

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

BRENDA J. CLARK, Q.D.A., RESPONDENT

WATERLOO, IOWA

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Brenda J. Clark, Q.D.A. (Respondent), on January 22nd, 2015, 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.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Statement of Charges, Settlement Agreement and Final Order.
2. Respondent was issued registration number 12069 to practice dental assisting in the state of Iowa on March 20, 2014.
3. Respondent's Iowa dental assistant registration is current and will expire on August 31, 2015.

LEGAL AUTHORITY AND JURISDICTION

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

STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. Respondent is charged pursuant to Iowa Code section 153.34(7)(2013) for unprofessional conduct in the practice of dental assisting by prescribing on multiple occasions a controlled substance for other than lawful purposes, in violation of 650 Iowa Administrative Code rule 30.4(18).

COUNT II

6. Respondent is charged pursuant to Iowa Code section 153.34(4)(2013) for willful or repeated violations of this chapter or the rules of the Board by practicing beyond the scope of dental assisting by prescribing controlled substances, in violation of Iowa Code section 153.20 and 650 Iowa Administrative Code rules 16.2(1), 16.2(5) and 20.3(2).

STATEMENT OF MATTERS ASSERTED

7. By law, licensed dentists may prescribe controlled substances to patients of record.
8. Iowa law does not authorize dental assistants to prescribe controlled substances.

9. The Board received information that, on more than one occasion, Respondent called in and/or dropped off prescriptions for a controlled substance at multiple pharmacies. The prescriptions were issued using the names of patients of record.
10. Respondent's employer dentist did not authorize or have knowledge of the prescriptions being issued by Respondent.
11. Respondent was observed picking up at least one of these prescriptions.
12. On October 20, 2014, Respondent pled guilty to Prohibited Acts in Black Hawk County, Iowa and received a deferred judgment.
13. Respondent is seeking voluntary surrender of her dental assistant registration.

SETTLEMENT AGREEMENT

14. Upon the Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order, Respondent agrees to voluntarily surrender her registration to practice dental assisting in the state of Iowa. Respondent understands that pursuant to 650 Iowa Administrative Code Section 51.34(2), a voluntary surrender, when accepted by the Board, shall have the same force and effect as an Order of Revocation.
15. This Agreement shall constitute Respondent's written statement of intention to surrender her Iowa dental assisting registration pursuant to 51.34(2) effective the date of this Order.
16. Respondent shall not make application for reinstatement of her dental assisting registration pursuant to 650 Iowa Administrative Code Section 51.34 for a period of

one (1) year from the date of this Order.

17. The Board shall issue an Order granting or denying the Respondent's application for reinstatement. If Respondent's registration is reinstated, the Reinstatement Order shall contain specific terms and conditions, pursuant to 650 Iowa Administrative Code section 51.34(6).

FINAL ORDER

18. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
19. 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 Matters Asserted, and waives any objections to the terms of this Settlement Agreement.
20. Respondent understands that by entering into this combined Statement of Charges, Settlement Agreement and Final Order, she 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.
21. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
22. Respondent acknowledges that she has the right to be represented by counsel in this matter.

23. This combined Notice of Hearing, Settlement Agreement and Final Order becomes a 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.
24. Respondent understands that the Board is required by federal law to report this Order to the National Practitioner Data Bank.
25. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured her, in any way whatsoever, to execute this Order.
26. 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.
27. The Board's approval of this Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Brenda J. Clark, Q.D.A.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on January 22nd, 2015.



STEVEN P. BRADLEY, D.D.S.
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