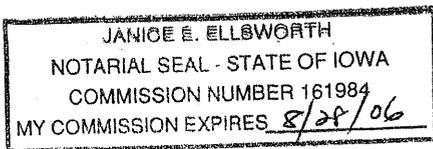
submitted prior to the first day of January, April, July, and October, of each calendar year.

17. 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.
18. 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.

FINAL ORDER

19. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
20. 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.
21. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
22. Respondent acknowledges that she has the right to be represented by counsel in this matter.
23. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.

24. 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.
25. 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.
26. 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.
27. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.



Donna D. Pipho
 Donna D. Pipho, D.D.S.
 Respondent

Subscribed and sworn to before me on Janice Ellsworth, 2005.

Notary Public, State of

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on August 25, 2005.

Deena R. Kuempel, DDS
 Deena R. Kuempel, D.D.S., Chairperson
 Iowa Board of Dental Examiners
 400 SW 8th Street, Suite D
 Des Moines, IA 50309-4687

cc: Theresa O'Connell Weeg
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