

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE NOTICE OF HEARING AGAINST

EDWARD B. MURRAY, D.D.S., RESPONDENT

COUNCIL BLUFFS, IOWA

NOTICE OF HEARING, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Edward B. Murray, D.D.S. (Respondent), on January 26, 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 06032 to practice dentistry in the state of Iowa on May 22, 1975.
3. Respondent entered into a Combined Statement of Charges, Settlement Agreement and Final Order with the Board on October 27, 2005 for administering conscious sedation in a dental facility without a conscious sedation permit and

for repeatedly administering conscious sedation to patients in a dental facility without all of the required equipment.

4. Respondent's Iowa dental license is current and will expire on August 31, 2012.

LEGAL AUTHORITY AND JURISDICTION

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

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

6. Respondent is charged under Iowa Code Section 153.34(4)(2009) with repeated violation of Chapter 153 and the rules of the Board by failing to ensure patients receiving nitrous oxide are continually monitored by qualified personnel in violation of 650 Iowa Administrative Code 29.6(1)(e).

STATEMENT OF MATTERS ASSERTED

7. Respondent may delegate the monitoring of a patient under nitrous oxide to a registered dental assistant provided the registered dental assistant has successfully completed a Board approved course of training or received equivalent training while a student in an accredited school pursuant to 650 Iowa Administrative Code 29.6(5)(a).
8. A dentist shall not delegate the monitoring of a patient under nitrous oxide to a registered dental assistant unless the registered dental assistant has completed Board approved training pursuant to 650 Iowa Administrative Code 20.16.

9. Respondent delegated the monitoring of patients under nitrous oxide to registered dental assistants who have not completed the required training or education.
10. Respondent failed to ensure that patients under nitrous oxide were continuously monitored by a qualified person.

SETTLEMENT AGREEMENT

THEREFORE, IT IS HEREBY ORDERED that Respondent is hereby **CITED** and **WARNED** for failing to ensure patients receiving nitrous oxide are continually monitored by qualified personnel.

11. Respondent agrees to submit a civil penalty in the amount of one thousand dollars (\$1000.00) 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 State's general fund.
12. Respondent shall successfully complete the dental jurisprudence examination within thirty (30) days of the date of this Order.

FINAL ORDER

13. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
14. 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.

15. 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.
16. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
17. Respondent acknowledges that he has the right to be represented by counsel in this matter.
18. 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.
19. Respondent understands that the Board will report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
20. 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.
21. 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.

22. The Board's approval of this Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Edward B. Murray, D.D.S.
Respondent

Subscribed and sworn to before me on 12/7/10, 2010.

Notary Public, state of Iowa





CHAUNA L. SUMMERS
Commission Number 708778
My Commission Expires
3-12-2013

This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on January 26, 2010.


GARY D. ROTH, D.D.S.
Chairperson
Iowa Dental Board
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