

**DENTAL BOARD[650]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 272C.2, the Dental Board adopts an amendment to Chapter 13, “Special Licenses,” Iowa Administrative Code.

This rule implements the licensing provisions of 2015 Iowa Acts, House File 202, relating to the licensure of retired volunteer dentists and dental hygienists. The rule establishes the criteria for application and qualification for such a license and establishes standards that must be met in order to retain the license.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 25, 2015, as **ARC 2252C**. A public hearing was held on December 16, 2015, at 2 p.m. at the office of the Dental Board. There were no attendees, and no written comments were received. One technical change has been made since publication of the Notice. The cross reference in the implementation sentence of rule 650—13.4(153) has been updated to reflect the codification of 2015 Iowa Acts, House File 202 as Iowa Code section 153.23.

This rule was approved by the Board on January 28, 2016.

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

This rule is intended to implement Iowa Code section 153.23.

This rule will become effective April 6, 2016

The following amendment is adopted.

Adopt the following new rule 650—13.4(153):

**650—13.4(153) Retired volunteer license.** Upon application and qualification, the board may issue a retired volunteer license to a dentist or dental hygienist who has retired from the practice of dentistry or dental hygiene to enable the dentist or dental hygienist to provide volunteer dental or dental hygiene services without remuneration.

**13.4(1)** Applications for a retired volunteer license shall be made on forms provided by the board, which may include online applications, and must be complete. Incomplete applications will not be accepted.

**13.4(2)** Applications shall be filed with the board and must include:

- a. Satisfactory evidence that the applicant has retired from practice; and
- b. A statement disclosing and explaining any disciplinary actions or criminal charges, or both; and
- c. Satisfactory evidence demonstrating that:

(1) The applicant has held an active dental or dental hygiene license within the previous five years;

or

(2) The applicant possesses sufficient knowledge and skill to practice safely and competently if the applicant has not held an active dental or dental hygiene license within the previous five years.

**13.4(3)** A person holding a retired volunteer license shall not practice unless an Iowa-licensed dentist with an active license is present at the location of practice at all times. Screenings and educational programs may be performed without the presence of an Iowa-licensed dentist with an active license, provided that all other board rules governing the respective practice in regards to supervision requirements and permitted scope of practice are met.

**13.4(4)** A person holding a retired volunteer license shall not charge a fee or receive compensation or remuneration in any form from any person or third-party payer, including but not limited to an insurance company, health plan, or state or federal benefit program.

**13.4(5)** An applicant who has surrendered, resigned, converted, or allowed a license to lapse or expire as the result of or in lieu of disciplinary action shall not be eligible for a retired volunteer license.

**13.4(6)** A retired volunteer license shall not be considered to be an active license to practice dentistry or dental hygiene and cannot be converted to any regular license type with active or inactive status.

**13.4(7)** A person holding a retired volunteer license is prohibited from delegating duties to other licensees or registrants and is prohibited from providing any level of supervision to other licensees or registrants. Licensees and registrants assisting persons with a retired volunteer license do so only under the delegation and supervision of the Iowa-licensed dentist with an active license who is required to be present at all times.

**13.4(8)** A person holding a retired volunteer license is prohibited from prescribing, administering, or dispensing prescription drugs and all controlled substances.

**13.4(9)** A person holding a retired volunteer license is subject to all rules and regulations governing the practice of dentistry or dental hygiene except those related to the payment of fees, license renewal, and continuing education.

**13.4(10)** The board shall not charge an application or licensing fee for issuance of a retired volunteer license.

**13.4(11)** A retired volunteer license is valid for 12 months from the date of issuance, at which time it expires and becomes invalid. A retired volunteer license holder whose license has become invalid is prohibited from the practice of dentistry or dental hygiene until a new retired volunteer license is issued.

**13.4(12)** The board may cancel a retired volunteer license if the holder has practiced outside the scope of the license or for any of the grounds for which licensure may be revoked or suspended as specified in Iowa Code chapters 147, 153, and 272C and 650—30.4(147,153,272C). When cancellation of a retired volunteer license is proposed, the board shall promptly notify the license holder by sending a statement of charges and notice of hearing by certified mail to the last-known address of the license holder or by personal service. The provisions of 650—Chapter 51 shall govern a contested case proceeding following notice of intent to cancel the license.

**13.4(13)** A person holding a retired volunteer license shall notify the board by written correspondence or through the board's online system of any change in name or home address within seven days of the change. A copy of a certified marriage license or copy of certified court documents is required for proof of a name change.

**13.4(14)** The dental hygiene committee shall make recommendations to the board regarding the issuance or denial of any retired volunteer license to practice dental hygiene. The board's review of the dental hygiene committee's recommendation is subject to 650—Chapter 1.

**13.4(15)** The board may deny a retired volunteer license in accordance with 650—11.9(147,153). The procedure for appealing the denial is set forth in 650—11.10(147).

**13.4(16)** A person holding an inactive Iowa dental or dental hygiene license may also hold a retired volunteer license.

This rule is intended to implement Iowa Code section 153.23.

[Filed 2/10/16, effective 4/6/16]

[Published 3/2/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/2/16.