

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

TAORAN ZHANG, D.D.S., RESPONDENT

COUNCIL BLUFFS, IOWA

#21-0028

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COME NOW the Iowa Dental Board (Board), and Taoran Zhang, 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 09525 in the state of Iowa on April 26, 2018.
2. Respondent's dental license is current and will expire on August 31, 2022.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 153, and 272C (2021).

B. STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged pursuant to Iowa code section 153.34(4) and 650 IAC 30.4(6)"b" with failure to comply with standard precautions for preventing and controlling infectious diseases 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 and the Iowa occupational safety and health administration.

COUNT II

5. Respondent is charged pursuant to Iowa Code section 153.34(4) and 650 IAC 30.4(6)"a" with failure to maintain adequate safety and sanitary conditions for a dental office.

COUNT III

6. Respondent is charged pursuant to Iowa Code section 153.34(11) and 650 IAC 30.4(4)"f" with delegating any acts to any registrant that are beyond the training or education of the registrant, or that are otherwise prohibited by board rule.

STATEMENT OF MATTERS ASSERTED

7. Respondent is an orthodontist practicing in Council Bluffs, Iowa.
8. In March 2021, a Board investigator conducted on-site inspections at Respondent's practice location and conducted interviews, which revealed the following:
 - a. Respondent allowed trainees to work without personal supervision and without proper training.

- b. Assistants removed dirty instruments from the operatory without gloves.
- c. The sterilizer tray was overloaded.
- d. Critical and/or semi-critical instruments were re-used without sterilization.
- e. Unwrapped instruments underwent dry heat sterilization and were stored unpackaged for later use.
- f. Respondent did not change his gown or clean his face shield between patients.
- g. Respondent did not routinely wash his hands between patients.
- h. Exam gloves were being re-used on the same patient and also on occasion re-used by another trainee on the same patient.
- i. Items were not being cleaned or sterilized correctly.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

THEREFORE IT IS HEREBY ORDERED:

- 9. Respondent's license shall be temporarily SUSPENDED until the following are completed:
 - a. Respondent must complete Board-approved in-office training with a third-party educator for himself and all office employees in infection control practices, including scenario training. The educator must document successful completion of the training, which must be submitted to the Board.

- b. Respondent must identify a proposed infection control monitor. To be approved by the Board, the infection control monitor must have expertise in infection control practices, a current license or registration with the Board with no public discipline on file, not have a pre-existing or employment relationship with Respondent that would impede impartial monitoring, and must have the ability to perform unannounced inspections during clinical hours two times per month. When an infection control monitor is approved by the Board, Respondent's license will be placed on probation as set forth below.
10. Following the temporary suspension, Respondent's license shall be placed on PROBATION for a period of two (2) years, subject to the following terms:
- a. Respondent may not employ or supervise any trainees.
 - b. At all times, Respondent must employ a registered dental assistant to assist with infection control responsibilities and to serve as a worksite monitor. The worksite monitor is responsible for identifying and addressing any infection control deficiencies. Any unwillingness to correct or address deficiencies by Respondent shall be reported to the Board by the worksite monitor. Respondent cannot retaliate or take any adverse action against the worksite monitor for reporting information to the Board. The worksite monitor shall submit monthly reports to the Board.
 - c. The infection control monitor shall perform unannounced inspections

at Respondent's office twice per month. The infection control monitor is responsible for identifying any infection control deficiencies and making recommendations for correction. Should any deficiencies be identified, the infection control monitor shall report the deficiency to the Board and the Respondent shall immediately correct the deficiency. The infection control monitor shall submit monthly reports to the Board. The Board, in its discretion, may reduce the frequency of required inspections throughout the probationary period based on Respondent's compliance.

- d. Within sixty (60) days of this Order, Respondent shall complete four (4) hours of continuing education in ethics and professionalism. Respondent shall submit certificates of completion to the Board as proof of completion of this requirement. These hours are in addition to the continuing education hours needed for license renewal and cannot be used to satisfy license renewal requirements.
- e. Respondent shall fully disclose this Order to all individuals working at any Iowa practice location/s. Respondent shall report back to the Board with signed statements from every individual within ten (10) days of this Order and thereafter within ten (10) days of any new employment relationship, indicating they have been notified and received of a copy of this Order. All employees shall report any

concerns directly to the Board without adverse employment consequences.

- f. Respondent shall fully cooperate with any unannounced visits by agents of the Board to determine compliance with this Order.
- 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, to discuss compliance with probation.
- h. Respondent shall notify the Board of any change of practice location or any change in contact information within fourteen (14) days.
- i. Respondent, Respondent's worksite monitor, and Respondent's infection control monitor shall each submit a monthly report to the Board. Each monthly report is due by the 1st of the following month. The Board, in its discretion, may reduce the frequency of required reports throughout the probationary period. If the frequency is reduced, Respondent will be provided new deadlines for submitting periodic reports.
- j. Respondent shall be responsible for all costs incurred in complying with this Order. 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.

- k. Any time periods in which Respondent is not in compliance with the terms of this Order will be added to the end of the probationary period to extend the length of probation.
11. Respondent agrees to submit a civil penalty in the amount of five thousand dollars (\$5,000.00) to the Board within thirty (30) days 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, and Respondent's agreement with the terms of this Order does not constitute an admission of any wrongdoing.
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.

TAORAN ZHANG

TAORAN ZHANG, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on April 28, 2021.

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Chairperson, Iowa Dental Board