

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

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**IN THE MATTER OF:** )

**DAVID L. BERNING, D.D.S.** )  
**409 W. 7<sup>th</sup> Street** )  
**Carroll, IA 51401** )

**STIPULATION AND  
CONSENT ORDER**

**License #6790** )

**Respondent** )

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On this 15<sup>th</sup> day of January, 2010, the Iowa Dental Board and David L. Berning, D.D.S., each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing scheduled to commence before the Iowa Dental Board on the 13th day of January, 2010, on the allegations specified in the Notice of Hearing and Statement of Charges dated October 28, 2009, 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 on the 1st day of July, 1982.
2. That Iowa Dental License Number 6790 is current and in full force until August 31, 2010.
3. That the Iowa Dental Board has jurisdiction over the parties and subject matter herein.
4. A Notice of Hearing and Statement of Charges was filed against Respondent on October 28, 2009.

**THEREFORE, IT IS HEREBY ORDERED** that the Board issues this **CITATION** for knowingly providing false information to an agent of the Board during the course of an investigation and **WARNED** that further violations will result in additional discipline by the Board.

Respondent's license to practice dentistry in the state of Iowa shall immediately be placed on probation for a period of five (5) years from the date of this Order subject to the following terms:

**SECTION I.**

**TERMS AND CONDITIONS**

1. Respondent agrees to submit a civil penalty in the amount of five thousand dollars (\$5000.00) within sixty (60) days of the date of this Order.
2. Respondent shall obtain continuing education hours in the areas of infection control during the 2009-2010 biennium. The continuing education shall be prior approved by the Board and shall be in addition to the continuing education required for renewal of his license.
3. Respondent shall successfully complete the Board's infection control examination within sixty (60) days of the date of this Order.
4. Respondent shall successfully complete the dental jurisprudence examination within sixty (60) days of the date of this Order.
5. Respondent shall ensure that all staff members who perform infection control duties in his office pass the Iowa dental assistant infection control examination within thirty (30) days of the date of this Order.
6. Respondent shall fully cooperate with, not provide false information to, and not interfere with random unannounced visits by agents of the Board.

7. 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 three hundred (\$300.00) dollars on or before the first day of January, April, July, and October, of each calendar year for such costs while on probation.
8. 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.
9. Periods of residence or practice outside of the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice dentistry and/or he fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Notice of any change of residence must be provided to the Board within fourteen (14) days of the change.
10. 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.

## **SECTION II.**

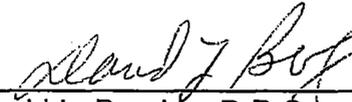
### **GENERAL PROVISIONS**

1. Respondent acknowledges that he has read in its entirety the foregoing Stipulation and Consent Order and that he understands its content and that he enters into this Order freely and voluntarily.

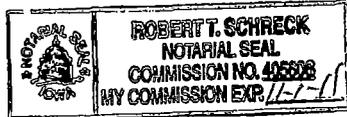
2. Respondent agrees this Stipulation and Consent Order constitutes the resolution of a pending contested case. By entering into this Stipulation and Consent Order, the Respondent voluntarily waives any right to a contested case hearing on allegations contained in the Notice of Hearing and Statement of Charges, and waives any objections to this Stipulation and Consent Order.
3. Respondent acknowledges that he has the right to be represented by counsel in this matter.
4. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
5. Respondent understands that the Board will report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
6. 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.
7. 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.
8. 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 the terms of this Order may serve as 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) (2009).
9. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board.

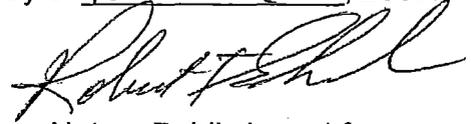
This Stipulation and Consent Order is voluntarily submitted on this 22 day of

December, 2009.

  
David L. Berning, D.D.S.  
Respondent

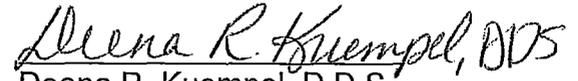
Subscribed and Sworn to before me on this 22 day of December, 2009.



  
Notary Public in and for  
the state of Iowa

This Stipulation and Consent Order is accepted by the Iowa Dental Board on this

15<sup>th</sup> day of January, 2009.

  
Deena R. Kuempel, D.D.S.  
Chairperson  
Iowa Dental Board  
400 S.W. 8<sup>th</sup>, Suite D  
Des Moines, IA 50309

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