

*State House*

FILED FEB 21 1979

SENATE FILE 281

By ROBINSON and COMITO

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

### A BILL FOR

1 An Act to establish a license for dental assistants.  
 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section one hundred forty-seven point one  
2 (147.1), subsections two (2) and three (3), Code 1979, are  
3 amended to read as follows:

4 2. "Licensed" or "certified" when applied to a physician  
5 and surgeon, podiatrist, osteopath, osteopathic physician  
6 and surgeon, psychologist or associate psychologist,  
7 chiropractor, nurse, dentist, dental hygienist, dental  
8 assistant, optometrist, speech pathologist, audiologist,  
9 pharmacist, physical therapist, practitioner of cosmetology,  
10 practitioner of barbering, or funeral director shall mean  
11 a person licensed under this title.

12 3. "Profession" shall mean medicine and surgery, podiatry,  
13 osteopathy, osteopathic medicine and surgery, psychology,  
14 chiropractic, nursing, dentistry, dental hygiene, dental  
15 assisting, optometry, speech pathology, audiology, pharmacy,  
16 physical therapy, cosmetology, barbering or mortuary science.

17 Sec. 2. Section one hundred forty-seven point two (147.2),  
18 Code 1979, is amended to read as follows:

19 147.2 LICENSE REQUIRED. ~~No~~ A person shall not engage  
20 in the practice of medicine and surgery, podiatry, osteopathy,  
21 osteopathic medicine and surgery, psychology, chiropractic,  
22 physical therapy, nursing, dentistry, dental hygiene, dental  
23 assisting, optometry, speech pathology, audiology, pharmacy,  
24 cosmetology, barbering or mortuary science as defined in the  
25 following chapters of this title, unless he or she ~~shall have~~  
26 has obtained from the state department of health a license  
27 for that purpose.

28 Sec. 3. Section one hundred forty-seven point three  
29 (147.3), Code 1979, is amended to read as follows:

30 147.3 QUALIFICATIONS. An applicant for a license to  
31 practice a profession under this title ~~shall~~ is not be  
32 ineligible because of age, citizenship, sex, race, religion,  
33 marital status or national origin, although the application  
34 form may require citizenship information. ~~Any~~ A board may  
35 consider the past felony record of an applicant only if the

1 felony conviction relates directly to the practice of medicine,  
2 podiatry, osteopathy, osteopathy and surgery, chiropractic,  
3 nursing, dentistry, dental hygiene, dental assisting,  
4 psychology, optometry, speech pathology, audiology, pharmacy,  
5 physical therapy, cosmetology, barbering or mortuary science  
6 for which the applicant requests to be licensed. Character  
7 references may be required, but shall not be obtained from  
8 licensed members of the profession.

9 Sec. 4. Section one hundred forty-seven point thirteen  
10 (147.13), Code 1979, is amended to read as follows:

11 147.13 DESIGNATION OF BOARDS. The examining boards  
12 provided in section 147.12 ~~shall-be~~ are designated as follows:  
13 For medicine and surgery, and osteopathy, and osteopathic  
14 medicine and surgery, medical examiners; for psychology,  
15 psychology examiners; for podiatry, podiatry examiners; for  
16 chiropractic, chiropractic examiners; for physical therapists,  
17 physical therapy examiners; for nursing, board of nursing;  
18 for dentistry, dental assisting, and dental hygiene, dental  
19 examiners; for optometry, optometry examiners; for speech  
20 pathology and audiology, speech pathology and audiology  
21 examiners; for cosmetology, cosmetology examiners; for  
22 barbering, barber examiners; for pharmacy, pharmacy examiners;  
23 for mortuary science, mortuary science examiners.

24 Sec. 5. Section one hundred forty-seven point fourteen  
25 (147.14), subsection four (4), Code 1979, is amended to read  
26 as follows:

27 4. For dental examiners, five members ~~shall-be~~ who are  
28 licensed to practice dentistry, ~~two-members-shall-be~~ one  
29 member who is licensed to practice dental hygiene, one member  
30 who is licensed to practice as a dental assistant and two  
31 members not licensed to practice dentistry ~~or,~~ dental hygiene  
32 or as a dental assistant and who shall represent the general  
33 public. A majority of the members of the board ~~shall~~  
34 ~~constitute~~ constitutes a quorum. ~~No~~ A member of the dental  
35 faculty of the school of dentistry at the state University

1 of Iowa ~~shall-be~~ is not eligible to be appointed.

2 Sec. 6. Section one hundred forty-seven point fifty-seven  
3 (147.57), Code 1979, is amended to read as follows:

4 147.57 DENTAL HYGIENIST, DENTAL ASSISTANT AND DENTIST.

5 The practice of dentistry by a dental hygienist ~~shall~~ or  
6 dental assistant is also ~~be~~ grounds for the revocation of  
7 ~~her~~ the dental hygienist's or dental assistant's license,  
8 and the permitting of ~~such~~ the practice by the dentist under  
9 whose supervision ~~said~~ the dental hygienist or dental assistant  
10 is operating ~~shall-be~~ is grounds for revoking the license  
11 of ~~said~~ the dentist.

12 Sec. 7. Section one hundred forty-seven point eighty  
13 (147.80), Code 1979, is amended by adding the following new  
14 subsection:

15 NEW SUBSECTION. License to practice as a dental assistant  
16 issued upon the basis of an examination given by the board  
17 of dental examiners, license to practice as a dental assistant  
18 issued under a reciprocal agreement, renewal of a license  
19 to practice as a dental assistant.

20 Sec. 8. Section one hundred fifty-three point fourteen  
21 (153.14), subsection three (3), Code 1979, is amended to read  
22 as follows:

23 3. Persons licensed to practice dental hygiene or as  
24 dental assistants who are exclusively engaged in the prac-  
25 tice of said profession.

26 Sec. 9. Section one hundred fifty-three point seventeen  
27 (153.17), Code 1979, is amended to read as follows:

28 153.17 UNLAWFUL PRACTICE. Except as ~~herein~~ otherwise  
29 provided, it ~~shall-be~~ is unlawful for ~~any~~ a person to practice  
30 dentistry ~~or,~~ dental surgery ~~or,~~ dental hygiene or as a dental  
31 assistant in this state, other than the following:

32 1. Those who are now duly licensed dentists, under the  
33 laws of this state in force at the time of their licensure,  
34 and.

35 2. Those who are now duly licensed dental hygienists under

1 the laws of this state in force at the time of their licensure,  
2 and.

3 3. Those who are now licensed dental assistants, under  
4 the laws of this state in force at the time of their licensure.

5 3 4. Those who may hereafter be duly licensed as dentists  
6 or, dental hygienists, or dental assistants pursuant to the  
7 provisions of this chapter.

8 Sec. 10. Section one hundred fifty-three point twenty-  
9 three (153.23), Code 1979, is amended to read as follows:

10 153.23 NOTICE OF INTENTION NOT TO RENEW LICENSE. If,  
11 prior to the renewal of any a license to practice dentistry  
12 or, dental hygiene, or as a dental assistant, the board is  
13 informed upon oath or affirmation lawfully administered, that  
14 any-such an applicant has during the term of his the  
15 applicant's last license or the last renewal thereof of the  
16 license violated any-of the provisions of this chapter or  
17 chapter 147 or committed any-of-the-acts an act of  
18 unprofessional conduct as defined in this chapter, or if any  
19 a member of the board certifies in writing that he the member  
20 is credibly informed that such a violation of law or act of  
21 unprofessional conduct has been ~~so~~ committed by such an  
22 applicant, then the board shall notify such the applicant,  
23 by certified letter, with postage prepaid, mailed to his the  
24 applicant's address as shown by the records of ~~said~~ the board  
25 that such information or certificate has come to the attention  
26 of the board, and that on a day and hour specified the  
27 applicant may appear before the board at such a place stated  
28 in such the notice and show cause why ~~said~~ the license should  
29 be renewed. In such that event the renewal of such the license  
30 shall not be made prior to the date ~~so~~ fixed and the making  
31 of such a showing by the applicant.

32 Sec. 11. Section one hundred fifty-three point thirty-  
33 one (153.31), Code 1979, is amended to read as follows:

34 153.31 FALSIFICATION IN APPLICATION FOR RENEWAL. A license  
35 to practice either dentistry or, dental hygiene, or as a

1 dental assistant shall be revoked or suspended in the manner  
2 and upon the grounds ~~elsewhere~~ provided in this chapter, and  
3 also when the certificate accompanying the application of  
4 ~~such~~ the licensee for renewal of license filed with the board  
5 is not in all material respects true.

6 Sec. 12. Section one hundred fifty-three point thirty-  
7 two (153.32), unnumbered paragraph one (1), Code 1979, is  
8 amended to read as follows:

9 As to dentists ~~and~~, dental hygienists, and dental assistants  
10 "unprofessional conduct" ~~shall consist of any~~ consists of  
11 the acts ~~denominated as such~~ listed elsewhere in this chapter,  
12 and also any other of the following acts:

13 Sec. 13. Section one hundred fifty-three point thirty-  
14 three (153.33), subsection one (1), Code 1979, is amended  
15 to read as follows:

16 1. To initiate investigations of and conduct hearings  
17 on ~~all~~ matters or complaints relating to the practice of  
18 dentistry ~~or~~, dental hygiene, as a dental assistant, or  
19 pertaining to the enforcement of ~~any provision of~~ this chapter,  
20 to revoke or suspend licenses or the renewal ~~thereof~~ of  
21 licenses issued under this or any prior chapter, and to  
22 ~~otherwise~~ discipline licensees.

23 Sec. 14. Section one hundred fifty-three point thirty-  
24 three (153.33), subsection four (4), paragraph f, Code 1979,  
25 is amended to read as follows:

26 f. If the licensee pleads guilty, or after hearing he  
27 ~~shall be~~ the licensee is found guilty by the board of any  
28 of the charges made, it may suspend for a limited period or  
29 revoke the license and the last renewal ~~thereof~~ of the license,  
30 and shall enter the order on its records and notify the accused  
31 of the revocation or suspension of ~~his~~ the accused's license,  
32 ~~as the case may be, who.~~ The accused shall thereupon forthwith  
33 surrender his or her license to the board. ~~Any such~~ A person  
34 whose license has been ~~so~~ revoked or suspended shall not  
35 thereafter and while ~~such~~ the revocation or suspension is

1 in force and effect practice dentistry ~~or~~, dental hygiene,  
2 or as a dental assistant within this state.

3 Sec. 15. Section one hundred fifty-three point thirty-  
4 four (153.34), unnumbered paragraph one (1), and subsections  
5 one (1), two (2), three (3), four (4), nine (9) and eleven  
6 (11), Code 1979, are amended to read as follows:

7 The board shall suspend for a limited period or revoke  
8 the license and the last renewal ~~thereof~~ of the license of  
9 any a licensed dentist ~~or any~~, licensed dental hygienist,  
10 or licensed dental assistant for any of the following reasons:

11 1. For fraud or deceit in procuring ~~his~~ a license or the  
12 renewal ~~thereof~~ of the license to practice dentistry ~~or~~, den-  
13 tal hygiene, or as a dental assistant.

14 2. The conviction of a felony, if the felony conviction  
15 relates directly to the practice of dentistry ~~or~~, dental  
16 hygiene, or as a dental assistant, in which case a certified  
17 copy of the court record where ~~such~~ the conviction appears  
18 shall be conclusive evidence, upon receipt of which the board  
19 shall revoke or suspend the license of the person so convicted.

20 3. For habitually using drugs or intoxicants to the extent  
21 of rendering ~~him~~ the licensee unfit for the practice of  
22 dentistry ~~or~~, dental hygiene, or as a dental assistant, or  
23 for gross immorality.

24 4. For being guilty of willful and gross malpractice or  
25 willful and gross neglect in the practice of dentistry ~~or~~,  
26 dental hygiene, or as a dental assistant.

27 9. For being guilty of dishonorable or unprofessional  
28 conduct in the practice of dentistry ~~or~~, dental hygiene, or  
29 as a dental assistant.

30 11. For failure to maintain a reasonably satisfactory  
31 standard of competency in the practice of dentistry ~~or~~, dental  
32 hygiene, or as a dental assistant.

33 Sec. 16. Chapter one hundred fifty-three (153), Code 1979,  
34 is amended by adding the following new sections:

35 NEW SECTION. DENTAL ASSISTANTS. A dental assistant is

1 a person, other than a dental chairside assistant who can  
2 perform intraoral functions on a patient at the direction  
3 and under the supervision of the licensed dentist pursuant  
4 to rules promulgated by the board.

5 NEW SECTION. REQUIREMENTS FOR LICENSE AS A DENTAL AS-  
6 SISTANT. An applicant for a license as a dental assistant  
7 shall present satisfactory evidence to the board of possession  
8 of the following qualifications:

9 1. Graduation from a course of study for dental assis-  
10 tants at a school accredited by the American dental associa-  
11 tion commission of accreditation and approved by the board.

12 2. Passage of an examination prescribed by the board.

13 Notwithstanding the provisions of this section, until July  
14 1, 1984 a person may perform the functions of a dental  
15 assistant for a period of twenty-four months without licensure  
16 and may at that time make application to the board to take  
17 the examination required in subsection two (2) of this sec-  
18 tion. The applicant may continue to practice as a dental  
19 assistant until the results of the examination have been  
20 announced. Upon passage of the examination, the applicant  
21 shall be issued a license to practice as a dental assistant.

22 Sec. 17. A person who is employed as a dental assistant  
23 on the effective date of this Act who has graduated from a  
24 course of study for dental assistants at a school accredited  
25 by the American dental association commission of accredita-  
26 tion or who has been employed as a dental assistant for not  
27 less than twenty-four months shall be issued a license to  
28 practice as a dental assistant.

29 Sec. 18. This Act is effective July 1, 1980.

30 EXPLANATION

31 This bill sets up a licensing procedure for dental assis-  
32 tants under the board of dental examiners. The number of  
33 dental hygienists on the board of dental examiners is reduced  
34 from two to one and one dental assistant is placed on the  
35 board. Duties of dental assistants will be prescribed by

1 the board and will be performed under the supervision of a  
2 licensed dentist. Licensing requires graduation from a course  
3 of study and passage of an examination given by the board  
4 except that until 1984, 24 months of employment as a dental  
5 assistant and passage of the examination can be substituted.  
6 The bill is effective July 1, 1980.

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