

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LISA A. KENNEDY, R.D.H., RESPONDENT

DUBUQUE, IOWA

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Lisa A. Kennedy, R.D.H. (Respondent), on October 17, 2014, 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 license number 02763 to practice dental hygiene in the state of Iowa on July 12, 1999.
3. Respondent's Iowa dental hygiene license 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 272C.10(4) (2013) with habitual intoxication or excessive drunkenness, in violation of 650 Iowa Administrative Code 30.4(40).

STATEMENT OF MATTERS ASSERTED

6. On June 5th, 2013, the Board received information indicating that the Respondent was terminated from a dental office after she had been observed behaving in an impaired manner.
7. The Board also received information that the licensee was previously terminated by an employer for being impaired by alcohol.
8. The Board has information that the Respondent is regularly engaging in the excessive use of alcohol.
9. Respondent falsely represented her current employment status and alcohol consumption to an investigator of the Board.
10. Respondent has been convicted of operating a motor vehicle while intoxicated two times. These convictions occurred in 1999, and 2013.

10. On January 30, 2014, Respondent was ordered by the Board to undergo a complete substance abuse evaluation where Respondent was diagnosed with alcohol dependence.
11. Respondent is seeking voluntary surrender of her dental hygiene license.

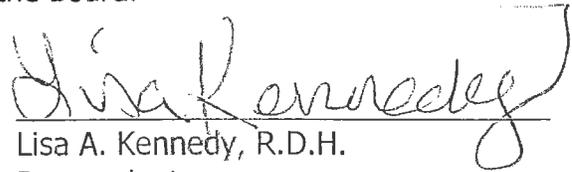
SETTLEMENT AGREEMENT

12. Upon the Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order, Respondent agrees to voluntarily surrender her license to practice dental hygiene in the state of Iowa. Respondent understand 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.
13. This Agreement shall constitute Respondent's written statement of intention to surrender her Iowa dental hygiene license pursuant to 51.34(2) effective the date of this Order.
14. Respondent shall not make application for reinstatement of her dental hygiene license pursuant to 650 Iowa Administrative Code Section 51.34 for a period of one (1) year from the date of this Order.
15. The Board shall issue an Order granting or denying the Respondent's application for reinstatement. If Respondent's license is reinstated, the Reinstatement Order shall contain specific terms and conditions, pursuant to 650 Iowa Administrative Code section 51.34(6).

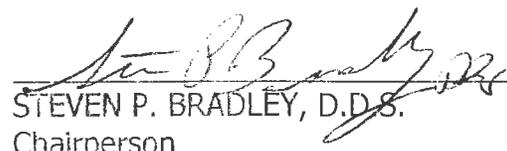
FINAL ORDER

22. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
23. 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.
24. 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.
25. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
26. Respondent acknowledges that she has the right to be represented by counsel in this matter.
27. 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.
28. Respondent understands that the Board is required by federal law to report this Order to the National Practitioner Data Bank.

29. 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.
30. 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.
31. The Board's approval of this Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Lisa A. Kennedy, R.D.H.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on October 17, 2014.


STEVEN P. BRADLEY, D.D.S.
Chairperson
Iowa Dental Board
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cc: Sara Scott
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