

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

\*\*\*\*\*

**IN THE MATTER OF THE NOTICE OF HEARING AGAINST**

**DEBRA K. BESLER, R.D.A., RESPONDENT**

**EPWORTH, IOWA**

\*\*\*\*\*

**NOTICE OF HEARING, SETTLEMENT AGREEMENT and FINAL ORDER**

**(combined)**

\*\*\*\*\*

**COMES NOW** the Iowa Dental Board (the Board), and Debra K. Besler, R.D.A. (Respondent), on April 12, 2011, and pursuant to Iowa Code Sections 17A.10(2) and 272C.3(4), enter into the following combined Notice of Hearing, Settlement Agreement and Final Order.

**NOTICE OF HEARING**

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order.
2. Respondent was issued license number Q08429 to practice dental assisting in the state of Iowa on July 21, 2004.
3. Respondent's Iowa dental assistant registration is current and will expire on August 31, 2011.

## **LEGAL AUTHORITY AND JURISDICTION**

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 153 and 272C.

## **SECTIONS OF STATUTES AND RULES INVOLVED**

### **COUNT I**

5. Respondent is charged under Iowa Code Section 153.34(4)(2011) with repeated violation of Chapter 153 and the rules of the Board with performing services which exceed the scope of practice granted to a dental assistant in violation of Iowa Administrative Code 650-20.3(2)(e).

## **STATEMENT OF MATTERS ASSERTED**

6. Iowa law requires that a person engaged in the practice of dental assisting to only practice in the areas for which they have received training pursuant to Iowa Code Section 20.3(1).
7. Iowa law also prohibits assistants from rendering certain services, one of which is 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 pursuant to Iowa Code Section 20.3(2)(e).
8. Respondent routinely removed plaque and calculus, with hand instruments other than a toothbrush, floss, or rubber cup coronal polish.

## **SETTLEMENT AGREEMENT**

**THEREFORE, IT IS HEREBY ORDERED** that Respondent is hereby **CITED** and **WARNED** for performing services which exceed the scope of practice granted to a dental assistant.

8. Respondent agrees to submit a civil penalty in the amount of two hundred and fifty dollars (\$250.00) to the Iowa Dental Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa, and deposited in the general fund.
9. Respondent shall successfully complete the Board's jurisprudence examination within sixty (60) days of the date of this Order.

## **FINAL ORDER**

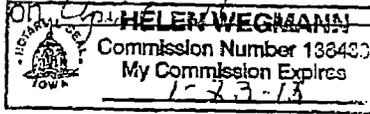
9. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
10. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Settlement Agreement.
11. Respondent understands that by entering into this combined Notice of Hearing, Settlement Agreement and Final Order, she cannot obtain a copy of the investigative file. Under Section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

12. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
13. Respondent acknowledges that she has the right to be represented by counsel in this matter.
14. This combined Notice of Hearing, Settlement Agreement and Final Order becomes public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17, 22 and 272C.
15. 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.
16. 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.
17. This combined Notice of Hearing, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order, it shall be of no force or effect to approval of either party.
18. The Board's approval of this Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

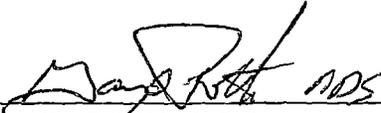
  
Debra K. Besler, R.D.A.  
Respondent

Subscribed and sworn to before me on April 12, 2011.

  
Notary Public, state of Iowa



This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on April 12, 2011.

  
\_\_\_\_\_

GARY D. ROTH, D.D.S.  
Chairperson  
Iowa Dental Board  
400 SW 8<sup>th</sup> Street, Suite D  
Des Moines, IA 50309-4867

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