

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

POLLYANNE IBEN, D.D.S., RESPONDENT

CORALVILLE, IOWA

#17-0131

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Pollyanne Iben, D.D.S. (Respondent), on April 6th, 2018, and pursuant to Iowa Code chapters 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 07894 to practice dentistry in the state of Iowa on September 17, 1997.
3. Respondent's Iowa dental license is current and will expire on August 31, 2018.

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 chapter 153.34(4) with willful or repeated violations of the rules of the Board and 650 IAC rule 29.8 for administering moderate sedation in a facility not properly equipped, in violation of 650 IAC rule 29.4(2).

STATEMENT OF MATTERS ASSERTED

6. Respondent was issued a permit to administer moderate sedation on November 4, 1999.
7. A dentist utilizing moderate sedation is required by Board rules to maintain a properly equipped facility to safeguard the public in the event an emergency occurs.
8. In April 2017, Respondent's facility was inspected and it was determined she did not maintain the required lifesaving equipment pursuant to Board rules. Respondent immediately discontinued the administration of moderate sedation in her facility.

SETTLEMENT AGREEMENT

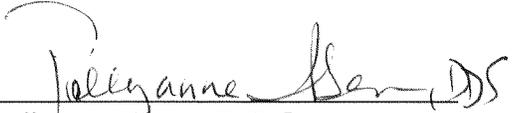
THEREFORE, IT IS HEREBY ORDERED that Respondent is hereby **CITED** for administering moderate sedation in a facility not properly equipped for emergencies and **WARNED** that future violations may result in further disciplinary action.

9. Respondent agrees to submit a civil penalty in the amount of two thousand dollars (\$2000.00) to the Board within sixty (60) days of the date of this Order, made payable to: Treasurer, State of Iowa.
10. Respondent agrees to discontinue the use of moderate sedation and surrender her moderate sedation permit.

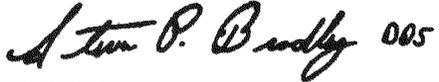
FINAL ORDER

11. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
12. 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.
13. 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 chapter 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.

14. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
15. Respondent acknowledges that she has the right to be represented by counsel in this matter.
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.


Pollyanne Iben, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on April 6th, 2018.


STEVEN P. BRADLEY, D.D.S.
Chairperson
Iowa Dental Board
400 SW 8th Street, Suite D
Des Moines, IA 50309-4687

cc: Sara Scott
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