Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 481—Chapter 577
"Expanded Functions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 147, 153.33 and 272C
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 153

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 video/conference 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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Purpose and Summary

This proposed rulemaking promulgates Chapter 577 and implements Iowa Code chapter 153 in accordance with the goals and directives of Executive Order 10 (January 10, 2023). Iowa Code section 153.33 provides that rulemaking authority.

This rulemaking implements Iowa Code chapter 153 by providing Iowans, licensees and their employers with information and definitions relevant to expanded functions. This chapter allows for and provides requirements for performing expanded functions after successful completion of Dental Board-approved training. This chapter establishes the standards by which the Board reviews and approves requests for training in expanded functions. This chapter also details eligibility requirements for expanded functions for dental assistants and hygienists, information on expanded function categories, procedures for dental hygienists and assistants, and training for expanded functions.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

There are often costs associated with practice standards because there is often time, effort and money associated with compliance, as is true for any service-oriented industry. Members of the public

would incur no costs other than payment/copayment for dental/orthodontic services provided. Licensees would be responsible for the training necessary to be certified for expanded functions.

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

The benefit is being achieved since the chapter provides eligibility requirements, expanded function categories and necessary training, providing protection for the licensee and the public.

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:

Members of the public would incur no costs other than payment/copayment for dental/orthodontic services provided. Licensees would be responsible for the training necessary to be certified for expanded functions.

- Qualitative description of impact:

The Board believes that the costs are justified by the benefits achieved because the rules allow dental hygienists and assistants to perform services that would not otherwise be permitted. This allows the dentist to delegate those functions. This in turn allows the dentist to focus on the services that cannot be delegated. If these services were not regulated, it could mean that access to dental care is further restricted or that lower-skilled individuals would provide these services to Iowans, which would potentially increase the risk of inadequate services and complaints received.

3. Costs to the State:

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

Costs to the agency are for the staff time needed to manage Board activities, which include oversight of practice standards and requirements for review and approval of training in the area of expanded functions. The time needed to manage this provision is generally in the form of responding to questions related to practice standards and processing requests for review of expanded functions training. It takes roughly 6.0 full-time equivalent (FTE) positions to support the work of this Board. 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.

- 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 fund. 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:

The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Requirements could be reduced or eliminated for the purpose of lowering the bar to provide these services, but the Board would be concerned about the public safety of Iowans in that scenario.

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

The Board has not identified a more cost-effective alternative to certification for these services. Expanded functions require additional training and skill to ensure the safety of Iowans. The performance of these services requires monitoring for compliance and meeting practice standards due to the advanced nature of the services being provided.

The Department’s Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards. The changes to this chapter support this effort.

6. Alternative methods considered by the agency:

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

The Board has not identified a more cost-effective alternative to these standards for dental hygienists and dental assistants. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Requirements could be reduced or eliminated, but the Board would be concerned about reduced access to dental care or the public safety of Iowans in that scenario. In addition, the chapter provides consistency related to the licensure of these professions in other states, which makes obtaining licensure in multiple states simpler for applicants.

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

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

The Board did consider less restrictive alternatives, but reducing the level of training required for performing expanded functions would likely decrease access to dental services and increase the number of complaints and investigations due to the technical nature of these dental and orthodontic services.

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 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 577:

CHAPTER 577
EXPANDED FUNCTIONS

481—577.1(153) Expanded function requirements and eligibility.

577.1(1) Dental hygienists or registered dental assistants may only perform expanded function procedures upon successful completion of a board-approved course of training. Dental assistant trainees are not eligible to receive training in or perform expanded function procedures.

a. This shall not preclude dental hygienists or dental assistants from practicing expanded function procedures for training purposes while enrolled in a board-approved course of training.

b. Expanded function procedures must be delegated by and performed under the direct supervision of a licensed dentist unless otherwise specified in this chapter.

577.1(2) To be eligible to train in expanded function procedures, dental hygienists must hold an active dental hygiene license in Iowa.

577.1(3) To be eligible to train in expanded function procedures, dental assistants must hold an active registration and comply with one of the following:

a. Be a graduate of an accredited school;

b. Be currently certified by the Dental Assisting National Board (DANB); or

c. Have at least three months of clinical practice as a registered dental assistant or clinical practice as a dental assistant in a state that does not require registration.

577.1(4) A dentist who delegates expanded function procedures to dental hygienists or dental assistants under direct supervision must examine the patient to review the quality of work prior to the conclusion of the dental appointment. The following expanded function procedures are exempt from this requirement and may be performed under general supervision:

a. Recementation of a provisional restoration.

b. Taking occlusal registrations for purposes other than mounting study casts by dental hygienists only.

481—577.2(153) Expanded function categories. Dental hygienists and dental assistants must be issued a certificate of completion for the corresponding function in which board-approved training has been completed before performing a specific expanded function procedure. A dentist may delegate to dental hygienists or dental assistants only those expanded function procedures in which training has been successfully completed.

577.2(1) Level 1 expanded functions may be taught by board-approved training providers using curriculum prior-approved by the board.

577.2(2) Training in Level 2 expanded functions must be completed at the University of Iowa College of Dentistry or another accredited school using curriculum approved by the board. Before beginning Level 2 training, dental hygienists and dental assistants must complete all prerequisites for the Level 2 training established by the accredited school.

481—577.3(153) Level 1 expanded function procedures.

577.3(1) Level 1 expanded function procedures include:

a. Taking occlusal registrations;

b. Placement and removal of gingival retraction material;

c. Fabrication, temporary cementation, and removal of provisional restorations following review of the fit and function by the supervising dentist, and temporary recementation of provisional restorations;

d. Applying cavity liners and bases and desensitizing agents;

e. Applying bonding systems, which may include the placement of the attachments used in clear aligner systems, following review of the fit and function by the supervising dentist;

f. Placement, bonding, and removal of provisional orthodontic restorations as follows:

(1) Placement or bonding of orthodontic brackets and bands or provisional orthodontic appliances following review of the fit and function by the supervising dentist; and

(2) Removal of adhesive, orthodontic brackets and bands, or provisional orthodontic appliances using nonmotorized hand instrumentation;

g. Taking final impressions for fixed restorations or dental prosthetics;

h. Placement of temporary restorative materials following preparation of the tooth by a dentist;

i. Extraoral adjustment to acrylic dentures without making any adjustments to the prosthetic teeth;

j. Tissue conditioning (soft reline only); and

k. Placement, management, and removal of an intravenous (IV) infusion line for moderate sedation, deep sedation, or general anesthesia. Placement of an IV may include the administration of saline. Placement of an IV does not include the administration of any drugs or medications.

577.3(2) The following procedures are Level 1 expanded functions only for dental assistants, and are within the scope of practice for dental hygienists:

a. Monitoring of patients receiving nitrous oxide inhalation analgesia, which may include increasing oxygen levels as needed, pursuant to the following:

(1) A dentist shall induce a patient and establish the maintenance level;

(2) A dental assistant may make adjustments that decrease the nitrous oxide concentration during the administration of nitrous oxide; and

(3) A dental assistant may turn off the oxygen delivery at the completion of the dental procedure.

b. Removal of adhesives using nonmotorized hand instrumentation.

481—577.4(153) Level 2 expanded function procedures for dental hygienists and dental assistants.

577.4(1) Level 2 expanded function procedures for dental hygienists and dental assistants include:

a. Placement and shaping of amalgam following preparation of a tooth by a dentist;

b. Placement and shaping of adhesive restorative materials following preparation of a tooth by a dentist;

c. Polishing of adhesive restorative material using a slow-speed handpiece; and

d. Fitting of stainless-steel crowns on primary posterior teeth, and cementation after fit verification by a dentist.

577.4(2) Level 2 expanded function procedures for dental assistants include the placement of sealants. The placement of sealants is included in the scope of practice for dental hygienists and is not considered an expanded function for dental hygienists.

577.4(3) These Level 2 expanded function procedures refer to both primary and permanent teeth except as otherwise noted. Training in Level 2 expanded functions may be separated between application of the services on primary or permanent teeth as determined by the accredited training provider.

481—577.5(153) Expanded function training.

577.5(1) *Approved expanded function training programs.* Training programs for Level 1 and Level 2 expanded function procedures must be board-approved. Training programs for Level 2 expanded function procedures are limited to the University of Iowa College of Dentistry or another accredited school.

577.5(2) *Certificates of completion.* All board-approved training programs are authorized and required to issue certificates to dental hygienists and dental assistants who successfully complete expanded function training. A certificate shall be issued for one or more of the expanded function procedures completed. Dental hygienists and dental assistants shall prominently display the expanded functions certificate in each dental facility where services are provided.

577.5(3) *Training.* Training may be completed in one or more of the listed expanded function procedures. Clinical training in expanded function procedures must be completed under observational supervision. Level 1 expanded function training includes the following:

a. An initial assessment to determine the base entry level of all participants;

b. Completion of the minimum standards for each function as specified in this rule; and

c. A postcourse written examination at the conclusion of the training program, with a minimum of ten questions per function. A score of 75 percent or higher is deemed to be a passing score.

577.5(4) *Minimum training standards.* Every expanded function procedure requires the completion of clinical training that includes a minimum of five patient experiences per procedure under observational supervision unless stated otherwise.

a. Taking occlusal registrations. In addition to the required clinical training, a minimum of one hour of didactic training.

b. Placement and removal of gingival retraction material. In addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes three experiences.

c. Fabrication, temporary cementation, temporary recementation, and removal of provisional restorations. A minimum of four hours of didactic training, the equivalent of four hours of laboratory training that includes five experiences, and clinical training that includes a minimum of ten patient experiences under observational supervision.

d. Applying cavity liners and bases and desensitizing agents. In addition to the required clinical training, a minimum of one hour of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

e. Applying bonding systems, which may include the placement of the attachments used in clear aligner systems, following review of the fit and function by the supervising dentist. In addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

f. Placement, bonding, and removal of orthodontic brackets and bands or provisional orthodontic appliances pursuant to subrule 577.3(6). For each procedure, in addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

g. Monitoring of patients receiving nitrous oxide inhalation analgesia, pursuant to paragraph 577.3(13)*"a."* In addition to the required clinical training, a minimum of two hours of didactic training and one hour of laboratory training in the office where the dental hygienist or dental assistant is employed.

h. Taking final impressions. A minimum of three hours of didactic training, and the equivalent of clinical training that includes a minimum of six patient experiences under observational supervision.

i. Removal of adhesives using nonmotorized hand instrumentation. In addition to the required clinical training, a minimum of one hour of didactic training.

j. Placement of temporary restorative materials following preparation of the tooth by the dentist. In addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

k. Extraoral adjustment to acrylic dentures without making any adjustments to the prosthetic teeth. In addition to the required clinical training, a minimum of one hour of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

l. Tissue conditioning (soft reline only). In addition to the required clinical training, a minimum of one hour of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

m. Placement, management, and removal of an IV infusion line for moderate sedation, deep sedation, or general anesthesia. A minimum of 12 hours of didactic training or current Dental Anesthesia Assistant National Certification Examination (DAANCE) certification; and eight hours of laboratory and clinical training that includes a minimum of six venipunctures, two of which are completed on human subjects. Supervision for the clinical experiences shall be completed under the supervision of a dentist with a current sedation or anesthesia permit, or a licensed sedation provider.

577.5(5) *Acceptance of previously completed board-approved training.* Any dental hygienist or dental assistant who previously completed board-approved expanded function training can continue to perform expanded function procedures for which training has been completed and documentation is available. For any expanded function procedures that are new, in whole or in part, additional training to satisfy the minimum training requirement is required of the dental hygienist or dental assistant prior to performing the new expanded function procedure.

These rules are intended to implement Iowa Code chapter 153.