Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 481—Chapter 571
"Dental Board Fees"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147.76, 153, 272C and 17A

State or federal law(s) implemented by the rulemaking: Iowa Code sections 147.10, 147.80 and 153.22

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 22, 2024 12 noon	6200 Park Avenue Des Moines, Iowa Via videoconference call: meet.google.com/nuk-xcby-nyf Or dial: 541.838.0234 PIN: 917 400 078#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Inspections, Appeals, and Licensing no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Des Moines, Iowa 50321
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Purpose and Summary

This proposed rulemaking promulgates Chapter 571 and implements Iowa Code chapters 147 and 153 in accordance with the goals and directives of Executive Order 10 (January 10, 2023). Iowa Code sections 147.76 and 153.33 provide that rulemaking authority.

This rulemaking implements the aforementioned Iowa Code sections by establishing fees for dentists, dental hygienists and dental assistants. This chapter also establishes fees for public record requests and data or mailing lists.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Costs are not generally incurred by the public due to this chapter. Licensees incur costs through the licensing fees as established in this chapter, which include fees related to applications for initial licensing, renewal of licenses, late fees for renewing licenses, special licenses, resident licenses, temporary licenses, reactivation of a license, reinstatement of a license, purchasing a duplicate certificate, returned check fees, monitoring fees, letter of good standing or verification of status fees,

fingerprint packet evaluation fees, disciplinary hearing fees, examination fees (if applicable) and verification of license fee.

- Classes of persons that will benefit from the proposed rulemaking:

The licensing fees go to the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557 to support the work of the Dental Board. Fees provide support for all functions that are within the authority of the Board, including licensing investigations and continuing education, and administrative support to the Board, including rulemaking and rule waivers, Board discipline, and outreach to professional associations and other members of the public. This work is done with a focus on protecting the health and safety of members of the public who receive services and/or care from the licensees.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

Costs are not generally incurred by the public due to this chapter. Licensees incur costs through the licensing fees as established in this chapter, which include fees related to applications for initial licensing, renewal of licenses, late fees for renewing licenses, special licenses, resident licenses, temporary licenses, reactivation of a license, reinstatement of a license, purchasing a duplicate certificate, returned check fees, monitoring fees, letter of good standing or verification of status fees, fingerprint packet evaluation fees, disciplinary hearing fees, examination fees (if applicable) and verification of license fee.

- Qualitative description of impact:

In order to regulate the profession as directed in the Iowa Code, staff play a critical role in issuing licenses, conducting investigations, and supporting the board monitoring programs. This work is done with a focus on protecting the health and safety of members of the public who receive services and/or care from the licensees.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

Staff process licenses, provide administrative support to the Board and for the decisions the Board is authorized to make pursuant to the Iowa Code, investigate complaints, assist with disciplinary action when needed, and monitor licensees under Board order or in confidential health monitoring programs. Staff salaries to support the work of the Board are covered by the fund established in 2023 Iowa Acts, Senate File 557. There are approximately 6.0 full-time equivalent (FTE) positions that support the work of the Board. The Board licenses and regulates over 8,700 licensees. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- Anticipated effect on state revenues:

This rulemaking has no anticipated impact on state revenues.

Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

A less restrictive alternative would be to lower licensing fees or eliminate licensure for specific professions. Less restrictive forms of regulation include a registration, certification, or registry. There are typically fewer requirements for a registration, certification or registry, which means that operational costs, and therefore fees, can be lowered. While these are options that exist for consideration, the Board believes that Iowa's regulatory scheme, as it exists today, is important and necessary because it provides safeguards to the public. Fiscal Year 2024 was the first fiscal year where professional licensing board fees were collectively pooled in the fund to support the cost of regulating the professions. This new model may allow for additional assessment of licensing board budgets and

operational needs. The Board is participating in the licensing fee study pursuant to 2024 Iowa Acts, Senate File 2385.

The Department's Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

A less restrictive alternative would be to lower licensing fees or eliminate licensure for specific professions. Less restrictive forms of regulation include a registration, certification, or registry. There are typically fewer requirements to a registration, certification or registry, which means that operational costs, and therefore fees, can be lowered. While these are options that exist for consideration, the Board believes that Iowa's regulatory scheme, as it exists today, is important and necessary because it provides safeguards to the public. Fiscal Year 2024 was the first fiscal year where professional licensing board fees were collectively pooled in the fund to support the cost of regulating the professions. This new model may allow for additional assessment of licensing board budgets and operational needs.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Board looked at the fees for similar licenses in other states. Iowa dental license fees are within the range of the fees in surrounding states.

Initial Licensure	Dental License (DDS) by Exam	DDS by Cred./ Verif.	Dental Hygiene License (RDH) by Exam	Dental Hygiene License by Cred./ Verif.	Reg. Dental Asst. (RDA), no Radiography (RAD)	RDA w/ RAD	Temp. DDS/ RDH	Faculty Permit	Resident License	Sedation Application
Iowa	$200	$550	$100	$200	$40	$60	$100	$200	$120	$500
Minnesota	$341	$926	$148	$268	$104, $124	N/A	$83	$308	$55	$325
Wisconsin	$60	$60	$60	$60	N/A	N/A	N/A	N/A	N/A	$75
Illinois	$250	$750	$100	$300	N/A	N/A	$100	$250	N/A	$300
Missouri	$150	$150	$100	$100	N/A	N/A	N/A	$100	N/A	$100
Kansas	$200	$300	$100	$300	N/A	N/A	N/A	N/A	N/A	$150
Nebraska	$210	$210	$110	$110	N/A	$95	N/A	$165	N/A	$200

Initial Licensure	DDS	RDH by Exam	RDA	RDA with RAD	Faculty Permit	Resident License	Sedation Application
Iowa	$315	$150	$75	$115	$315	$40	$125
Minnesota	$475	$200	$150	$24	$475	$85	$400
Wisconsin	$60	$60	N/A	N/A	N/A	N/A	$100
Illinois	$300	$150	N/A	N/A	N/A	N/A	$300
Missouri	$150	$100	N/A	N/A	$100	N/A	$100
Kansas	$287	$131	N/A	N/A	N/A	N/A	$150
Nebraska	$165	$110	N/A	$95	$165	N/A	$200

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

A less restrictive alternative would be to lower licensing fees or eliminate licensure for specific professions. Less restrictive forms of regulation include a registration, certification, or registry. There are typically fewer requirements to a registration, certification or registry, which means that

operational costs, and therefore fees, can be lowered. While these are options that exist for consideration, the Board believes that Iowa's regulatory scheme, as it exists today, is important and necessary because it provides safeguards to the public. Fiscal Year 2024 was the first fiscal year where professional licensing board fees were collectively pooled in the Licensing and Regulation Fund to support the cost of regulating the professions. This new model may allow for additional assessment of licensing board budgets and operational needs.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rules relate to high-stakes public safety concerns that are present whether the business is a small business or a large corporation. While some dental professionals may work in a smaller dental office, some also work for large corporations, hospitals, and other dental facilities. To exempt small businesses from adhering to this chapter would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 481—Chapter 571:

CHAPTER 571
DENTAL BOARD FEES

481—571.1(147,153) Establishment of fees. The board is self-supporting through the collection of fees and does not receive an appropriation from the general fund. Pursuant to Iowa Code section 147.80, the department is required to annually prepare an estimate of projected revenues and expenses to ensure that there are sufficient funds to cover projected expenses. The department shall establish fees by rule in accordance with Iowa Code section 147.80.

571.1(1) In addition to the fees specified in this rule, an applicant shall incur a service charge for submitting payments online.

571.1(2) All fees are nonrefundable.

481—571.2(153) Application fees.

571.2(1) *Dental licensure.* The fees for a dental license are as follows:

a. The application fee for a dental license on the basis of examination is $200.

b. The application fee for a dental license on the basis of credentials is $550.

c. The application fee for a dental license on the basis of verification is $550.

571.2(2) *Dental hygiene licensure.* The fees for a dental hygiene license are as follows:

a. The application fee for a dental hygiene license on the basis of examination is $100.

b. The application fee for a dental hygiene license on the basis of credentials is $200.

c. The application fee for a dental hygiene license on the basis of verification is $200.

571.2(3) *Resident license.* The application fee for a resident license is $120.

571.2(4) *Faculty permit.* The application fee for a faculty permit is $200.

571.2(5) *Fingerprint packet and criminal history check.* The fee for evaluation of a fingerprint packet and criminal history background check is $46.

571.2(6) *Dental assistant registration and radiography qualification.* The fees for registration and qualification are as follows:

a. The application fee for a registered dental assistant is $40.

b. The fee for a combined application as a registered dental assistant with a radiography qualification is $60.

c. The application fee for a radiography qualification is $40.

571.2(7) *Anesthesia and sedation permits.* The fees for an anesthesia or sedation permit are as follows:

a. The application fee for a local anesthesia permit is $70.

b. The application fee for a moderate sedation permit is $500.

c. The application fee for a general anesthesia permit is $500.

571.2(8) *Temporary permit—urgent need or educational services.* The fee for an application for a temporary permit to serve an urgent need or provide educational services is $100.

481—571.3(153) Renewal fees. Biennial renewal fees are as follows:

571.3(1) *Dental license.* The renewal fee for a dental license is $315.

571.3(2) *Dental hygiene license.* The renewal fee for a dental hygiene license is $150.

571.3(3) *General anesthesia permit.* The renewal fee for a general anesthesia permit is $125.

571.3(4) *Moderate sedation permit.* The renewal fee for a moderate sedation permit is $125.

571.3(5) *Local anesthesia permit.* The renewal fee for a local anesthesia permit is $25.

571.3(6) *Dental assistant registration.* The renewal fee for registration as a registered dental assistant is $75.

571.3(7) *Combined dental assistant registration and qualification in radiography.* The renewal fee for both a registration as a registered dental assistant and a radiography qualification is $115.

571.3(8) *Dental assistant qualification in radiography.* The renewal fee for a qualification in dental radiography is $40.

571.3(9) *Faculty permit.* The renewal fees for a faculty permit are as follows:

a. The renewal fee for a dental faculty permit is $315.

b. The renewal fee for a dental hygiene faculty permit is $150.

571.3(10) *Resident license extension.* The fee for extension of a resident license is $40.

481—571.4(153) Late renewal fees. A licensee, registrant or permit holder who fails to renew a license, registration or permit by the expiration date is subject to late renewal fees as described in this rule.

571.4(1) *Dental or dental hygiene license or faculty permit.*

a. Renewals completed between September 1 and September 30 are subject to a late fee of $100, in addition to the renewal fee.

b. Renewals completed between October 1 and October 31 are subject to a late fee of $150, in addition to the renewal fee.

571.4(2) *Dental assistant registration or dental radiography qualification.*

a. Renewals completed between September 1 and September 30 are subject to a late fee of $20, in addition to the renewal fee.

b. Renewals completed between October 1 and October 31 are subject to a late fee of $40, in addition to the renewal fee.

481—571.5(147,153) Reinstatement fees. Licensees, registrants or permit holders who make an application for reinstatement are subject to fees as described in this rule.

571.5(1) *Reinstatement application fees.* The application fees for reinstatement are as follows:

a. The reinstatement application fee for a dental license is $150.

b. The reinstatement application fee for a dental hygiene license is $100.

c. The reinstatement application fee for a dental assistant registration is $50.

d. The reinstatement application fee for a qualification in dental radiography without registration is $40.

571.5(2) *Past due renewal fees.* In addition to the application fee for reinstatement specified in this rule, the applicant must pay the additional fees as follows:

a. The past due renewal fee for a dental license is $315.

b. The past due renewal fee for a dental hygiene license is $150.

c. The past due renewal fee for a dental assistant registration is $75.

d. The past due renewal fee for a dental assistant registration and qualification in dental radiography without registration is $115.

e. The past due renewal fee for a qualification in dental radiography without registration is $40.

481—571.6(153) Miscellaneous fees. Fees for additional requests are as follows:

571.6(1) *Duplicates.* The fee for issuance of a hard-copy duplicate license, permit or registration certificate or current renewal is $25. Electronic copies are provided at no cost.

571.6(2) *Certification or verification.* The fee for a written certification or written verification of an Iowa license, permit or registration is $25. Results of an online licensee search are available at no cost.

571.6(3) *Iowa practitioner review committee (IPRC) monitoring.* The monitoring fee for compliance with an IPRC agreement is $100 per quarter, unless otherwise stated in the health practitioner contract entered into pursuant to 481—Chapter 505.

571.6(4) *Monitoring for compliance with board orders.* The monitoring fee for compliance with a board order is $300 per quarter, unless otherwise stated in the board order.

481—571.7(153) Contested case hearings—fees and costs. The board may request reimbursement of certain costs associated with contested case hearings.

571.7(1) *Hearing fee.* The board may charge a fee not to exceed $75 for conducting a contested case hearing that results in action being taken against the licensee or registrant.

571.7(2) *Procedure and personnel costs.* The board may recover from the licensee or registrant costs for the following:

a. Court reporter and transcript.

b. Witness fees and expenses. The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing and may also include witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa.

c. Depositions. Deposition costs, for the purposes of allocating costs against a licensee, include only those deposition costs incurred by the state of Iowa. The licensee or registrant is directly responsible for the payment of deposition costs incurred by the licensee or registrant.

d. Medical examination fees incurred relating to a person licensed under Iowa Code chapter 147. All costs of physical or mental examinations, substance abuse evaluations or drug screening, or clinical competency evaluations ordered by the board pursuant to Iowa Code section 272C.9(1) as part of an investigation or pending complaint or as a sanction following a contested case shall be paid directly by the licensee or registrant.

571.7(3) *Certification of reimbursable costs.* The executive director or designee shall calculate and certify any reimbursable costs incurred by the board.

571.7(4) *Assessment of fees and costs.* A final decision of the board imposing action against a licensee or registrant shall include the amount of any contested case hearing fee assessed pursuant to 481—Chapter 11. If the board also assesses reimbursable costs against the licensee or registrant, the board shall file a certification of reimbursable costs that includes a statement of costs delineating each category of costs and the amount assessed. Fees and costs that cannot be calculated at the time of the issuance of the board's final order may be invoiced at a later time, provided the board's final order states that the fees and costs will be invoiced at a later date. The board order will specify the time period in which the fees and costs must be paid.

571.7(5) *Failure to pay assessed fees, costs.* Failure of a licensee or registrant to pay the fees and costs assessed herein within the time period specified in the board's final order shall constitute a violation of an order of the board and may be grounds for disciplinary action.

481—571.8(153) Facility inspection fee. The actual costs for an on-site evaluation of a dental facility at which moderate sedation, deep sedation, or general anesthesia is authorized pursuant to 481—Chapter 579 will not exceed $500 per facility per inspection.

481—571.9(22,147,153) Public records. Public records are available according to 481—Chapter 5. The department will release the records upon receipt of payment.

571.9(1) Copies of public records will be calculated at $0.25 per page plus labor.

571.9(2) A $16 per-hour fee may be charged for labor in excess of one-half hour for searching, retrieving, and copying documents.

571.9(3) No additional fee will be charged for delivery of the records.

571.9(4) The department will not require payment when the fees for the request would be less than $5 total.

481—571.10(22,147,153) Data or mailing lists.

571.10(1) The department will provide data and mailing lists in electronic format following receipt of payment.

a. The standard mailing list includes active licensees, registrants, and resident licensees and faculty permit holders when applicable.

b. The standard data list includes the mailing address, license, registration or permit number, status, original issue date, expiration date, specialty (if applicable), and whether disciplinary action has been taken. The standard data list includes active licensees, registrants, and resident licensees and faculty permit holders when applicable.

571.10(2) Data and mailing list fees.

a. The fee for a standard mailing list is $35 per profession requested.

b. The fee for a standard data list is $45 per profession requested.

c. Additional data elements, programming or sorting increases the fees by $25 per profession.

481—571.11(147,153) Returned checks. The department shall charge a fee of $39 for a check returned for any reason. The department will request payment by certified check or money order. If the fees are not paid within two weeks of notification of the returned check by certified mail, the licensee or registrant may be subject to disciplinary action for noncompliance with board rules.

481—571.12(147,153,272C) Copies of the laws and rules. Copies of laws and rules pertaining to the practice of dentistry, dental hygiene, or dental assisting are available as follows:

1. Iowa Code and Iowa Administrative Code access, no fee, available at www.legis.iowa.gov/law/administrativeRules/agencies.
2. Printed copies of the Iowa Code chapters that pertain to the practice of dentistry, $10.
3. Printed copies of dental board rules in the Iowa Administrative Code, $15.

481—571.13(17A,147,153,272C) Waiver prohibited. Rules in this chapter are not subject to waiver pursuant to 481—Chapter 6 or any other provision of law.

These rules are intended to implement Iowa Code sections 147.10, 147.80 and 153.22.