

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DAVID A. NEAL, D.D.S., RESPONDENT

KALONA, IOWA

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and David A. Neal, D.D.S. (Respondent), on January 30th, 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 08676 to practice dentistry in the state of Iowa on August 6, 2009.
3. Respondent's Iowa dental license is current and will expire on August 31, 2014.

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 under Iowa Code Section 153.34(4)(2013) and 650 Iowa Administrative Code 30.4(22) for permitting a person with a lapsed license to perform duties for which a valid license or registration is required.

STATEMENT OF MATTERS ASSERTED

6. Iowa law requires that a person engaged in the practice of dental hygiene, or dental assisting have an active license or registration.
7. Pursuant to Iowa Administrative Code Section 14.5(1)(c) failure of a licensee to renew a license prior to November 1 following expiration shall cause the license to lapse and become invalid. A licensee whose license has lapsed and becomes invalid is prohibited from practicing.
8. In April 2013 the Board received information that Respondent was allowing an unlicensed or unregistered person to perform dental assistant duties.
9. An investigation was conducted in this matter. During that investigation Respondent advised an agent of the Board that his wife occasionally performs duties which would require her to possess a valid license or registration.
10. Respondent's wife's dental hygiene license lapsed in 1994.

11. Respondent's wife is not registered as a dental assistant in Iowa.

SETTLEMENT AGREEMENT

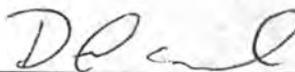
THEREFORE, IT IS HEREBY ORDERED that Respondent is hereby **CITED** for allowing a person without an active license or registration to perform dental assisting duties which cannot be legally delegated to that person and **WARNED** that future violations may result in further disciplinary action.

12. Respondent agrees to submit a civil penalty in the amount of five hundred dollars (\$500.00) to the Iowa Dental Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa, and deposited in the general fund.

FINAL ORDER

13. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
14. By entering into this combined Statement of Charges, 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.
15. Respondent understands that by entering into this combined Statement of Charges, 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.

16. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
17. Respondent acknowledges that he has the right to be represented by counsel in this matter.
18. This combined Statement of Charges, 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.
19. Respondent understands that the Board will report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
20. 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.
21. 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 approval of either party.
22. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.



David A. Neal, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on January 30th, 2014.


STEVEN P. BRADLEY, D.D.S.
Chairperson
Iowa Dental Board
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