

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

IN THE MATTER OF:)	
MICHAEL P. MCCORMACK, D.D.S.)	
1700 Summit Street)	STIPULATION AND
Red Oak, IA 51566)	CONSENT ORDER
License #7697)	
Respondent)	

On this 1st day of February, 2007, the Iowa Board of Dental Examiners and Michael P. McCormack, D.D.S., each hereby agree with the other and stipulate as follows:

The disciplinary hearing scheduled to commence before the Iowa Board of Dental Examiners on the 18th day of January, 2007, on the allegations specified in the Statement of Matters Asserted which is attached to the Notice of Hearing dated October 25, 2006, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice dentistry in the state of Iowa on the 23rd day of November, 1993, as evidenced by License Number 7697 which is recorded in Book D, Page 62, of the permanent records in the office of the Iowa Board of Dental Examiners.
2. That Iowa Dental License Number 7697 is current and on active status until June 30, 2008.
3. That the Iowa Board of Dental Examiners has jurisdiction over the parties and subject matter herein.

4. A Notice of Hearing and Statement of Matters Asserted was filed against Respondent on October 25, 2006.

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the state of Iowa shall be immediately placed on Board supervised probation for a period of five (5) years from the date of this Order. Respondent may request early termination of probation following two (2) years of documented compliance.

SECTION I.

1. Respondent shall submit a civil penalty in the amount of ten thousand dollars (\$10,000.00) within sixty (60) days of the date of this Order.
2. Respondent shall successfully complete a prior-approved continuing education course in infection control. Respondent shall ensure that all staff personnel who are involved with infection control duties also attend this course with Respondent. This course shall be completed at the first opportunity, in any case not later than six (6) months of the date of this Order. The Board consultant concluded that radiographic evidence reflected no concerns with the quality of respondent's restorative dental work, therefore, no other continuing education is indicated at this time.
3. Respondent shall successfully complete the dental assistant infection control examination within six (6) months of the date of this Order.
4. Respondent shall successfully complete a Board approved dental ethics course within six (6) months of the date of this Order.
5. Respondent shall fully cooperate with random unannounced visits by agents of the Board.

6. 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 one hundred (\$100.00) dollars on or before the first day of January, April, July, and October, of each calendar year for monitoring costs.
7. 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.
8. Periods of residence outside of the state of Iowa may be applied toward period of probation if approved by the Board prior to the commencement of the out of state residency. Notice of any change of residence must be provided to the Board within fourteen (14) days of the change.
9. 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 during the probationary period.
10. During the probationary period Respondent shall disclose to all licensees, employees, and employers who work in his place of practice this Order. The Respondent shall report back to the Board with signed statements from all licensees, employees, and employers with whom he currently practices and any future licensees, employees, and employers within fourteen (14) days of the date of this Order, and thereafter within fourteen (14) days of any new employment relationship, indicating that they have read this action, and that they understand the current terms and conditions placed on Respondent's dental license.

11. Respondent agrees that all current and future employees shall be authorized to immediately report to the Board any incidents that they believe violate this Order or the Dental Practice Act.

SECTION II.

1. Respondent acknowledges that he has read in its entirety the foregoing Stipulation and Consent Order and that he understands its content and that he executed the Stipulation and Consent Order freely and voluntarily.
2. Respondent agrees this Stipulation and Consent Order constitutes the resolution of a pending contested case. By entering into this Stipulation and Consent Order, the Respondent voluntarily waives any right to a contested case hearing on allegations contained in the Statement of Charges, and waives any objections to the terms of this Stipulation and Consent Order.
3. Respondent acknowledges that he has the right to be represented by counsel in this matter.
4. Respondent understands that this Stipulation and Consent Order and the attached Statement of Matters Asserted 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.
5. Respondent understands that the Board is required by Federal law to 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 him, in any way whatsoever, to execute this Order.

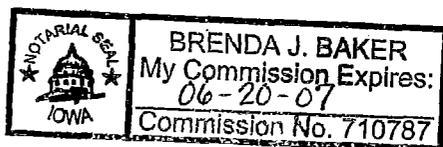
7. Respondent acknowledges that this proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party.
8. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of dentistry in Iowa. Any violation 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) (2003).
9. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board.

This Stipulation and Consent Order is voluntarily submitted on this 22 day of

January, 2007.

Michael P. McCormack, D.D.S.
 Michael P. McCormack, D.D.S.
 Respondent

Subscribed and sworn to before me on this 22 day of JANUARY, 2007.



Brenda J. Baker
 Notary Public in and for
 the State of Iowa

This Stipulation and Consent Order is accepted by the Iowa Board of Dental Examiners on this 1st day of February, 2007.

Deena R. Kuempel, D.D.S.
 Deena R. Kuempel, D.D.S.
 Chairperson
 Iowa Board of Dental Examiners
 400 S.W. 8th Street, Suite D
 Des Moines, IA 50309

cc: Theresa O'Connell Weeg
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**BEFORE THE BOARD OF DENTAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF THE)	
STATEMENT OF CHARGES)	
AGAINST)	
MICHAEL P. MCCORMACK, D.D.S.)	STATEMENT OF
1700 Summit Street)	MATTERS ASSERTED
Red Oak, IA 51566)	
Iowa Dental License #7697)	(CONFIDENTIAL)
Respondent)	

COMES NOW the Iowa Board of Dental Examiners, and in support of the Notice of Hearing filed in this case on this 25th day of October, 2006, sets forth the following summary of the facts which support the allegations contained in the Notice of Hearing.

1. Iowa Code Section 153.38 (2005) allows dental assistants to perform only those services as determined by the board of dentistry by rule, and prohibits a dental assistant from practicing dentistry or dental hygiene.
2. Iowa Administrative Code 650 Chapter 20.3(2)(e.) states that a dental assistant may not be delegated the act of removing of any plaque, stain, or hard natural or synthetic material except by toothbrush, floss, or rubber cup coronal polish, or removal of any calculus.
3. Iowa Administrative Code 650 Chapter 20.4 states that a dental assistant may only perform duties consistent with Board rules under the supervision of a dentist.

4. Respondent employed dental assistants who were allowed to perform duties which included the removal of plaque and calculus, with hand instruments other than a toothbrush, floss, or rubber cup coronal polish.
5. Respondent employed a dental assistant trainee and allowed her to perform intra-oral services while under direct supervision, rather than personal supervision.
6. Respondent failed to comply with infection control standards which require sufficient protocols be in place to ensure that dental hand pieces are heat sterilized between patients.
7. Respondent provided testimony during an unemployment telephone hearing in which he stated that he did not allow his assistants to use instruments to remove calculus and plaque.

On this 25th day of October, 2006, The Iowa Board of Dental Examiners found probable cause to this file this Statement of Matters Asserted.


DEENA R. KUEMPEL, D.D.S.
Chairperson
Iowa Board of Dental Examiners
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Des Moines, IA 50309
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