

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

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| IN THE MATTER OF: |) | |
| ERNA M. McSWAIN, D.A. |) | SETTLEMENT AGREEMENT AND FINAL ORDER |
| REGISTRATION #R03310 |) | |
| RESPONDENT. |) | |

On this 1st day of February, 2013, the Iowa Dental Board and Erna McSwain, R.D.A., each hereby agree as follows:

The licensee disciplinary hearing scheduled before the Iowa Dental Board on the 26th day of October, 2012, on the allegations in the Notice of Hearing and Statement of Charges dated April 24, 2012, shall be resolved without proceeding to hearing, as the parties have agreed to the following Settlement Agreement and Final Order:

1. Respondent was issued a registration to practice dental assisting on the 1st day of August, 1998, as evidenced by registration number R03310 which is recorded in the permanent records in the office of the Iowa Dental Board.
2. Iowa registration number R03310 lapsed on November 1st, 2007.
3. The Iowa Dental Board has jurisdiction over the parties and subject matter herein.
4. A Notice of Hearing and Statement of Charges was filed against Respondent on April 24, 2012.

THEREFORE, IT IS HEREBY ORDERED that the Board accepts Respondent's voluntary surrender of her registration to practice dental assisting in the state of Iowa.

1. Respondent may make application for reinstatement of her dental assisting registration in accordance with 650 Iowa Administrative Code 51.34. Application for reinstatement shall not be made for a period of one year from the date of this Order.
2. At such time that Respondent's dental assisting registration is reinstated, the Board shall issue an Order in which Respondent shall be subject to additional probationary terms and conditions.

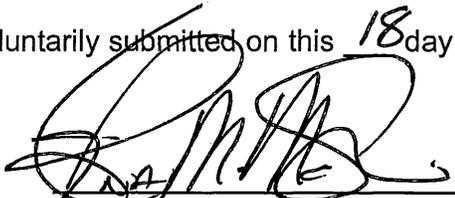
SECTION II.

1. Respondent acknowledges that she has read in its entirety the foregoing Settlement Agreement and Final Order and that she understands its content and that she executed the Order freely, voluntarily, and with no mental reservation whatsoever.
2. Respondent acknowledges she has a right to a hearing in this matter, and she hereby waives that right.
3. Respondent acknowledges that she has the right to be represented by counsel in this matter.
4. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
5. Respondent understands that the Board will report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
6. 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.
7. Respondent acknowledges that this proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party.

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8. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of dental assisting in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code Section 272C.3(2)(a)(2011).
9. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted on this 18 day of OCTOBER, 2012.


Erna M. McSwain, D.A.
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Dental Board on this 1st day of February, 2012.


LYNN D. CURRY, D.D.S.
Vice Chairperson
Iowa Dental Board
400 S.W. 8th, Suite D
Des Moines, IA 50309

CC: Theresa O'Connell Weeg
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