

BEFORE THE BOARD OF DENTAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MARY BETH POLKING, D.D.S., RESPONDENT

STATEMENT OF CHARGES,

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

COMES NOW the Iowa Board of Dental Examiners (the Board), and Mary Beth Polking, D.D.S. (Respondent), on August 27, 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 6424 to practice dentistry in Iowa on July 30, 1979.
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, 153 and 272C.

COUNT I

4. Respondent is charged under Iowa Code Section 153.34(4) (2003) and 650 Iowa Administrative Code Section 30.4(27) for violating the terms

of a recovery contract that she entered into with the Iowa Practitioner Review Committee (IPRC).

CIRCUMSTANCES

5. Respondent self reported to the IPRC on September 12th, 2002. Respondent subsequently underwent an in-patient evaluation and participated in an in-patient treatment program.
6. Respondent signed a recovery contract with the IPRC on January 9th, 2002. Respondent agreed in this contract to comply with numerous terms and conditions, which included her abstinence from the use of alcoholic beverages.
7. In September 2003, the IPRC referred the Respondent to the Board for non-compliance with her recovery contract. The non-compliance involved Respondent's relapse with the use of alcoholic beverages. The Board reviewed this matter and determined to allow Respondent to remain under the jurisdiction of the IPRC.
8. In August 2004, the IPRC again referred Respondent to the Board for non-compliance with her recovery contract. The non-compliance again involved a relapse with the use of alcoholic beverages.

SETTLEMENT AGREEMENT

9. Immediately upon the Board's approval of this Settlement Agreement, Respondent's Iowa dental license shall be suspended.
10. Respondent agrees not to apply for reinstatement of her dental license until the following conditions are met:

- a. Respondent must undergo an in-patient evaluation at a facility prior approved by the Board.
 - b. Respondent shall sign releases to allow for the free flow of information between the Board and the evaluating and/or treatment facility(s).
 - c. Respondent must document compliance with all treatment recommendations made by the evaluating facility.
 - d. Respondent must receive a recommendation from the evaluating facility, which supports her return to the practice of dentistry.
11. Following successful completion of all conditions listed in #10, Respondent may apply for reinstatement of her dental license.

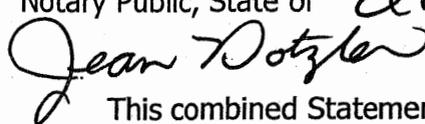
FINAL ORDER

12. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
13. 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.
14. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
15. Respondent acknowledges that she has the right to be represented by counsel in this matter.
16. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.

17. 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.
18. 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.
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.

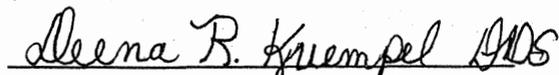

Mary Beth Polking D.D.S., Respondent

Subscribed and sworn to before me on August 27th, 2004.

Notary Public, State of Iowa




This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on August 27, 2004.


Deena R. Kuempel, D.D.S., Chairperson
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