



STATE OF IOWA

CHESTER J. CULVER
GOVERNOR

PATTY JUDGE
LT. GOVERNOR

IOWA DENTAL BOARD
CONSTANCE L. PRICE, EXECUTIVE DIRECTOR

July 27, 2009

Scott Boucher
Xpress Teeth Whitening
5218 SE 7th St.
Des Moines, IA 50315

CEASE AND DESIST

Dear Mr. Boucher:

The Iowa Dental Board has reviewed information that indicates that you are engaging in acts that constitute the practice of dentistry through the services that you offer with your teeth whitening system. You are not licensed in the state of Iowa to practice dentistry. Therefore, the Board advises you to **CEASE AND DESIST** from this illegal activity.

The Board considers aspects of your business to be the practice of dentistry under Iowa code section 153.13 (2009). That section provides that the following persons are deemed to be engaged in the practice of dentistry: *"Persons who offer to perform, perform or assist with any phase of any operation incident to tooth whitening, including the instruction or application of tooth whitening materials or procedures at any geographic location. For purposes of this subsection, "tooth whitening" means any process to whiten or lighten the appearance of human teeth by the application of chemicals, whether or not in conjunction with a light source."*

The Board understands that the general public may purchase tooth whitening agents over the counter. However, the Board also understands that your business involves more than the sale of a tooth whitening kit, which constitutes the practice of dentistry. Under Iowa code section 153.17 it shall be unlawful for any person to practice dentistry in this state, other than: licensed dentists, hygienists, and assistants under the laws of this state. The Board also understands that you are offering services that go beyond that of merely selling over the counter tooth whitening products. By assisting in any phase of any operation incident to tooth whitening, you are in violation of Iowa code section 153.13.

A person who engages in the practice of dentistry is required to obtain a license for that purpose. In the event a person engages in the practice of dentistry without a license issued by the Iowa Dental Board, that person shall be guilty of a serious misdemeanor (147.86).

Page 2

You are hereby warned that you must immediately **CEASE AND DESIST** from practicing dentistry without a license. If the Iowa Dental Board receives information that you have engaged in the unauthorized practice of dentistry after the date you receive this letter, the Board will refer this case to the Polk County Attorney's office for criminal prosecution, and will further refer this case to the Attorney General's office for prosecution of a civil injunction action against you.

Please contact me in writing stating your intentions for your continued practice of dentistry.

I would strongly advise you to contact your attorney to seek advice or answer any questions you have regarding this matter.

Sincerely,

Constance L. Price
Executive Director

Deena R. Kuempel, D.D.S.
Chairperson