

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

IN THE MATTER OF)	
VALERIE B. PECKOSH, D.M.D.)	NOTICE OF HEARING AND STATEMENT OF CHARGES
RESPONDENT.)	

COMES NOW the Iowa Dental Board (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 650 Iowa Administrative Code (IAC) 51.6. Respondent was issued Iowa dental license number 8006 on July 12, 1999. Respondent's license is current and will next expire on August 31, 2010. Respondent's address as reported to the Board is 3455 Stoneman Road, #2B, Dubuque, Iowa 52002.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on January 13, 2010, before the Iowa Dental Board. The hearing shall begin at 9:00 a.m. and shall be located in the conference room at the office of the Iowa Dental Board, 400 SW 8th Street, Ste. D, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 650 IAC 51.12(2) to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Iowa Dental Board, 400 SW 8th Street, Ste. D, Des Moines, Iowa 50309.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the Board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 650 IAC chapter 51. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 650 IAC 51.18. The hearing may be open to the public or closed to the public at your discretion.

5. Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 650 IAC chapter 51.17.

6. Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: Theresa O'Connell Weeg, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact Board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties

have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Constance L. Price, Executive Director at 515-281-5157.

B. LEGAL AUTHORITY AND JURISDICTION

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

2. Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 153, and 272C and 650 IAC chapters 30 and 51.

3. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 650 IAC 51.22.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

Respondent is charged under Iowa Code Section 153.34(4) (2009) with willful or repeated violations of the rules of the Board for administering conscious sedation without a conscious sedation permit, in violation of 650 Iowa Administrative Code 29.2(2) and 29.5(1).

COUNT II

Respondent is charged under Iowa Code Section 272C.10.(3), and 650 Iowa Administrative Code 30.4(39), with engaging in practice harmful and detrimental to the

public when she administered conscious sedation in a facility not properly equipped for emergencies, in violation of 650 Iowa Administrative Code 29.4(2).

FACTUAL CIRCUMSTANCES

1. Respondent is a pediatric dentist engaged in the practice of dentistry in Dubuque, Iowa.
2. Dentists licensed in Iowa shall not administer conscious sedation until they have a conscious sedation permit from the Board. 650 IAC 29.2(2). Numerous educational and safety equipment requirements must be met before a conscious sedation permit may be issued. 650 IAC 29.4.
3. A dentist utilizing conscious sedation is required by Board rules to maintain a properly equipped facility to safeguard the public. The dentist shall maintain and 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(2).
4. The Board office received information that Respondent was administering a combination of drugs consistent with conscious sedation to pediatric patients in her dental office without a conscious sedation permit, as required by 650 Iowa Administrative Code 29.2(2) and 29.5(1).
5. Respondent administered conscious sedation to pediatric patients in her dental office without maintaining the life saving equipment required by 650 IAC 29.4(2).

6. A Board consultant with expertise in pediatric sedation reviewed this matter and reported to the Board that Respondent's administering of this combination of medications is very likely to result in conscious sedation.
7. Respondent has agreed to only administer medication in amounts consistent with anti-anxiety/pre-medication until this matter has been resolved by the Board.
8. In at least one case, Respondent improperly classified a pediatric sedation patient as ASA 1.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 IAC chapter 51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515.281.5157.

F. PROBABLE CAUSE FINDING

On this 28th day of October, 2009, the Iowa Dental Board found probable cause to file this Notice of Hearing and Statement of Charges.


DEENA R. KUEMPEL, D.D.S.
Chairperson
Iowa Dental Board

Copies to: Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
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