

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE NOTICE OF HEARING FOR

GENE V. MUELLER, D.D.S., RESPONDENT

DAVENPORT, IOWA

NOTICE OF HEARING, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Gene V. Mueller, D.D.S., (Respondent), on January 10, 2008, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Notice of Hearing, Settlement Agreement and Final Order.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order.
2. Respondent was issued license number 5711 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 5711 is current and expires August 31, 2008.

LEGAL AUTHORITY AND JURISDICTION

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2007).

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. The Respondent is charged under Iowa Code Section 153.34(4) (2007) 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).

STATEMENT OF MATTERS ASSERTED

6. Following an office inspection for infection control, it was determined that Respondent's infection control protocols failed to meet current standards. Respondent failed to:
 - a) Maintain written policies and procedures as required by the Center for Disease Control (CDC).
 - b) Failed to maintain Manufacturer Safety Data Sheet information pursuant to OSHA.
 - c) Failed to properly monitor heat sterilizers on a weekly basis.

- d) Failed to maintain sterility of critical and semicritical instruments during storage.
7. Respondent has successfully addressed all concerns and has passed subsequent inspection.

SETTLEMENT AGREEMENT

8. **THEREFORE, IT IS HEREBY ORDERED** that Respondent's Iowa Dental License shall immediately be placed on probationary status for a period of two (2) years from the date of this Order.
9. Respondent shall obtain continuing education hours in the areas of infection control during the 2006-2008 biennium. The continuing education shall be prior approved by the Board.
10. Respondent shall successfully complete the Iowa dental assistant infection control examination within sixty (60) days of the date of this Order.
11. Respondent shall ensure that all staff members who perform infection control duties in his office pass the Iowa dental assistant infection control examination within sixty (60) days of the date of this Order.
12. Respondent shall fully cooperate with random unannounced visits by agents of the Board.
13. Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for all costs incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly

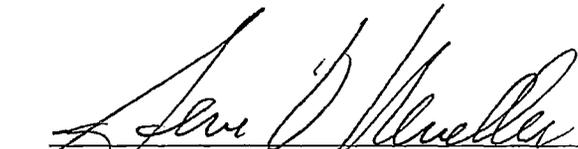
remit one hundred (\$100.00) dollars on or before the first day of January, April, July, and October, of each calendar year for such costs while on probation.

14. Respondent agrees to submit a civil penalty in the amount of five-thousand dollars (\$5,000.00) within sixty (60) days of the date of this Order.
15. Respondent shall upon reasonable notice, and subject to the provisions of 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
16. Periods of residence outside of the state of Iowa may be applied toward period of probation if approved by the Board prior to the commencement of the out of state residency. Notice of any change of residence must be provided to the Board within fourteen (14) days of the change.
17. Respondent shall submit quarterly reports to the Board detailing his compliance with the terms and conditions of this Order. Respondent shall ensure that the reports are submitted prior to the first day of January, April, July, and October, of each calendar year.

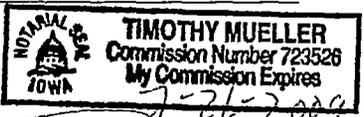
FINAL ORDER

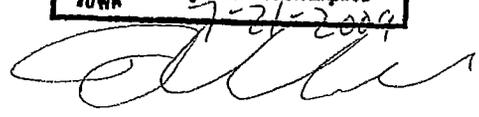
18. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
19. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Notice of Hearing, and waives any objections to the terms of this Settlement Agreement.

20. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
21. Respondent acknowledges that he has the right to be represented by counsel in this matter.
22. This combined Notice of Hearing, Settlement Agreement and Final Order become public records available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.
23. 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.
24. 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.
25. This combined Notice of Hearing, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order, it shall be of no force or effect to either party.
26. The Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Gene V. Mueller, D.D.S.
Respondent

Subscribed and sworn to before me on November 21, 2007.

Notary Public, state of 



This combined Notice of Hearing, Settlement Agreement and Final Order is
approved by the Board on January 10, 2008.


DEENA R. KUEMPEL, D.D.S., Chairperson
Iowa Dental Board
400 SW 8th Street, Suite D
Des Moines, IA 50309-4687

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319