

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

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**IN THE MATTER OF THE NOTICE OF HEARING AGAINST**

**ROY E. MOUNT, JR., D.D.S., RESPONDENT**

**NEWTON, IOWA**

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**NOTICE OF HEARING, SETTLEMENT AGREEMENT and FINAL ORDER**

**(combined)**

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**COMES NOW** the Iowa Dental Board (the Board), and Roy E. Mount, Jr., D.D.S. (Respondent), on January 26, 2010, and pursuant to Iowa Code Sections 17A.10(2) and 272C.3(4), enter into the following combined Notice of Hearing, 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 Notice of Hearing, Settlement Agreement and Final Order.
2. Respondent was issued license number 6387 to practice dentistry in the state of Iowa on August 1, 1978.
3. Respondent's Iowa dental license is current and will expire on August 31, 2010.

## **LEGAL AUTHORITY AND JURISDICTION**

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

## **SECTIONS OF STATUTES AND RULES INVOLVED**

### **COUNT I**

5. Respondent is charged under Iowa Code Section 153.34(4) (2009) with repeated violations of the rules of the Board by failing to maintain adequate safety and sanitary conditions for a dental office in violation of 650 Iowa Administrative Code Section 30.4(17)

## **STATEMENT OF MATTERS ASSERTED**

6. Board rule 650-30.4(17) requires dentists to maintain adequate safety and sanitary conditions for a dental office.
7. The Iowa Dental Board received information from the Respondent indicating that his office failed to biologically monitor heat sterilizers, and has only utilized heat indicator testing.
8. Respondent has addressed this issue and has implemented weekly biological testing of all heat sterilizers.
9. Respondent's office has subsequently passed an infection control inspection.

## **SETTLEMENT AGREEMENT**

**THEREFORE, IT IS HEREBY ORDERED** that Respondent's license to practice dentistry in the state of Iowa shall immediately be placed on probation for a period of two (2) years from the date of this Order subject to the following terms:

10. Respondent agrees to submit a civil penalty in the amount of two thousand five hundred dollars (\$2,500.00) within sixty (60) days of the date of this Order.
11. Respondent shall obtain continuing education hours in the areas of infection control during the 2009-2010 biennium. The continuing education shall be prior approved by the Board.
12. Respondent shall successfully complete the Board's infection control examination within sixty (60) days of the date of this Order.
13. Respondent shall ensure that all staff members who perform infection control duties in his office pass the Iowa dental assistant infection control examination within sixty (60) days of the date of this Order.
14. Respondent shall fully cooperate with random unannounced visits by agents of the Board.
15. Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for all costs incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit three hundred (\$300.00) dollars on or before the first day of January, April, July, and October, of each calendar year for such costs while on probation.
16. Respondent shall upon reasonable notice, and subject to the provisions of 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
17. Periods of residence or practice outside of the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from

the Board. Periods in which Respondent does not practice dentistry and/or he fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Notice of any change of residence must be provided to the Board within fourteen (14) days of the change.

18. Respondent shall submit quarterly reports to the Board detailing his compliance with the terms and conditions of this Order. Respondent shall ensure that the reports are submitted prior to the first day of January, April, July, and October, of each calendar year.

#### **FINAL ORDER**

19. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
20. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Settlement Agreement.
21. Respondent understands that by entering into this combined Notice of Hearing, Settlement Agreement and Final Order, he 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.
22. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

23. Respondent acknowledges that he has the right to be represented by counsel in this matter.
24. This combined Notice of Hearing, Settlement Agreement and Final Order becomes public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17, 22 and 272C.
25. Respondent understands that the Board will report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
26. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way whatsoever, to execute this Order.
27. This combined Notice of Hearing, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order, it shall be of no force or effect to approval of either party.
28. The Board's approval of this Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

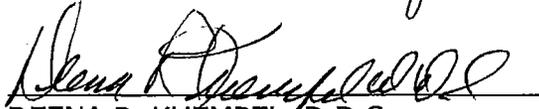


Roy E. Mount, Jr., D.D.S.  
Respondent

Subscribed and sworn to before me on Jan 27<sup>th</sup>, 2010.

Notary Public, state of Iowa Sonia Rae Montgomery

This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on January 26, 2010.



DEENA R. KUEMPEL, D.D.S.

Chairperson

Iowa Dental Board

400 SW 8<sup>th</sup> Street, Suite D

Des Moines, IA 50309-4867

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4-19-11