BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ALA'A AL ARABI, D.D.S., RESPONDENT

WATERLOO, IOWA

#19-0008

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STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(Combined)

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COME NOW the Iowa Dental Board (Board), and Ala'a Al Arabi, D.D.S. (Respondent), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order (Order).

A. LEGAL AUTHORITY AND JURISDICTION

1. Respondent was issued dental license 09129 in the state of Iowa on July 8, 2014.
2. Respondent's dental license is current and will expire on August 31, 2020.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 153, and 272C (2019).

B. STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged under Iowa Code section 153.34(4) and 650 IAC 30.4(44) with delegating acts to a licensee or registrant that are beyond the training or education of the licensee or registrant, or that are otherwise prohibited by rule.

COUNT II

5. Respondent is charged pursuant to Iowa Code section 153.34(4) and 650 IAC 30.4(35) with failing to comply with the standard precautions for preventing and controlling infectious disease and managing personnel health and safety concerns related to infection control, as required or recommended for dentistry by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

STATEMENT OF MATTERS ASSERTED

6. In November 2018, Respondent was cited and warned by the Board for allowing a dental assistant trainee whose registration had lapsed to continue to perform dental assisting duties.

7. A dental assistant trainee cannot perform expanded function procedures, pursuant to 650 IAC 20.5(1).

8. Respondent allowed dental assistant trainees to take impressions and perform soft relines.

9. A dental assistant trainee must work under the personal supervision of a licensed dentist, pursuant to 650 IAC 20.6(2).

10. Respondent allowed dental assisting trainees to perform radiography and infection control duties without personal supervision.

11. Iowa law requires dental offices to comply with all requirements and recommendations contained within the Guidelines for Infection Control in Dental Health-Care Settings published by the Centers for Disease Control and Prevention.

12. On February 28, 2019, a Board investigator performed an infection control inspection at Respondent's practice location and noted the following deficiencies: failure to correctly place items into the sterilizer so as not to impede penetration of the sterilant, failure to allow packages to dry in the sterilizer before being handled to avoid contamination, and use of instrument packs when mechanical or chemical indicators did not indicate adequate processing.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

THEREFORE IT IS HEREBY ORDERED:

13. Respondent's license to practice dentistry in the state of Iowa shall immediately be placed on PROBATION for a period of twelve (12) months from the date of this Order subject to the following terms:

    a. Within thirty (30) days of the date 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.

b. Once approved, the infection control monitor shall conduct an infection control inspection at Respondent's office on a monthly basis for the first six (6) months, and quarterly thereafter. The goal of each inspection is to ensure appropriate protocols for the prevention of infectious diseases are being met. Each inspection shall utilize the Centers for Disease Control infection control inspection forms.

c. Respondent shall ensure the infection control monitor submits a monthly report, by the first of each month, to the Board following each inspection for the first six (6) inspections, and a quarterly report thereafter. The infection control monitor shall immediately report to the Board any deficiencies in the infection control protocols, if any.

d. The infection control monitor shall make recommendations for changes in protocols if necessary. Respondent shall comply with any recommendation made by any infection control monitor regarding infection control protocols.

e. 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.

f. The Board may, in its discretion, decrease the frequency of the required inspections based on satisfactory performance by Respondent.

g. 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.

h. Respondent shall notify the Board of any change of practice location or any change in contact information within fourteen (14) days.

i. For the first six (6) months, Respondent shall submit a written report each month detailing compliance with the terms of this Order. Thereafter, Respondent shall submit a written report on a quarterly basis.

j. All monthly reports are due by the 1st of each month. Quarterly reports are due by the 1st of January, April, July, and October of each year.

k. 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 January, April, July and October of

each year for such costs while on probation.

l. Respondent shall successfully complete approved Board coursework in the area of infection control that cannot be counted toward continuing education hours. The course, or combination of courses, must be comprehensive, consist of a minimum of six (6) hours, and be taken in-person or online. If taken online, Respondent shall also submit a letter to the board explaining what Respondent learned from the coursework and describing any changes that will be made to Respondent's practice in light of the coursework. Evidence of course completion must be provided to the Board.

14. Respondent agrees not to allow dental assistants to perform procedures which are not in their scope of practice. Respondent agrees to personally supervise dental assistant trainees.

15. Respondent agrees to submit a civil penalty in the amount of twenty-five hundred dollars ($2,500.00) to the Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa.

16. Respondent shall successfully complete the dental jurisprudence examination within ninety (90) days of the date of this Order.

17. This Order constitutes the initiation and resolution of a contested case proceeding.

18. This Order is voluntarily submitted by Respondent to the Board for consideration.

19. 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.

20. 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.

21. Respondent understands that by entering into this Order, he 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 the initiation of a contested case proceeding and prior to its resolution.

22. Respondent acknowledges that he has the right to be represented by counsel in this matter.

23. This Order resolves all currently pending complaints pertaining to infection control and improper delegation. Respondent does not admit fault in connection with the above-referenced factual recitations contained herein.

24. Respondent understands that the Board is required by federal law to report this Order to the National Practitioner Data Bank.

25. 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.

26. 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.

27. Upon approval by the Board, this Order shall constitute a FINAL ORDER of the

Board.

5/29/2019

ALA'A AL ARABI, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on June 7th, 2019.

Chairperson, Iowa Dental Board