BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

****

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL W. BARBA, D.D.S., RESPONDENT

DECORAH, IOWA

#19-0134 and #19-0136

****

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(Combined)

****

COME NOW the Iowa Dental Board (Board), and Michael W. Barba, 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 07089 in the state of Iowa on July 15, 1985.
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 (2018).
4. Respondent was previously disciplined on July 15, 2009 for allowing an unregistered person to perform dental assisting duties which cannot be legally delegated to that person.

B. STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. Respondent is charged under Iowa Code section 153.34(4) and 650 IAC 30.4(1)"d" with employing or permitting an unregistered person or a person with a lapsed registration to practice dental assisting.

STATEMENT OF MATTERS ASSERTED

6. A person engaged in the practice of dental assisting must be registered with the Board in accordance with 650 IAC 20.
7. If a dental assistant trainee fails to become registered by the trainee status expiration date, the trainee must stop work as a dental assistant trainee, pursuant to 650 IAC 20.5(2)"a"(2).
8. Respondent allowed a dental assistant trainee whose registration had expired to perform dental assisting duties from January 2018 to September 2019.
9. Respondent allowed another dental assistant trainee whose registration had expired to perform dental assisting duties from July 2018 to September 2019.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

THEREFORE IT IS HEREBY ORDERED:

10. Respondent is **CITED** for employing or permitting an unregistered person or a person with a lapsed registration to practice dental assisting and **WARNED** that future violations may result in further disciplinary action.
11. Respondent agrees to submit a civil penalty in the amount of one thousand dollars

($1000.00) to the Board within sixty (60) days of the date of this Order, made payable to Treasurer, State of Iowa, to be deposited in the general fund.

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

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

14. 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.

15. 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.

16. 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.

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

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

19. 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.

20. 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.

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

Michael W Barba

Michael W. Barba, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on January 24th, 2020.

William McBride, D.D.S.
Chairperson, Iowa Dental Board