

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

IN THE MATTER OF

THOMAS COONEY, D.D.S.

RESPONDENT

CASE NO. 19-0044

**SETTLEMENT AGREEMENT AND
FINAL ORDER**

COME NOW the Iowa Dental Board (Board), and Thomas Cooney, 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 proceeding 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 September 27, 2019, the Board issued a Notice of Hearing and Statement of Charges in case #19-0044.
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 Iowa dental license 07310 on July 1, 1988.
4. Respondent's 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 resolves all pending complaints and investigations regarding Respondent related to or involving infection control. Respondent does not admit fault in connection with the factual circumstances contained in the Statement of Charges.
16. Upon approval by the Board, this Order shall constitute a FINAL ORDER of the Board.

THEREFORE IT IS HEREBY ORDERED:

17. Respondent's Iowa dental license shall remain on PROBATION subject to all terms set forth in the board order dated August 3, 2018. In addition, Respondent shall be 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 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 for a period of one (1) year 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 six (6) months, followed by two (2) subsequent inspections during months nine (9) and twelve (12). 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 report thereafter for the subsequent two (2) inspections. 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.
18. Within ninety (90) days of the date of this Order, 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.
19. 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.


THOMAS COONEY, D.D.S. I
Respondent

This Settlement Agreement and Final Order is approved by the Board on

June 5th, 2020.



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

Copies to:

Kevin J. Driscoll
Finley Law Firm, P.C.
699 Walnut St, Ste 1700
Des Moines, IA 50309
ATTORNEY FOR RESPONDENT

Laura Steffensmeier
Office of the Attorney General of Iowa
1305 E Walnut St
Des Moines, IA 50319
ATTORNEY FOR THE STATE