

BEFORE THE BOARD OF DENTAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

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

COUNCIL BLUFFS, IOWA

STATEMENT OF CHARGES,

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

COMES NOW the Iowa Board of Dental Examiners (the Board), and Edward B. Murray, D.D.S., (Respondent), on October 27, 2005, 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 6032 to practice dentistry in Iowa on May 22, 1975.
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

The Respondent is charged under Iowa Code Section 153.34(4) (2005) with repeatedly violating a Board rule by administering conscious sedation in a dental facility

without a conscious sedation permit, in violation of 650 Iowa Administrative Code Sections 29.2(2) and 29.5 (1).

COUNT II

The Respondent is charged under Iowa Code Section 153.34(4) (2005) with repeatedly violating a Board rule by regularly administering conscious sedation to patients in a dental facility that is not in compliance with the requirements of 650 Iowa Administrative Code 29.4(3).

THE CIRCUMSTANCES

4. 650 Iowa Administrative Code Section 29.2(2) prohibits dentists licensed in Iowa from administering conscious sedation until they have obtained a conscious sedation permit from the Board.
5. 650 Iowa Administrative Code Section 29.4 lists numerous requirements that must be met before a conscious sedation permit may be issued.
6. A dentist utilizing conscious sedation is required by Board rules to maintain a properly equipped facility. The facility shall maintain and the dentist shall be trained on the following equipment: anesthesia or analgesia machine, EKG monitor, positive pressure oxygen, suction, laryngoscope and blades, endotracheal tubes, magill forceps, oral airways, stethoscope, blood pressure monitoring device, pulse oximeter, emergency drugs, and defibrillator. 650 IAC 29.4(3)
7. Respondent has repeatedly administered conscious sedation to patients in a dental facility without a conscious sedation permit.

8. Respondent has repeatedly administered conscious sedation to patients in a dental facility without all of the equipment required by 650 IAC 29.4(3).

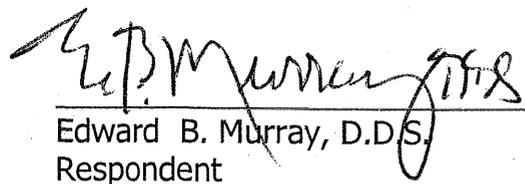
SETTLEMENT AGREEMENT

9. **THEREFORE, IT IS HEREBY ORDERED** that Respondent is hereby **CITED** and **WARNED** for administering conscious sedation in a dental facility without a conscious sedation permit, in violation of 650 Iowa Administrative Code Sections 29.2(2) and 29.5 (1).
10. Respondent agrees to submit a civil penalty in the amount of three thousand dollars (\$3000.00) within sixty (60) days of the date of this Order.

FINAL ORDER

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

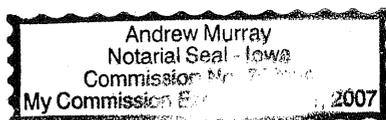
15. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
16. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
17. The 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.
18. 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.
19. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

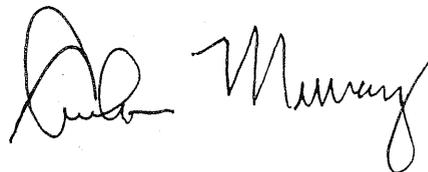


 Edward B. Murray, D.D.S.
 Respondent

Subscribed and sworn to before me on 9 / 23 / 05, 2005.

Notary Public, State of Iowa





This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on October 27, 2005.

Deena R. Kuempel, DDS

DEENA R. KUEMPEL, D.D.S.

Chairperson

Iowa Board of Dental Examiners

400 SW 8th Street, Suite D

Des Moines, IA 50309-4687

cc: Theresa O'Connell Weeg
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