

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JUDD LARSON, D.D.S., RESPONDENT

PLEASANT HILL, IOWA

#15-0146, #16-0084

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Judd Larson, D.D.S., (Respondent), on January 25th, 2018, 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.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Statement of Charges, Settlement Agreement and Final Order.
2. Respondent was issued dental license 09149 in the state of Iowa on October 30, 2014.
3. Respondent's dental license is current and will expire on August 31, 2018.

LEGAL AUTHORITY AND JURISDICTION

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

STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. Respondent is charged under Iowa Code section 153.34(4) (2017) with willful or repeated violation of the rules of the board by administering moderate sedation in a dental facility without a moderate sedation permit, in violation of 650 Iowa Administrative Code rules 29.2(2) and 29.5 (1).

COUNT II

6. Respondent is charged under Iowa Code section 153.34(4) (2017) with willful or repeated violation of the rules of the board by regularly administering moderate sedation to patients in a dental facility that is not in compliance with the requirements of 650 Iowa Administrative Code rules 29.4(2) and 29.5(1).

COUNT III

7. Respondent is charged under Iowa Code section 272C.10(3) with engaging in practice harmful or detrimental to the public for improper prescribing to and/or administration of medication to patients.

STATEMENT OF MATTERS ASSERTED

8. Respondent is a general dentist in Iowa.

9. Dentists in Iowa shall not administer moderate or deep sedation until they have obtained a sedation permit from the Board. Numerous educational and safety equipment requirements must be met before a sedation permit may be issued.
10. A dentist utilizing moderate or deep sedation is required by Board rules to maintain a properly equipped facility and be trained on specific equipment, as outlined in Iowa Administrative Code 650, Chapter 29.4 (2).
11. Respondent does not hold a moderate or general sedation permit in Iowa. In January of 2015, the Board's Anesthesia Credentials Committee indicated Respondent's prior training and experience in sedation were insufficient for issuance of a moderate sedation permit.
12. On multiple occasions in 2015, Respondent prescribed and administered excessive doses of sedative medication to patients prior to or during a dental procedure.
13. On multiple occasions in 2015, Respondent provided moderate sedation to patients.
14. Respondent treated patients under moderate sedation in a facility that was not inspected by the Board and/or was not properly equipped pursuant to board rules.

SETTLEMENT AGREEMENT

THEREFORE, IT IS HEREBY ORDERED that Respondent's dental license is hereby **SUSPENDED** for a period of five (5) days, effective on Tuesday, January 30,

2018. Following the suspension, Respondent's dental license will immediately be placed on probation for a period of five (5) years. Respondent may request early termination of probation after two (2) years of documented compliance with the following terms:

- a. Respondent shall within thirty (30) days of the date of this Order submit the name of a proposed sedation monitor. The sedation monitor shall be an Iowa licensed dentist who holds a current moderate or general sedation permit, who shall be approved by the Board.
- b. A monitoring plan shall be developed and signed by the sedation monitor and Respondent and submitted to the Board for approval. It shall include the following:
 1. The monitor shall, on a monthly basis, randomly select a designated number of Respondent's patient records to review Respondent's prescribing and sedation practices to ensure they are appropriate with sedation guidelines. After one (1) year, the Board may, at its discretion, order these reviews be done on a quarterly basis.
 2. Respondent shall ensure the monitor submits a monthly report to the Board following each review for the first twelve (12) months, and quarterly thereafter. The monitor shall immediately report to the Board any concerns about Respondent's practice, if any. The monitor shall make recommendations for changes, if needed.

- c. Respondent shall comply with any recommendations made by the monitor regarding his prescribing and sedation practices.
 - d. Respondent shall be solely responsible for the costs associated with the monitoring. Respondent shall promptly reimburse the monitor the usual and customary fee for this service.
15. Respondent shall successfully complete the Board's jurisprudence examination within sixty (60) days of the date of this Order.
 16. Respondent shall complete a Board-approved course in minimal sedation within ninety (90) days of the date of this Order. Respondent shall submit proof of successful completion of the course to the Board within fifteen (15) days of the completion. Any continuing education hours earned at this course may not be used for future license renewal.
 17. Respondent shall successfully complete a Board-approved ethics course within eight (8) months of the date of this Order.
 18. Respondent may not apply for a moderate or deep sedation permit until after a minimum of one (1) year of documentation of successful compliance with this Order.
 19. Respondent shall submit a civil penalty in the amount of ten thousand dollars (\$10,000.00) to the Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa.
 20. 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 year.

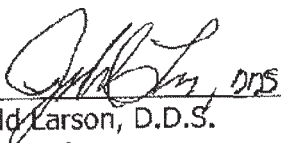
21. Respondent shall be responsible for all costs associated with compliance of this Order, and shall also be responsible for all costs incurred by the Board in the monitoring of this Order to determine compliance. Respondent shall promptly remit three hundred (\$300.00) dollars on or before the first day of January, April, July, and October, of each year for such costs while on probation.
22. Respondent shall fully disclose this Order to all current and future licensees, employees and/or employers at Respondent's place of employment. Respondent shall report back to the Board with signed statements from all such licensees, employees and employers 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 Combined Statement of Charges, Settlement Agreement and Final Order and understand the current terms and conditions placed on Respondent's dental license. All employees shall report any concerns directly to the Board without adverse employment consequences.
23. Respondent shall fully cooperate with random unannounced visits by agents of the Board and shall fully cooperate with random unannounced reviews, inspections, and audits.
24. 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.

25. This Order resolves the Combined Statement of Charges as well as any open complaints before the Board regarding Respondent's practice of sedation dentistry. Respondent does not admit fault in connection with the above-referenced factual recitations contained herein.

FINAL ORDER

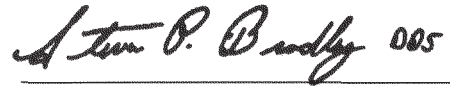
26. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
27. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Settlement Agreement.
28. Respondent understands that by entering into this combined Statement of Charges, Settlement Agreement and Final 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 a Statement of Charges is filed but before the final resolution of those charges.
29. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
30. Respondent acknowledges that he has the right to be represented by counsel in this matter.
31. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

32. This combined Statement of Charges, 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 17, 22 and 272C.
33. Respondent understands that the Board will report this Order to the National Practitioner Data Bank.
34. 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.
35. 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.
36. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.



Judd Larson, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on January 25th, 2018.

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