

DENTAL BOARD[650]

Notice of Intended Action

Proposing rule making related to dental assistant registration and dental radiography qualification and providing an opportunity for public comment

The Dental Board hereby proposes to amend Chapter 1, “Administration,” Chapter 11, “Licensure to Practice Dentistry or Dental Hygiene,” Chapter 15, “Fees,” Chapter 20, “Dental Assistants,” and Chapter 22, “Dental Assistant Radiography Qualification,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 147.76 and 153.39.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 136C, 147 and 272C and section 153.39.

Purpose and Summary

The proposed amendments would eliminate the formal application process for dental assistant trainee status and would allow dental assistants to train on the job for the purposes of registration for 12 months from the date of the start of employment in accordance with Iowa Code section 153.39. The proposed amendments move all licensing and registration requirements to a single chapter, Chapter 11. Additionally, the proposed amendments update the requirements for registration as a dental assistant and for qualification in dental radiography.

The intention of the proposed amendments is to lower barriers for individuals entering the dental assisting workforce. The proposed amendments would also amend the definition of “personal supervision” to allow more flexibility in the training of dental assistant trainees as delegated by a licensed dentist.

Fiscal Impact

This rule making will have minimal fiscal impact to the State of Iowa. Currently, the Board receives approximately \$15,000 in revenue from dental assistant trainee applications. This revenue source would be eliminated if the formal application for dental assistant trainee status is no longer required.

Jobs Impact

After analysis and review of this rule making, there will be a positive impact on jobs in Iowa because the rule making would ease the requirements for dental assistant registration or dental radiography qualification.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making, with respect to amendments to Chapters 1, 11, 20, and 22, 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). The amendments to Chapter 15 are not subject to a request for waiver.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on September 30, 2022. Comments should be directed to:

Christel Braness
Iowa Dental Board
400 S.W. Eighth Street, Suite D
Des Moines, Iowa 50309
Phone: 515.281.3248
Fax: 515.281.7969
Email: christel.braness@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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).

The following rule-making actions are proposed:

ITEM 1. Amend rule **650—1.1(153)**, definitions of “Direct supervision,” “General supervision of a dental assistant” and “Personal supervision,” as follows:

“Direct supervision” means that the dentist is present in the treatment facility, but it is not required that the dentist be physically present in the treatment room, or the dentist is not present in the treatment facility but is able to appear using live video upon request with a response time similar to what would be expected if the dentist were present in the treatment facility.

“General supervision of a dental assistant” means that a dentist has examined the patient and has delegated the services to be provided by a registered dental assistant, which are limited to all extraoral duties, dental radiography, intraoral suctioning, and use of a curing light and intraoral camera. The dentist need not be present in the facility while these services are being provided. If a dentist will not be present, the following requirements shall be met:

1. Patients or their legal guardians must be informed prior to the appointment that no dentist will be present and therefore no examination will be conducted at that appointment.

2. The dental assistant must consent to the arrangement.

3. Basic emergency procedures must be established and in place, and the dental assistant must be capable of implementing these procedures.

4. The treatment to be provided must be prior-prescribed by a licensed dentist and must be entered in writing in the patient record.

“Personal supervision” means ~~the dentist~~ a licensee or registrant is physically present in the ~~treatment room to oversee and direct instruct~~ treatment room to oversee and direct all ~~intraoral or chairside~~ intraoral or chairside services of the dental assistant trainee and ~~a licensee or registrant is physically present to oversee and direct all extraoral services of the dental assistant~~ a licensee or registrant is physically present to oversee and direct all extraoral services of the dental assistant as delegated by a licensed dentist.

ITEM 2. Adopt the following new definition of “Dental assistant trainee” in rule **650—1.1(153)**:
“*Dental assistant trainee*” means any person who is engaging in on-the-job training to meet the requirements for registration in accordance with Iowa Code section 153.39 and who is learning the necessary skills under the personal supervision of a licensee or registrant as delegated by a licensed dentist.

ITEM 3. Amend **650—Chapter 11**, title, as follows:

~~LICENSURE TO PRACTICE DENTISTRY OR DENTAL HYGIENE~~ AND REGISTRATION

ITEM 4. Amend rule 650—11.1(147,153) as follows:

650—11.1(147,153) Applicant responsibilities. An applicant for dental or dental hygiene licensure or dental assistant registration bears full responsibility for each of the following:

1. Paying all fees charged by regulatory authorities, national testing or credentialing organizations, health facilities, and educational institutions providing the information required to complete a license, registration or permit application; ~~and~~

2. Providing accurate, up-to-date, and truthful information on the application form including, but not limited to, prior professional experience, education, training, examination scores, and disciplinary history; and

3. Submitting complete application materials. An application for a license, permit, or registration or reinstatement of a license or registration will be considered active for 180 days from the date the application is received. For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for applications submitted online, the electronic timestamp will be deemed the date of filing. If the applicant does not submit all materials, including a completed fingerprint packet, within this time period or if the applicant does not meet the requirements for the license, permit, registration or reinstatement, the application shall be considered incomplete. An applicant whose application is filed incomplete must submit a new application and application fee.

This rule is intended to implement Iowa Code sections 147.2 and 153.39.

ITEM 5. Renumber rules **650—11.8(147,153)** to **650—11.12(272C)** as **650—11.10(147,153)** to **650—11.14(272C)**.

ITEM 6. Adopt the following new rule 650—11.8(153):

650—11.8(153) Dental assistant registration.

11.8(1) General. An applicant must satisfy all of the following requirements:

a. Successful completion of board-approved training or education in dental assisting in accordance with subrule 11.8(2);

b. Evidence of current certification in cardiopulmonary resuscitation that included a hands-on component; and

c. Successful completion of board-approved examination in the areas of infection control/hazardous materials and jurisprudence in accordance with subrule 11.8(3). Successful completion of board-approved examination in the area of dental radiography is also required if an applicant is applying for a radiography qualification in accordance with rule 650—22.5(136C,153).

11.8(2) Education and training. An applicant must meet one of the following:

a. Work in a dental office as a dental assistant trainee until competency is achieved as determined by the supervising dentist;

b. Work as a dental assistant in another state, district or territory within five years prior to the date of application; or

c. Be a graduate of an accredited dental assisting program.

11.8(3) Examination. An applicant for registration must successfully complete examinations as required pursuant to subrule 11.8(2). Applicants may complete a single comprehensive examination or complete separate board-approved examinations in the required areas.

a. The following examinations are approved for the purposes of this subrule:

(1) Board-approved examinations;

- (2) The Dental Assisting National Board's (DANB's) Infection Control Examination (ICE);
- (3) The DANB's Radiation Health and Safety (RHS) Examination;
- (4) Examinations administered by accredited dental assisting programs; or
- (5) Board-approved continuing education courses, which include posttest examination.

b. A score of 75 percent or better on the board-approved examinations shall be considered successful completion of the examination. The board also accepts the passing standard established by DANB for applicants who take the ICE or RHS examination.

c. An examinee must meet such other requirements as may be imposed by the board's approved dental assistant testing centers.

11.8(4) Applications. Applications for registration as a registered dental assistant must be filed on official board forms and include the following:

a. The fee as specified in 650—Chapter 15.

b. Evidence of meeting the education and training requirements specified in subrule 11.8(2).

c. Evidence of successful completion of a board-approved examination in the areas of infection control, hazardous materials and jurisprudence as specified in subrule 11.8(3), and dental radiography, if the applicant is also applying for a qualification in dental radiography in accordance with rule 650—22.5(136,153).

d. Evidence of meeting the qualifications of 650—Chapter 22 if the applicant is engaging in dental radiography.

e. Evidence of current certification in cardiopulmonary resuscitation that included a hands-on component.

f. Any additional information required by the board relating to the character, education and experience of the applicant as may be necessary to evaluate the applicant's qualifications.

11.8(5) Attestation. All applications must be signed and verified by the applicant as to the truth of the documents and statements contained therein.

11.8(6) Alternate pathway for registration. A dental assistant who is licensed or registered in another jurisdiction but who is unable to satisfy the requirements for registration in this rule may apply for registration by verification, if eligible, in accordance with rule 650—11.9(272C).

This rule is intended to implement Iowa Code section 153.39.

ITEM 7. Adopt the following new rule 650—11.9(272C):

650—11.9(272C) Registration by verification. Registration by verification is available in accordance with the following:

11.9(1) Eligibility. A dental assistant may seek registration by verification if the person is currently licensed or registered as a dental assistant in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa, the person has been licensed or registered for a minimum of one year in the other jurisdiction, and either:

a. The person relocates and establishes residency in the state of Iowa; or

b. The person is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in the state of Iowa.

11.9(2) Board application. The applicant must submit the following:

a. A completed application for registration.

b. Payment of the application fee.

c. A verification form, completed by the licensing authority in the jurisdiction that issued the applicant's license or registration, verifying that the applicant's license or registration in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.

d. Proof of residency in the state of Iowa or proof of military member's official permanent change of station. Proof of residency includes:

(1) A residential mortgage, lease, or rental agreement;

(2) A utility bill;

- (3) A bank statement;
 - (4) A paycheck or pay stub;
 - (5) A property tax statement;
 - (6) A federal or state government document; or
 - (7) Any other board-approved document that reliably confirms Iowa residency.
- e. Evidence of successful completion of a board-approved jurisprudence examination with a grade of at least 75 percent.
 - f. Copies of complete criminal record, if the applicant has a criminal history.
 - g. A copy of the relevant disciplinary documents, if another jurisdiction has taken disciplinary action against the applicant.
 - h. A written statement from the applicant detailing the scope of practice in the other state.
 - i. Copies of relevant laws setting forth the scope of practice in the other state.

11.9(3) *Applicants with prior discipline.* If another jurisdiction has taken disciplinary action against an applicant, the board will determine whether the cause for the disciplinary action has been corrected and the matter has been resolved. If the board determines the disciplinary matter has not been resolved, the board will neither issue a registration nor deny the application for registration until the matter is resolved. A person who has had a license or registration revoked, or who has voluntarily surrendered a license or registration, in another jurisdiction is ineligible for registration by verification.

11.9(4) *Applicants with pending complaints or investigations.* If an applicant is currently the subject of a complaint, allegation, or investigation relating to unprofessional conduct pending before any regulating entity in another jurisdiction, the board will neither issue a registration nor deny the application for registration until the complaint, allegation, or investigation is resolved.

11.9(5) *Temporary registrations.* Applicants who satisfy all requirements for a registration under this rule except for passing the jurisprudence examination may be issued a temporary registration in accordance with the following:

- a. A temporary registration is valid for a period of three months.
- b. A temporary registration may be renewed once for an additional period of three months if the applicant has not failed the jurisprudence examination.
- c. A temporary registrant shall display the board-issued registration renewal card that indicates the registration is a temporary registration, which will satisfy the requirements in rule 650—10.2(147,153).
- d. The temporary registrant must submit proof of passing the jurisprudence examination before the temporary registration expires. When the temporary registrant submits proof of passing the jurisprudence examination, the temporary registration will convert to a standard registration and be assigned an expiration date consistent with standard registrations.
- e. If the temporary registrant does not submit proof of passing the jurisprudence examination prior to the expiration of the temporary registration, the temporary registrant must cease practice until a standard registration is issued.

This rule is intended to implement Iowa Code section 272C.12.

ITEM 8. Adopt the following **new** implementation sentence in renumbered rule **650—11.10(147)**:
This rule is intended to implement Iowa Code section 15.33B.

ITEM 9. Amend renumbered rule 650—11.11(147,153) as follows:

650—11.11(147,153) Grounds for denial of application. The board may deny an application for license, registration or permit for any of the following reasons:

- 1. Failure to meet the requirements for license, registration or permit as specified in these rules.
- 2. Failure to provide accurate and truthful information, or the omission of material information.
- 3. Pursuant to Iowa Code section 147.4, upon any of the grounds for which licensure or registration may be revoked or suspended.

4. Pursuant to 650—Chapter 50, for having a disqualifying offense.

This rule is intended to implement Iowa Code section 147.4.

ITEM 10. Amend renumbered rule 650—11.12(147) as follows:

650—11.12(147) Denial of licensure—appeal procedure.

11.12(1) Preliminary notice of denial. Prior to the denial of licensure or registration to an applicant, the board shall issue a preliminary notice of denial that shall be sent to the applicant by regular, first-class mail. The preliminary notice of denial is a public record and shall cite the factual and legal basis for denying the application, notify the applicant of the appeal process, and specify the date upon which the denial will become final if it is not appealed.

11.12(2) Appeal procedure. An applicant who has received a preliminary notice of denial may appeal the notice and request a hearing on the issues related to the preliminary notice of denial by serving a request for hearing upon the executive director not more than 30 calendar days following the date when the preliminary notice of denial was mailed. The request is deemed filed on the date it is received in the board office. The request shall provide the applicant's current address, specify the factual or legal errors in the preliminary notice of denial, indicate if the applicant wants an evidentiary hearing, and provide any additional written information or documents in support of licensure.

11.12(3) Hearing. If an applicant appeals the preliminary notice of denial and requests a hearing, the hearing shall be a contested case and subsequent proceedings shall be conducted in accordance with rule 650—51.20(17A). License or registration denial hearings are open to the public. Either party may request issuance of a protective order in the event privileged or confidential information is submitted into evidence.

a. The applicant shall have the ultimate burden of persuasion as to the applicant's qualification for licensure.

b. The board, after a hearing on license or registration denial, may grant the license or registration, grant the license or registration with restrictions, or deny the license or registration. The board shall state the reasons for its final decision, which is a public record.

c. Judicial review of a final order of the board to deny a license or registration, or to issue a license or registration with restrictions, may be sought in accordance with the provisions of Iowa Code section 17A.19.

11.12(4) Finality. If an applicant does not appeal a preliminary notice of denial, the preliminary notice of denial automatically becomes final and a notice of denial will be issued. The final notice of denial is a public record.

11.12(5) Failure to pursue appeal. If an applicant appeals a preliminary notice of denial in accordance with subrule 11.10(2), but the applicant fails to pursue that appeal to a final decision within six months from the date of the preliminary notice of denial, the board may dismiss the appeal. The appeal may be dismissed after the board sends a written notice by first-class mail to the applicant at the applicant's last-known address. The notice shall state that the appeal will be dismissed and the preliminary notice of denial will become final if the applicant does not contact the board to schedule the appeal hearing within 14 days after the written notice is sent. Upon dismissal of an appeal, the preliminary notice of denial becomes final.

11.12(6) Disqualifying offenses. Any denial of licensure or registration based on a disqualifying offense is governed by 650—Chapter 50 and not this rule.

This rule is intended to implement Iowa Code sections 147.3, 147.4 and 147.29.

ITEM 11. Adopt the following **new** implementation sentence in renumbered rule

650—11.12(272C):

This rule is intended to implement Iowa Code section 272C.12.

ITEM 12. Rescind subrule **15.4(12)**.

ITEM 13. Renumber subrules **15.4(13)** to **15.4(16)** as **15.4(12)** to **15.4(15)**.

ITEM 14. Amend rule 650—20.1(153) as follows:

650—20.1(153) Registration required. A person shall not practice on or after July 1, 2001, as a dental assistant unless the person has registered with the board and received a certificate of registration pursuant

~~to this chapter dental assisting without a certificate of registration issued by the board pursuant to rule 650—11.8(153), unless practicing as a dental assistant trainee.~~

ITEM 15. Amend rule 650—20.2(153) as follows:

650—20.2(153) Definitions. As used in this chapter:

“Dental assistant” means any person who, under the supervision of a dentist, performs any extraoral services including infection control or the use of hazardous materials or performs any intraoral services on patients. The term “dental assistant” does not include persons otherwise actively licensed in Iowa to practice dental hygiene or nursing who are engaged in the practice of said profession.

“Dental assistant trainee” means any person who is engaging in on-the-job training to meet the requirements for registration in accordance with Iowa Code section 153.39 and who is learning the necessary skills under the personal supervision of a ~~licensed dentist~~ licensee or registrant. Trainees who are 18 years of age or older may also engage in on-the-job training in dental radiography pursuant to rule 650—22.3(136C,153).

“Direct supervision” means ~~that the dentist is present in the treatment facility, but it is not required that the dentist be physically present in the treatment room while the registered dental assistant is performing acts assigned by the dentist.~~

“General supervision” means ~~that a dentist has examined the patient and has delegated the services to be provided by a registered dental assistant, which are limited to all extraoral duties, dental radiography, intraoral suctioning, and use of a curing light, intraoral digital imaging and intraoral camera. The dentist need not be present in the facility while these services are being provided.~~

“Personal supervision” ~~for intraoral procedures means the dentist is physically present in the treatment room to oversee and direct all intraoral or chairside services of the dental assistant trainee. “Personal supervision” for extraoral procedures means a licensee or registrant is physically present in the treatment room to oversee and direct all extraoral services of the dental assistant trainee.~~

“Public health supervision” means all of the following:

1. The dentist authorizes and delegates the services provided by a registered dental assistant to a patient in a public health setting, with the exception that services may be rendered without the patient’s first being examined by a licensed dentist;
2. The dentist is not required to provide future dental treatment to patients served under public health supervision;
3. The dentist and the registered dental assistant have entered into a written supervision agreement that details the responsibilities of each licensee/registrant, as specified in ~~subrule 20.15(2)~~ 20.9(2); and
4. The registered dental assistant has an active Iowa registration and a minimum of one year of clinical practice experience.

“Registered dental assistant” means any person who has met the requirements for registration and has been issued a certificate of registration.

“Trainee status expiration date” means 12 months from the date of ~~issuance~~ employment as a dental assistant trainee.

ITEM 16. Rescind rule 650—20.3(153) and adopt the following **new** rule in lieu thereof:

650—20.3(153) Dental assistants.

20.3(1) Dental assistant trainee.

a. Dental assistant trainees are individuals who are engaging in on-the-job training to meet the requirements for registration and who are learning the necessary skills under the personal supervision of a licensee or registrant. Trainees who are 18 years of age or older may also engage in on-the-job training in dental radiography pursuant to rule 650—22.3(136C,153).

b. The dental assistant trainee shall:

(1) Successfully complete on-the-job training and examinations in the areas of infection control, hazardous materials, and jurisprudence.

(2) If the trainee fails to become registered by the trainee status expiration date, stop work as a dental assistant trainee.

20.3(2) Registered dental assistant. Registered dental assistants are individuals who have met the requirements for registration and have been issued a certificate of registration. A registered dental assistant may, under direct supervision, assist a dentist in performing duties assigned by the dentist that are consistent with these rules. The registered dental assistant may take radiographs if qualified pursuant to 650—Chapter 22.

ITEM 17. Rescind rules **650—20.5(153)** to **650—20.10(153)**.

ITEM 18. Renumber rules **650—20.11(153)** to **650—20.16(153)** as **650—20.5(153)** to **650—20.10(153)**.

ITEM 19. Rescind rule **650—20.17(272C)**.

ITEM 20. Amend subrule 22.3(2) as follows:

22.3(2) A ~~person registered as a dental assistant trainee pursuant to 650—Chapter 20, or an Iowa-licensed nurse, who is engaging in on-the-job training in dental radiography and who is using curriculum approved by the board for such purpose.~~

ITEM 21. Amend rules 650—22.4(136C,153) and 650—22.5(136C,153) as follows:

650—22.4(136C,153) Application requirements for dental radiography qualification. Applicants must apply for registration as a dental assistant or hold an active license issued by the board of nursing. Applications for dental radiography qualification must be filed on official board forms and include the following:

22.4(1) Evidence of one of the following requirements:

- a. The applicant is a dental assistant trainee who has completed on-the-job training or registered dental assistant with an active registration status;
- b. The applicant is a graduate of an accredited dental assisting program; ~~or~~
- c. The applicant is a nurse who holds an active Iowa license issued by the board of nursing- and has completed on-the-job training; or
- d. The applicant practiced as a dental assistant in another state within the previous five years, and that practice included clinical experience taking dental radiographs.

22.4(2) The fee as specified in 650—Chapter 15.

22.4(3) Evidence of successful completion, within the previous ~~two~~ five years, of a ~~board-approved course of study~~ education, clinical training and examination in the area of dental radiography. ~~The course of study must include application of radiation to humans pursuant to Iowa Code section 136C.3 and may be taken by the applicant: The education and clinical training may be completed on the job as a dental assistant, as part of an accredited dental assisting program, or through the Dental Assisting National Board (DANB).~~

~~a. On the job while under trainee status pursuant to 650—Chapter 20, using board-approved curriculum;~~

~~b. At a board-approved postsecondary school; or~~

~~c. From another program prior approved by the board.~~

~~**22.4(4)** Evidence of successful completion of a board-approved examination in the area of dental radiography.~~

~~**22.4(5)** **22.4(4)** Any additional information required by the board relating to the character, education, and experience of the applicant as may be necessary to evaluate the applicant's qualifications.~~

650—22.5(136C,153) Examination requirements. An applicant for dental assistant radiography qualification shall successfully pass a ~~board-approved~~ an examination in dental radiography.

~~**22.5(1)** Examinations must be prior approved by the board and must be administered in a proctored setting. All board-approved examinations must have a minimum of 50 questions. The Dental Assisting National Board Radiation Health and Safety Examination is an approved examination.~~

22.5(1) Examination may be completed as part of one of the following:

- a. The board's examination for dental assistants, which includes sections on infection control/hazardous materials, radiography, and jurisprudence;
- b. A board-approved examination in the area of dental radiography;
- c. The DANB's Radiation Health and Safety (RHS) Examination;
- d. An examination in the area of dental radiography administered by accredited dental assisting programs; or
- e. A board-approved continuing education course in the area of dental radiography, which includes a posttest examination at the conclusion of the course.

22.5(2) A score of 75 percent or better on a board-approved examination shall be considered successful completion of the examination. The board accepts the passing standard established by the ~~Dental Assisting National Board~~ DANB for applicants who take the ~~Dental Assisting National Board Radiation Health and Safety~~ DANB's RHS Examination.

~~**22.5(3)** Information on taking a board-approved examination may be obtained by contacting the board office at 400 SW 8th Street, Suite D, Des Moines, Iowa 50309-4687.~~

22.5(4) ~~**22.5(3)**~~ A dental assistant must meet such other requirements as may be imposed by the board's approved dental assistant testing centers.