

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE NOTICE OF HEARING FOR

LYNN A. DES PLANQUE, R.D.A., RESPONDENT

OSKALOOSA, IOWA

NOTICE OF HEARING, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Lynn A. Des Planque, RDA (Respondent), on November 8, 2007, 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 registration number Q09279 by the Board to engage in the practice of dental assisting, subject to the laws of the state of Iowa and the rules of the Board.
3. Registration number Q09279 is current and expires August 31, 2009.

LEGAL AUTHORITY AND JURISDICTION

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2007).

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. The Respondent is charged under Iowa Code Section 153.34(4) (2007) 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 of the United States Department of Health and Human Services (CDC) in violation of 650 Iowa Administrative Code Section 30.4(35).

COUNT II

6. The Respondent is charged under Iowa Code Section 153.34(7) (2007) with gross immorality or dishonorable or unprofessional conduct in the practice of dental assisting in violation of 650 Iowa Administrative Code Sections 27.9(1) and 30.4(13).

COUNT III

7. The Respondent is charged under Iowa Code Section 153.34(7) (2007) with gross immorality or dishonorable or unprofessional conduct in the practice of dental assisting in violation of 650 Iowa Administrative Code Sections 27.9(4) and 30.4(26).

STATEMENT OF MATTERS ASSERTED

8. Following an office inspection for infection control at Respondent's place of employment, it was determined that Respondent failed to properly sterilize dental instruments before they were reused on patients.
9. This exposure to potentially infectious materials was limited to patients who received treatment during the morning hours of one specific date.
10. Respondent knowingly provided false information to an agent of the Board in an attempt to cover up this incident.

SETTLEMENT AGREEMENT

11. Upon the Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent's dental assisting registration and qualification is immediately suspended for thirty (30) days effective the date of this Order.
12. Respondent agrees to submit a civil penalty in the amount of two hundred fifty dollars (\$250.00) within sixty (60) days of the date of this Order.
13. Respondent shall successfully complete the Iowa dental assistant infection control examination within sixty (60) days of the date of this Order.

FINAL ORDER

14. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
15. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case

hearing on the allegations contained in the Notice of Hearing, and waives any objections to the terms of this Settlement Agreement.

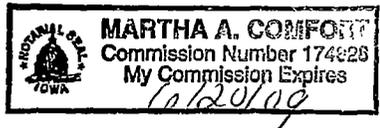
16. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
17. Respondent acknowledges that she has the right to be represented by counsel in this matter.
18. This combined Notice of Hearing, Settlement Agreement and Final Order become public records available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.
19. 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.
20. 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 either party.
21. The Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Lynn A. Des Planque, R.D.A.
Respondent

Subscribed and sworn to before me on October 31, 2007.

Martha A. Comfort

Notary Public, state of Iowa



This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on November 8, 2007.

Deena R. Kuempel, D.D.S.

DEENA R. KUEMPEL, D.D.S., Chairperson
Iowa Dental Board
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Des Moines, IA 50309-4687

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