

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JOYCE M. NIELAND, Q.D.A., RESPONDENT

CARROLL, IOWA

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Joyce Nieland, Q.D.A., (Respondent), on July 14th, 2017, 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 dental assistant registration #06512 in the state of Iowa on May 27, 2001.
3. Respondent's dental assistant registration is current and will expire on August 31, 2017.

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) with willful or repeated violation of the rules of the board by failing to meet the supervision requirements for dental assistants, in violation of 650 Iowa Administrative Code rule 20.3.

STATEMENT OF MATTERS ASSERTED

6. Respondent is employed as a dental assistant in Carroll, Iowa.
7. Respondent was observed doing intraoral treatment to a patient without a dentist being present in the building on September 21, 2016.
8. Respondent was performing a function under general supervision which by Board rule requires direct supervision.

SETTLEMENT AGREEMENT

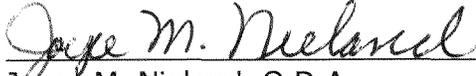
THEREFORE, IT IS HEREBY ORDERED that Respondent is hereby **CITED** for failing to comply with the supervision requirements for dental assistants, and **WARNED** that future violations may result in further disciplinary action.

9. Respondent agrees to submit a civil penalty in the amount of one hundred dollars (\$100.00) to the Iowa Dental Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa.

FINAL ORDER

10. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
11. 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.
12. Respondent understands that by entering into this combined Statement of Charges, Settlement Agreement and Final Order, she cannot obtain a copy of the investigative file. Under Iowa Code 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.
13. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
14. Respondent acknowledges that she has the right to be represented by counsel in this matter.
15. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

16. 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.
17. Respondent understands that the Board will report this Order to the National Practitioner Data Bank.
18. 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.
19. 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 either party.
20. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Joyce M. Nieland, Q.D.A.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on July 14th, 2017.


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