

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS R. COONEY, D.D.S., RESPONDENT

INDIANOLA, IOWA

#15-0174

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Thomas R. Cooney, D.D.S., (Respondent), on August 3, 2018, 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 license 07310 in the state of Iowa on July 01, 1988.
3. Respondent's 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 with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, pursuant to Iowa Code section 153.34(8) and 650 Iowa Administrative Code rule 30.4(16).

STATEMENT OF MATTERS ASSERTED

6. Respondent is a general dentist engaged in the practice of dentistry in Indianola, Iowa.
7. The Board received a complaint concerning Respondent's treatment of periodontal disease.
8. The Board subpoenaed patient records and referred the records to a consultant for review. Following this review the consultant stated that Respondent failed to meet the standard of care in diagnosing and treating periodontal disease for multiple patients.

SETTLEMENT AGREEMENT

THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice dentistry in the state of Iowa shall be placed on probation for a period of five (5) years, effective the date of this Order. Respondent may request that the Board review the probation period two (2) years after the date of this Order. The decision as to whether to amend or terminate the probation remains at the discretion of the Board. The probation period is subject to the following terms:

9. Respondent is restricted from treating periodontal disease unless he employs a licensed dental hygienist who can assist with these procedures, in any office where he practices

dentistry. This restriction includes periodontal maintenance, scaling and root planing and any other procedure which extends beyond the scope of preventive and prophylactic treatment. Current Dental Terminology (CDT) codes should be utilized to make this distinction. Respondent must request and receive approval from the Board to remove this restriction.

10. Respondent shall successfully complete a minimum of twenty (20) hours of additional continuing education and training, prior approved by the Board in the areas of periodontics, at Respondent's expense.
11. Within thirty (30) days of this Order, Respondent shall submit the name and curriculum vitae of a proposed practice monitor and written practice monitoring plan for Board approval. The practice monitor must be an Iowa licensed dentist who has special skills, knowledge and expertise in the area of periodontics. The practice monitoring plan must include the following:
 - a. On a monthly basis, the practice monitor shall randomly select a designated number of Respondent's patient records, and conduct a review of those records to ensure that periodontal disease is being appropriately diagnosed and treated. After one (1) year, the Board may, at its discretion, order that these reviews be conducted on a quarterly basis or semi-annual basis.
 - b. Respondent shall ensure that the practice monitor submits a monthly written report to the Board following each records review for the first six (6) months. Thereafter the practice monitor's written reports may be submitted quarterly. The practice monitor shall immediately report to the Board any competency concerns. The practice monitor shall make any necessary recommendations for changes in Respondent's clinical practice related to periodontics.

- c. Respondent shall fully comply with all recommendations made by the practice monitor.
 - d. Respondent shall be solely responsible for the costs associated with practice monitoring. Respondent shall promptly reimburse the practice monitor the usual and customary fee for the services.
12. Respondent shall, within ninety (90) days of the date of this Order submit a civil penalty to the Board office in installment payments, in the amount of two thousand dollars (\$2,000.00), payable to Treasurer, State of Iowa.
 13. Respondent shall make monthly written reports to the Board with respect to his practice, detailing his compliance with the terms of this Order for the first six (6) months, and quarterly thereafter. Quarterly reports are due by the 1st of January, April, July, October of each calendar year, monthly reports are due by the 1st of the month.
 14. 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 three hundred dollars (\$300.00) on or before the first day of January, April, July, and October, of each calendar year for such costs while on probation.
 15. Respondent shall fully disclose this Order to all current and future licensees, employees and/or employers at Respondent's place of employment. Respondent shall report back to the Board with signed statements from all such 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 Combined Statement

of Charges, Settlement Agreement and Final Order, and understand the current terms and conditions placed on Respondent's dental license. All employees shall report any concerns directly to the Board without adverse employment consequences.

16. 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.
17. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order.
18. 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.
19. Notice of any change of practice location must be provided to the Board within fourteen (14) days.
20. Respondent acknowledges that he has read in its entirety the foregoing Combined Statement of Charges, Settlement Agreement and Final Order and that he understands its content and that he executed the Order freely, voluntarily, and with no mental reservation whatsoever.
21. Respondent acknowledges he has a right to a hearing in this matter, and he hereby waives that right.
22. Respondent acknowledges that he has the right to be represented by counsel in this matter.

23. Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
24. Respondent understands that the Board will report this Order to the National Practitioner Data Bank.
25. 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.
26. 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.
27. 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.
28. 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 the terms 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)(2017).
29. The Board's approval of this Combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Thomas R. Cooney, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved
by the Board on August 3, 2018.

Steven P. Bradley 005

STEVEN P. BRADLEY, D.D.S.
Chairperson
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