

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

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**JON P. HULTING, D.D.S., RESPONDENT**

**ELDRIDGE, IOWA**

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**STATEMENT OF CHARGES,**

**SETTLEMENT AGREEMENT and FINAL ORDER  
(combined)**

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**COMES NOW** the Iowa Board of Dental Examiners (the Board), and Jon P. Hulting, D.D.S. (Respondent), on December 15, 2005, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

**STATEMENT OF CHARGES**

1. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2005).
2. Respondent was issued license number 5382 by the Board to engage in the practice of dentistry, subject to the laws of the state of Iowa and the rules of the Board.
3. License number 5382 is current and on active status until June 30, 2006.

### **COUNT I**

4. Respondent is charged with failure to maintain a satisfactory standard of competency in the practice of dentistry, in violation of Iowa Code Section 153.34 (8) (2005) and 650 Iowa Administrative Code Section 30.4(16).

### **COUNT II**

5. Respondent is charged under Iowa Code Section 153.34(4) (2005) with willful or repeated violations of the rules of the Board by failing to maintain records in a manner consistent with the protection of the welfare of the patient, in violation of 650 Iowa Administrative Code Section 27.11.

### **COUNT III**

6. The Respondent is charged under Iowa Code Section 153.34(4) (2005) with willful or repeated violations of the rules of the Board by failing 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 of the United States Department of Health and Human Services (CDC) in violation of 650 Iowa Administrative Code Section 30.4(35).

### **COUNT IV**

7. The Respondent is charged under Iowa Code Section 153.34(4) (2005) with willfully or repeatedly violating a Board rule by failing to protect the health of patients by

delegating auxiliary staff duties which cannot be legally delegated to them, which is in violation of 650 Iowa Administrative Code Section 27.5.

### **THE CIRCUMSTANCES**

8. The Board office received a complaint concerning the Respondent's infection control practices.
9. Following an office inspection for infection control practices, it appeared that Respondent's current infection control protocols were insufficient to prevent and control the spread of infectious diseases.
10. The following major deficiencies were identified during the office inspection:
  - a. Respondent fails to sterilize critical dental instruments between patients.
  - b. Respondent fails to conduct proper sterilization monitoring to ensure the effectiveness of his sterilization equipment.
  - c. Respondent fails to properly clean clinical contact surfaces between patients.
  - d. Respondent fails to dispose of regulated medical waste pursuant to current regulations.
  - e. Respondent fails to sterilize dental handpieces between patients.
11. Due to the seriousness of these violations, Respondent voluntarily agreed to close his office until he could bring his office into compliance with current standards.
12. Twelve patient records from Respondent's dental office were sent to a Board consultant for review.

13. The Board consultant reviewed these patient records and concluded that the reviewed records were not to an acceptable level of care. The Board consultant documented the following concerns:
  - a. None of the records had the type or quantity of anesthetics used.
  - b. Patient records lacked periodontal probings or PSR's.
  - c. Many patients had periodontal disease that was visible on radiographs, but no diagnosis was made by Respondent.
  - d. Many of the radiographs were unreadable or not of diagnostic quality.
  - e. The reviewed records lacked documentation that would be considered necessary to meet the standard of care.
14. Board rule 650-30.4(35) requires dentists 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 of the United States Department of Health and Human Services
15. Board rule 650-30.4(17) requires dentists to maintain adequate safety and sanitary conditions for a dental office.
16. Iowa law requires that a person engaged in the practice of dental assisting to register with the Board pursuant to Iowa Code Section 153.39(1), and 650 Iowa Administrative Code Section 20.1.

17. Respondent allowed an unregistered auxiliary staff person to perform dental assisting duties which cannot be legally delegated to them.

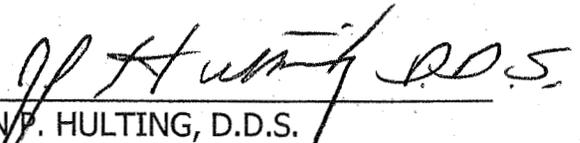
### **SETTLEMENT AGREEMENT**

18. The Respondent shall voluntarily surrender his dental license effective the date of this Order.

### **FINAL ORDER**

19. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
20. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.
21. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
22. Respondent acknowledges that he has the right to be represented by counsel in this matter.
23. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
24. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

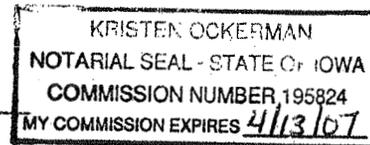
25. The Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way whatsoever, to execute this Order.
26. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.
27. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

  
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 JON P. HULTING, D.D.S.  
 Respondent

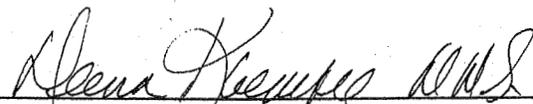
Subscribed and sworn to before me on November 22, 2005.

Notary Public, state of Iowa





This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on December 15, 2005.

  
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 DEENA R, KUEMPEL, D.D.S., Chairperson  
 Iowa Board of Dental Examiners  
 400 SW 8<sup>th</sup> Street, Suite D  
 Des Moines, IA 50309-4687

cc: Theresa O'Connell Weeg  
 Assistant Attorney General