

## DENTAL BOARD[650]

### Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Dental Board hereby adopts amendments to Chapter 35, "Iowa Practitioner Review Committee," Iowa Administrative Code.

These amendments were published under Notice of Intended Action in the November 28, 2012, Iowa Administrative Bulletin as **ARC 0472C**.

These amendments remove term limits for membership on the Iowa Practitioner Review Committee; provide for terms which begin on May 1 and end on April 30; require an annual election of a chairperson and vice chairperson whose terms begin on May 1; and clarify that participation in the program occurs through either a practitioner's self-reporting or a referral from the Dental Board. The amendments bring the Committee's practices in line with other committees of the Dental Board.

A public hearing was held on January 8, 2013, and written comments were accepted through that date. No comments were received, and no one attended the public hearing. These amendments are identical to the amendments published under Notice.

The Iowa Dental Board adopted these amendments on January 31, 2013.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 153.33.

These amendments will become effective on April 10, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 35.1(3) as follows:

**35.1(3) *Composition of the committee.*** The chairperson of the board shall appoint the members of the IPRC. Committee members, except the executive director, shall be appointed for three-year terms, ~~for a maximum of three terms~~ which begin on May 1 and terminate on April 30. The committee shall elect a chairperson and vice chairperson annually at the last meeting of each calendar year to begin serving a one-year term on January 1 closest to April 30. The chairperson and vice chairperson will serve one-year terms beginning on May 1. The membership of the IPRC may include, but is not limited to:

- a. Executive director of the board or the director's designee from the board's staff;
- b. One practitioner who has remained free of addiction for a period of no less than two years following successful completion of a board-approved recovery program, a board-ordered probation for drug or alcohol dependency, addiction, or abuse, or an IPRC contract;
- c. One physician/counselor with expertise in substance abuse/addiction treatment programs;
- d. One psychiatrist or one psychologist; and
- e. One public member.

ITEM 2. Amend subrule 35.1(4) as follows:

**35.1(4) *Eligibility.*** To be eligible for participation in the IPP, a practitioner must self-report an impairment or suspected impairment directly to the office of the board or be referred by the board pursuant to rule 650—35.2(272C). A practitioner is deemed ineligible to participate in the program if the license committee or IPRC finds sufficient evidence of any of the following:

- a. The practitioner is engaged in the unlawful diversion or distribution of controlled substances or illegal substances to a third person or for personal profit or gain;
- b. At the time of the self-report, the practitioner is already under board order for an impairment or any other violation of the laws and rules governing the practice of the profession;
- c. The practitioner has caused harm or injury to a patient;
- d. There is currently a board investigation of the practitioner that concerns serious matters related to the ability to practice with reasonable safety and skill or in accordance with the accepted standards of care;
- e. The practitioner has been subject to a civil administrative or criminal sanction, or ordered to make reparations or remuneration by a government or regulatory authority of the United States, this or

any other state or territory or a foreign nation for actions that the committee determines to be serious infractions of the laws, administrative rules, or professional ethics related to the practice of dentistry, dental hygiene, or dental assisting;

*f.* The practitioner provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the board or committee; or

*g.* There is currently a complaint before the board related to an impairment.

[Filed 2/5/13, effective 4/10/13]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/6/13.