

DENTAL BOARD[650]

Adopted and Filed

Rule making related to student loan debt or service obligation default or delinquency

The Dental Board hereby amends Chapter 6, “Public Records and Fair Information Practices,” Chapter 11, “Licensure to Practice Dentistry or Dental Hygiene,” Chapter 14, “Renewal and Reinstatement,” Chapter 20, “Dental Assistants,” Chapter 29, “Sedation and Nitrous Oxide,” and Chapter 30, “Discipline,” and rescinds Chapter 34, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76 and section 272C.4 as amended by 2019 Iowa Acts, Senate File 304, section 2.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, Senate File 304, section 2.

Purpose and Summary

During the 2019 Legislative Session, a change was made to the Iowa Code to repeal Iowa Code sections 261.121 through 261.127, effective July 1, 2019, and prohibit the suspension or revocation of a license issued by the Board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency. The rule making implements this change.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 3, 2019, as **ARC 4526C**. The Board accepted written and oral comments through July 24, 2019. No public comments were received. Changes from the Notice have been made to include and update other references to receipt of a certificate of noncompliance from the College Student Aid Commission that appear elsewhere in the Board’s rules.

Adoption of Rule Making

This rule making was adopted by the Board on September 27, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to rule 650—7.4(17A,147,153).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on December 11, 2019.

The following rule-making actions are adopted:

ITEM 1. Rescind paragraph **6.9(2)“i.”**

ITEM 2. Amend rule 650—11.11(252J,261) as follows:

650—11.11(252J,261) Receipt of certificate of noncompliance. The board shall consider the receipt of ~~a certificate of noncompliance from the college student aid commission pursuant to Iowa Code sections 261.121 to 261.127 and 650—Chapter 34 of these rules or receipt~~ of a certificate of noncompliance of a support order from the child support recovery unit pursuant to Iowa Code chapter 252J and 650—Chapter 33 of these rules. License denial shall follow the procedures in the statutes and board rules as set forth in this rule.

This rule is intended to implement Iowa Code chapter 252J ~~and sections 261.121 to 261.127.~~

ITEM 3. Amend rule 650—14.4(147,153,272C) as follows:

650—14.4(147,153,272C) Grounds for nonrenewal. The board may refuse to renew a license, registration or radiography qualification on the following grounds:

14.4(1) to 14.4(4) No change.

14.4(5) Receipt of a certificate of noncompliance from the ~~college student aid commission or the~~ child support recovery unit of the department of human services in accordance with 650—Chapter 33 ~~and 650—Chapter 34.~~

This rule is intended to implement Iowa Code section 153.23 and chapters 147, 252J, ~~261,~~ and 272C.

ITEM 4. Amend rule 650—20.13(252J,261) as follows:

650—20.13(252J,261) Receipt of certificate of noncompliance. The board shall consider the receipt of ~~a certificate of noncompliance from the college student aid commission pursuant to Iowa Code sections 261.121 to 261.127 and 650—Chapter 34 or receipt~~ of a certificate of noncompliance of a support order from the child support recovery unit pursuant to Iowa Code chapter 252J and 650—Chapter 33. Registration denial or denial of renewal of registration shall follow the procedures in the statutes and board rules as set forth in this rule.

This rule is intended to implement Iowa Code chapter 252J ~~and sections 261.121 to 261.127.~~

ITEM 5. Amend subrule 29.15(6) as follows:

29.15(6) Receipt of a certificate of noncompliance from the ~~college student aid commission or the~~ child support recovery unit of the department of human services in accordance with 650—Chapter 33 ~~or 650—Chapter 34.~~

ITEM 6. Adopt the following **new** rule 650—30.5(272C):

650—30.5(272C) Prohibited grounds for discipline. The board shall not suspend or revoke the license of a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

ITEM 7. Amend **650—Chapter 30**, implementation sentence, as follows:
These rules are intended to implement ~~Iowa Code sections 261.121 to 261.127 and Iowa Code chapters 147₂; 153₂; 252J₂; 272C;~~ as amended by 2019 Iowa Acts, Senate File 304; and 598.

ITEM 8. Rescind and reserve **650—Chapter 34**.

[Filed 10/8/19, effective 12/11/19]

[Published 11/6/19]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/6/19.