

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

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

**LARRY S. KALKWARF, D.D.S., RESPONDENT**

**ROCKWELL CITY, IOWA**

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

**(combined)**

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**COMES NOW** the Iowa Dental Board (the Board), and Larry S. Kalkwarf, D.D.S. (Respondent), on October 28<sup>th</sup>, 2009, 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 5775 to practice dentistry in the state of Iowa on July 1, 1971.
3. Respondent's Iowa dental license is current and will expire on August 31, 2010.

## **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) and 650 Iowa Administrative Code 30.4(22) with employing or permitting an unregistered person to practice dental assisting.

### **COUNT II**

6. Respondent is charged under Iowa Code Section 153.34(4) and 650 Iowa Administrative Code 22.8(2) with permitting a person to engage in dental radiography in violation of Board rules and state law.

## **STATEMENT OF MATTERS ASSERTED**

7. Iowa law requires that a person engaged in the practice of dental assisting to register with the Board pursuant to Iowa Code Section 153.39(1), and 650 Iowa Administrative Code Section 20.1.
8. Board rules require dental assistants and nurses who participate in dental radiography to hold an active radiography qualification issued by the Board pursuant to 650 Iowa Administrative Code Section 22.
9. Respondent allowed an unregistered person to perform dental assisting duties which cannot be legally delegated to that person.

10. Respondent allowed a registered nurse to engage in dental radiography without an active radiography qualification.

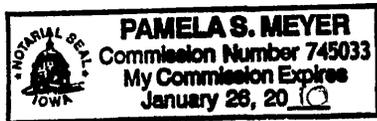
### **SETTLEMENT AGREEMENT**

11. Respondent agrees to submit a civil penalty in the amount of six hundred dollars (600.00) to the Iowa Dental Board within sixty (60) days of the date of this Order.

### **FINAL ORDER**

12. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
13. 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.
14. Respondent understands that by entering into this combined Notice of Hearing, Settlement Agreement and Final Order, he 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.
15. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
16. Respondent acknowledges that he has the right to be represented by counsel in this matter.

17. 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 17A, 22 and 272C.
18. 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.
19. 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 either party.
20. The Board's approval of this Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.



  
Larry S. Kalkwarf, D.D.S.  
Respondent

Subscribed and sworn to before me on August 5, 2009.

Notary Public, state of Iowa

This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on October 28th, 2009.

*Deena R. Kuempel, DDS*

DEENA R. KUEMPEL, D.D.S.

Chairperson

Iowa Dental Board

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