

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

IN THE MATTER OF PHELAN R. THOMAS, D.D.S. RESPONDENT	CASE NOS. 18-0076 & 18-0116 SETTLEMENT AGREEMENT AND FINAL ORDER
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COME NOW the Iowa Dental Board (Board), and Phelan R. Thomas, D.D.S. (Respondent), and pursuant to Iowa Code sections 17A.12(5) and 272C.3(4), enter into the following Settlement Agreement and Final Order (Order) to settle a contested case currently pending before the Board. The licensee disciplinary hearing shall be resolved without proceeding to hearing, as the parties have agreed to the following:

1. On October 12, 2018, the Board issued a Notice of Hearing and Statement of Charges in cases #18-0076 and #18-0116.
2. Respondent acknowledges that the allegations contained in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.
3. Respondent was issued dental license 07198 in the state of Iowa on November 24, 1986.
4. Respondent's dental license is currently restricted due to a Stipulated Agreement to Restrict Practice executed on October 12, 2018. Respondent's dental license is currently active and will next expire on August 31, 2020.
5. The Board has jurisdiction over the parties and subject matter of this proceeding.
6. This Order constitutes the resolution of a contested case proceeding.
7. By entering into this Order, Respondent voluntarily waives any rights to a

- contested case hearing and waives any objections to the terms of this Order.
8. This Order is voluntarily submitted by Respondent to the Board for consideration.
 9. Respondent acknowledges that he has the right to be represented by counsel in this matter.
 10. 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.
 11. Upon approval by the Board, this Order becomes a permanent public record available for inspection and copying, in accordance with the requirements of Iowa Code chapters 22 and 272C.
 12. Respondent understands that the Board is required by federal law to report this Order to the National Practitioner Data Bank.
 13. 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.
 14. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.
 15. Upon approval by the Board, this Order shall constitute a FINAL ORDER of the Board.

THEREFORE IT IS HEREBY ORDERED:

16. Respondent's dental license is placed on **PROBATION** for a period of five (5) years, subject to the following terms:
 - a Respondent shall not engage in any inappropriate or unprofessional behavior or make any inappropriate comments

towards his staff or patients. Respondent agrees to conduct himself in a professional manner at all times while engaged in the practice of dentistry.

- b. Within ten (10) days of this Order, Respondent shall provide the Board with a list containing the names and contact information for all employees who work at his practice location.
- c. Within ten (10) days of this Order, Respondent shall implement a Professional Boundaries Protection Plan and shall submit a copy to the Board. The plan shall include rules, restrictions, and prohibitions for Respondent's practice, as well as ongoing training and education in ethics and professional boundaries to ensure Respondent's behavior towards patients and employees is professional. The plan must include the following provisions:
 - i. Respondent is prohibited from having any students rotate in his office.
 - ii. Respondent is prohibited from being alone with a female patient at any time.
 - iii. Respondent is prohibited from treating patients outside of regular business hours unless it is deemed an emergency.
- d. Within ten (10) days of this Order, Respondent shall ensure each employee at his practice location contacts the Board, by phone or email, to acknowledge that they have read and understand the terms of this Order and Respondent's Professional Boundaries

Protection Plan. Respondent shall ensure any new employee who begins working with Respondent at his practice location contacts the Board, by phone or email, to acknowledge that they have read and understand the terms of this Order and Respondent's Professional Boundaries Protection Plan within ten (10) days of beginning work at Respondent's practice location. Respondent shall ensure written acknowledgment from each employee, acknowledging that they have read and understand the terms of this Order and Respondent's Professional Boundaries Protection Plan, is maintained on-site at his practice location.

- e. Every employee who works at Respondent's practice location shall complete and submit a staff surveillance form and submit it directly to the Board on or before the 1st day of each month to report the activity for the prior month. For example, the staff surveillance form for January must be submitted to the Board on or before February 1st.
- f. Respondent shall not retaliate or take any adverse employment action against any employee for submitting truthful information to the Board regarding Respondent's behavior.
- g. Within thirty (30) days of this Order, Respondent shall begin personal counseling with a licensed mental health provider. Respondent shall attend a minimum of one (1) counseling session per month for a minimum of nine (9) months. Respondent shall

continue to attend monthly counseling sessions until his provider submits a written statement to the Board indicating that Respondent will no longer benefit from ongoing counseling.

- h. Within six (6) months of this Order, Respondent shall complete the PBI Professional Boundaries and Ethics Course-Dentist Extended Edition and submit proof of completion. These hours cannot be used to satisfy the continuing education required for the next renewal of Respondent's dental license.
- i. Within ten (10) days of this Order, Respondent shall submit the name and credentials of a proposed infection control monitor to the Board for approval. To receive approval, the proposed infection control monitor must be a licensee or registrant of the Board, be objective, have sufficient expertise in the area of infection control, and have the ability to perform inspections as required by this Order.
- j. Once approved, the infection control monitor shall conduct an infection control inspection at Respondent's office on a monthly basis for a period of two (2) years. The goal of each inspection is to ensure appropriate protocols for the prevention of infectious diseases are being met. Each inspection shall utilize Board-approved inspection forms.
- k. Respondent shall ensure the infection control monitor submits a monthly report to the Board following each inspection for the first

twelve (12) inspections, and quarterly thereafter. Monthly reports are due on or before the 1st day of each month to report the activity for the prior month and quarterly reports are due on or before the 1st of July, October, January, and April. The infection control monitor shall immediately report to the Board any deficiencies in the infection control protocols. Respondent shall ensure that the reports are timely submitted.

- l. The infection control monitor shall make recommendations for changes in protocols if necessary. Respondent shall comply with any recommendation made by the infection control monitor regarding infection control protocols.
- m. Respondent shall be solely responsible for the costs associated with infection control monitoring. Respondent shall promptly reimburse the infection control monitor the usual and customary fee for the service.
- n. The Board may, in its discretion, decrease the frequency of the required inspections based on satisfactory performance by Respondent. The infection control inspections are only required for two (2) years.
- o. Within sixty (60) days of this Order, Respondent shall submit a civil penalty in the amount of one thousand dollars (\$1,000.00) to the Board, made payable to Treasurer, State of Iowa, to be deposited in the general fund.

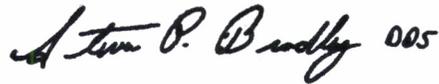
- p. Respondent has already submitted proof of completion of a comprehensive infection control course consisting of a minimum of six (6) hours, which was completed on October 5, 2018. These hours cannot be used to satisfy the continuing education required for the next renewal of Respondent's dental license.
- q. Respondent shall, upon reasonable notice and subject to the provisions of 650 IAC 31.6, appear before the Board at the time and place designated by the Board.
- r. Respondent shall fully cooperate with unannounced visits by any agent of the Board to determine compliance with this Order.
- s. Respondent shall notify the Board of any change of practice location or any change in contact information within ten (10) days.
- t. Respondent shall submit quarterly reports to the Board detailing his compliance with the terms of this Order. Respondent shall ensure that the reports are submitted on or before the 1st of July, October, January and April of each year while on probation.
- u. Respondent shall be responsible for the costs incurred by the Board in monitoring Respondent's probationary period. Respondent shall promptly remit payment in the amount of three hundred dollars (\$300.00) on or before the 1st of July, October, January and April of each year for such costs while on probation.

17. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 153 and 272C, and 650 IAC 30.



PHELAN R. THOMAS, D.D.S.
Respondent

This Settlement Agreement and Final Order is approved by the Board on
April 5th 2019.



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

Copies to:

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