

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

IN THE MATTER OF)	
REBECCA L. WESTRA, D.D.S.)	NOTICE OF HEARING AND STATEMENT OF CHARGES
RESPONDENT.)	

COMES NOW the Iowa Dental Board (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 650 Iowa Administrative Code (IAC) 51.6. Respondent was issued Iowa dental license number 07342 on July 1, 1988. Respondent's license is current and will next expire on August 31, 2014. Respondent's address as reported to the Board is 3311 SW 9th Street, Des Moines, Iowa 50315.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on January 31, 2014, before the Iowa Dental Board. The hearing shall begin at 9:00 a.m. and shall be located in the conference room at the office of the Iowa Dental Board, 400 SW 8th Street, Ste. D, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 650 IAC 51.12(2) to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Iowa Dental Board, 400 SW 8th Street, Ste. D, Des Moines, Iowa 50309.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the Board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 650 IAC chapter 51. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 650 IAC 51.18. The hearing may be open to the public or closed to the public at your discretion.

5. Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 650 IAC chapter 51.17.

6. Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: Sara Scott, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact Board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties

have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Melanie Johnson, J.D., Executive Director at 515-281-5157.

B. LEGAL AUTHORITY AND JURISDICTION

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

2. Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 153, and 272C and 650 IAC chapters 30 and 51.

3. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 650 IAC 51.22.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

Respondent is charged under Iowa Code Section 153.34(4) (2013) with willful or repeated violations of the rules of the Board by failing to comply with standard precautions for preventing and controlling infectious diseases and managing personnel health and safety concerns related to infection control, as required or recommended for dentistry by the Centers for Disease Control and Prevention (CDC) of the United States Department of Health and Human Services, in violation of 650 Iowa Administrative Code Section 30.4(35).

D. FACTUAL CIRCUMSTANCES

1. Respondent is a general dentist engaged in the practice of dentistry in Des Moines, Iowa.
2. Respondent was previously charged by the Board in July of 1994 with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, and failing to seek consultation with another practitioner who has special skills, knowledge, and experience in endodontics. Respondent entered into a Settlement Agreement with the Board which placed her dental license on probation for five (5) years and required her to complete a Board approved continuing education program.
3. Respondent was charged by the Board in June of 1995 with multiple counts including: unprofessional conduct; inability to practice dentistry with reasonable skill and safety by reason of illness, drunkenness, or habitual or excessive use of drugs; obtaining a fee by fraud; assisting, or enabling the unauthorized practice of dentistry; and making misleading, deceptive, untrue or fraudulent representations in the practice of dentistry. The charges were resolved by a settlement agreement in which Respondent's license was indefinitely suspended, with the suspension held in abeyance and her license placed on indefinite probation with certain conditions. Respondent's probation was terminated on July 21, 2000.
4. Board rules require that a dentist maintain adequate sanitary conditions for a dental office.

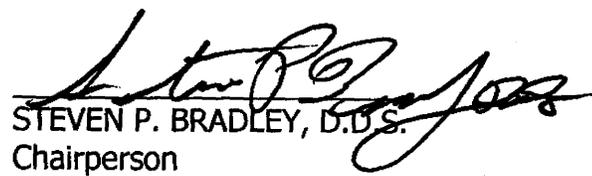
5. Multiple complaints were received in October 2012 from staff at Respondent's office regarding poor infection control protocols.
6. An infection control inspection was conducted at Respondent's dental practice. Multiple deficiencies were identified, including incomplete employee vaccine records, incomplete MSDS files, and critical and semi-critical instruments such as mirrors, explorers, scalars, and hand pieces being stored unwrapped.
7. Both Respondent and staff were interviewed during this inspection. Staff indicated that Respondent reuses gloves on patients. Respondent denied gloves are reused.
8. Additional information obtained during the investigation indicates that Respondent has instructed her staff to wash and reuse gloves as well as reuse single use disposable chair covers.
9. A subsequent inspection indicates that Respondent is storing used exam gloves in her office and reusing disposable prophylaxis angles.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 IAC Chapter 51.19. If you are interested in pursuing settlement of this matter, please contact Melanie Johnson, J.D., Executive Director, at 515-281-5157.

F. PROBABLE CAUSE FINDING

On this 31st day of October, 2013, the Iowa Dental Board found probable cause to file this Notice of Hearing and Statement of Charges.



STEVEN P. BRADLEY, D.D.S.
Chairperson
Iowa Dental Board
400 SW 8th Street, Suite D
Des Moines, IA 50309

cc: Sara Scott
Assistant Attorney General
Iowa Attorney General's Office
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Des Moines, IA 50319