

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE NOTICE OF HEARING AGAINST

MICHELLE L. SCHWARCK, R.D.A., RESPONDENT

OSAGE, IOWA

NOTICE OF HEARING, SETTLEMENT AGREEMENT AND FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Michelle L. Schwarck, R.D.A. (Respondent), on January 26, 2011, 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 registration number Q08551 to practice dental assisting in the state of Iowa on October 10, 2004.
3. Respondent's Iowa dental assisting registration is current and will expire on August 31, 2011.

LEGAL AUTHORITY AND JURISDICTION

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 153 and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. Respondent is charged under Iowa Code Section 153.39(1)(2009) and 650 Iowa Administrative Code 20.11 with engaging in the practice of dental assisting with a lapsed registration.

STATEMENT OF MATTERS ASSERTED

6. Iowa law requires that a person engaged in the practice of dental assisting possess a valid registration. Failure to renew a registration prior to expiration shall cause the registration to lapse and become invalid pursuant to 650 Iowa Administrative Code Section 20.11(4).
7. Respondent's registration lapsed on November 1, 2009.
8. Respondent advised the Board through the reinstatement process that she was practicing dental assisting following the lapse of her registration until June 2010.

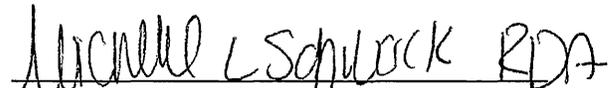
SETTLEMENT AGREEMENT

9. Respondent agrees to submit a civil penalty in the amount of one hundred dollars (\$100.00) to the Iowa Dental Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa, and deposited in the general fund.

FINAL ORDER

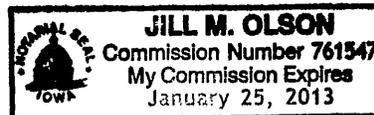
10. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
11. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Matters Asserted, and waives any objections to the terms of this Settlement Agreement.
12. Respondent understands that by entering into this combined Notice of Hearing, Settlement Agreement and Final Order, she cannot obtain a copy of the investigative file. Under Section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.
13. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
14. Respondent acknowledges that she has the right to be represented by counsel in this matter.
15. This combined Notice of Hearing, Settlement Agreement and Final Order becomes public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

16. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured her, in any way whatsoever, to execute this Order.
17. 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.
18. The Board's approval of this Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Michelle L. Schwarck, R.D.A.
Respondent

Subscribed and sworn to before me on December 17, 2010.

Notary Public, state of Iowa



This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on January 26, 2011.


GARY D. ROTH, D.D.S.
Chairperson
Iowa Dental Board
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Des Moines, IA 50309-4687

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