

BEFORE THE BOARD OF DENTAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

GREGORY P. VANNUCCI, D.D.S., RESPONDENT

STATEMENT OF CHARGES,

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

COMES NOW the Iowa Board of Dental Examiners (the Board), and Gregory P. Vannucci, D.D.S. (Respondent), on March 22, 2004, 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. Respondent was issued license number 7963 to practice dentistry in Iowa on October 1, 1998.
2. Respondent's Iowa dental license is current and will expire on June 30, 2004.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged under Iowa Code Section 153.34(4) (2003) with willfully or repeatedly violating a Board rule by failing to protect the health of patients by assigning auxiliary staff duties which cannot be legally delegated to them, which is in violation of 650 Iowa Administrative Code Section 27.5.

COUNT II

5. Respondent is charged under Iowa Code Section 153.34(4) (2003) with willfully or repeatedly violating a Board rule by delegating acts to a registrant that are beyond the training or education of the registrant, which is in violation of 650 Iowa Administrative Code Section 30.4 (44).

COUNT III

6. The Respondent is charged under Iowa Code Section 153.34(4) (2003) with willfully or repeatedly violating a Board rule for failing to provide direct supervision to a dental assistant while performing intra-oral procedures, which is in violation of 650 Iowa Administrative Code Section 20.4 (2).

THE CIRCUMSTANCES

7. 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.
8. Board rules require registered dental assistants to be under the direct supervision of a dentist when performing intra-oral procedures.
9. Respondent allowed a registered dental assistant to regularly perform intra-oral procedures on patients while Respondent was out of the office.
10. Respondent allowed a registered dental assistant to regularly administer nitrous oxide inhalation analgesia.
11. Respondent allowed a registered dental assistant to regularly establish an "IV line" on patients.

SETTLEMENT AGREEMENT

12. Respondent's dental license shall immediately be placed on probation for a period of five (5) years subject to the following terms and conditions. Respondent may apply for early termination of probation following 2 ½ years of successful compliance with the terms and conditions of this Order.
13. Effective immediately Respondent shall cease and desist from delegating duties to dental assistants which cannot legally be delegated to them.
14. Respondent shall successfully pass a written jurisprudence examination to be taken at the office of the Board at 400 SW 8th Street, Ste. D, Des Moines, Iowa within thirty (30) days of the date of this Order.
15. Respondent agrees to remit to the Iowa Board of Dental Examiners a civil penalty in the amount of five-thousand dollars (\$5,000.00) within thirty (30) days of the date of this Order.
16. Respondent shall report to the Board a list of current employees within fourteen (14) days of the date of this Order. Respondent's report shall list each employee's job title along with a detailed description of all assigned duties. This report shall be signed by both Respondent and all listed employees.
17. Respondent shall disclose to all current and future licensees, employers, and employees in his practice of this action against his license. Respondent shall report back to the Board with signed statements from all current and all future employers/employees within fourteen (14) days of the date of this Order and thereafter within fourteen (14) days of any new employment relationship, indicating that they have read this Final Order.

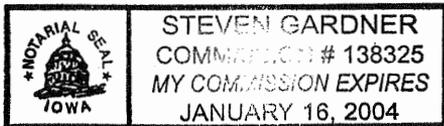
18. Respondent shall allow all employees to report directly to the Board any violation of this Order or any violations of statutes or rules regulating the practice of dentistry in Iowa. Such reporting employee(s) shall not be subject to adverse action by Respondent as a result of such report.
19. Respondent shall fully cooperate with random unannounced visits by agents of the Board to determine compliance with this Order and to ensure continued compliance with Board rules.
20. Respondent shall be responsible for all costs associated with compliance with this Order, and shall also be responsible for all costs, including mileage and expenses, incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit for such costs.
21. Respondent shall submit monthly reports detailing his compliance with this Order for a period of six (6) months. After six (6) months Respondent shall submit quarterly reports detailing his compliance with the terms of this Order during the remainder of his probationary period.
22. Respondent shall upon reasonable notice, and subject to the waiver provisions of Board rule 650 Iowa Administrative Code 31.6, appear before the Board at the time and place designated by the Board.
23. Periods of residency outside of the State of Iowa may be applied toward period of probation if prior approved by the Board. Any changes in residency must be provided to the Board in writing within fourteen (14) days of departure.
24. Respondent shall fully and promptly comply with all Orders of the Board and statutes and rules regulating the practice of dentistry in Iowa.

FINAL ORDER

- 25. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
- 26. 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.
- 27. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
- 28. 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.
- 29. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


GREGORY P. VANNUCCI, D.D.S.
Respondent

Subscribed and sworn to before me on March 4, 2004.




Notary Public, State of Iowa

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on March 22, 2004.



George F. North, D.D.S.

Chairperson

Iowa Board of Dental Examiners

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