

TITLE VI
PROFESSIONAL REGULATIONCHAPTER 30
DISCIPLINE

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—30.1(153) General. The board has authority to impose discipline for any violation of Iowa Code title IV, chapter 272C, or the rules promulgated thereunder.

650—30.2(153) Methods of discipline. The board has authority to impose one or more of the following disciplinary sanctions:

1. Revocation of license or registration.
2. Suspension of license or registration until further order of the board or for a specified period.
3. Nonrenewal of license or registration.
4. Prohibit permanently, until further order of the board or for a specified period, the engaging in specified procedures, methods or acts.
5. Probation.
6. Require additional education or training.
7. Require clinical or written examination.
8. Order a physical, mental, or clinical evaluation.
9. Impose civil penalties not to exceed \$10,000 where specifically provided by rules.
10. Issue citation and warning.
11. Such other sanctions allowed by law as may be appropriate.

650—30.3(153) Discretion of board. The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative seriousness of the violation as it relates to assuring the citizens of this state a high standard of professional care.
2. The facts of the particular violation.
3. Any extenuating circumstances or other countervailing considerations.
4. Number of prior violations or complaints.
5. Seriousness of prior violations or complaints.
6. Whether remedial action has been taken.
7. Such other factors as may reflect upon the competency, ethical standards and professional conduct of the licensee or registrant.

650—30.4(147,153,272C) Grounds for discipline. The following shall constitute grounds for the imposition by the board of one or more of the disciplinary sanctions set forth in rule 650—30.2(153), specifically including the imposition of civil penalties not to exceed \$10,000. This rule is not subject to waiver pursuant to 650—Chapter 7 or any other provision of law.

30.4(1) The board may impose discipline for the following violations related to licensure and registration:

- a.* Fraud or deceit in procuring or renewing any license, permit, or registration, including any false or misleading statement of a material fact or omission of information required to be disclosed;
- b.* Engaging in the practice of dentistry, dental hygiene, or dental assisting with a lapsed or inactive license, permit, or registration, or engaging in dental radiography with a lapsed or inactive dental radiography qualification;
- c.* Engaging in the practice of dentistry, dental hygiene, or dental assisting without a license, permit, or registration, or engaging in dental radiography without a dental radiography qualification;
- d.* Employing or permitting an unlicensed or unregistered person or a person with a lapsed or inactive license, permit, or registration to practice dentistry, dental hygiene, or dental assisting;
- e.* Encouraging, assisting, or enabling in any manner the unauthorized practice of dentistry, dental hygiene, or dental assisting; or

f. Failure to prominently display the names of all persons who are practicing dentistry, dental hygiene, or dental assisting within an office.

30.4(2) The board may impose discipline for the following violations related to ethics:

a. Fraud in representation as to skill or ability, whether by words or conduct or concealment of that which should have been disclosed, including but not limited to violations of 650—Chapter 26;

b. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee's or registrant's profession;

c. Practicing dentistry, dental hygiene, or dental assisting in a manner that is harmful or detrimental to the public. Proof of actual injury need not be established;

d. Conviction of a felony or misdemeanor crime if the conviction relates to the practice of the profession, which includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication of guilt is withheld or not entered;

e. Improper sexual contact with, or making suggestive, lewd, lascivious or improper remarks or advances to, a patient or a coworker;

f. Actions which are abusive, coercive, intimidating, harassing, untruthful, or threatening in the practice of dentistry;

g. Obtaining any fee by fraud or misrepresentation;

h. Giving or receiving cash or cash equivalents, or giving or receiving any gifts exceeding nominal value, for referral of patients;

i. Failure to transfer patient records to another licensee upon request; or

j. Unprofessional or unethical conduct including, but not limited to, those acts defined by Iowa Code section 153.32 or any violation of 650—Chapter 27.

30.4(3) The board may impose discipline for the following violations related to the ability to practice:

a. Habitual use of drugs or intoxicants rendering the licensee or registrant unfit for practice; or

b. Practicing dentistry, dental hygiene, or dental assisting while in a state of advanced physical or mental disability where such disability renders the licensee or registrant incapable of performing professional services or impairs functions of judgment necessary to the practice.

30.4(4) The board may impose discipline for the following violations related to patient care:

a. Willful and gross malpractice;

b. Willful and gross neglect;

c. Failure to maintain a satisfactory standard of competency;

d. Failure to preserve the confidentiality of patient information or accessing any confidential patient information without authorization;

e. Practicing beyond training; or

f. Delegating any acts to any licensee or registrant that are beyond the training or education of the licensee or registrant, or that are otherwise prohibited by rule.

30.4(5) The board may impose discipline for the following violations related to prescribing:

a. Violating the rules governing prescribing, including any violation of 650—Chapter 16;

b. Improperly delegating access to the Iowa prescription monitoring program (PMP) to an unauthorized individual;

c. Indiscriminately or promiscuously prescribing, administering, or dispensing any drug;

d. Failure to check the PMP prior to prescribing an opioid; or

e. Prescribing opioids in dosage amounts exceeding what would be prescribed by a reasonably prudent prescribing practitioner engaged in a similar practice.

30.4(6) The board may impose discipline for the following violations related to infection control:

a. Failure to maintain adequate safety and sanitary conditions for a dental office; or

b. Failure to comply with standard precautions for preventing and controlling infectious diseases and managing personnel health and safety concerns related to infection control, as "required" or "recommended" for dentistry by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the Iowa occupational safety and health administration.

30.4(7) The board may impose discipline for the following violations related to reporting, compliance, and other state laws:

- a. Failure to notify the board of change of address within 60 days;
- b. Failure to report disciplinary action taken by a licensing authority of another state, territory or country, or another licensing authority in this state, within 30 days of the final action by the licensing authority. A stay by an appellate court shall not negate this requirement; however, if the disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board when the board is so notified;
- c. Having a license or registration revoked, suspended, or otherwise disciplined by a licensing authority in any state, territory, or country;
- d. Failure to report any adverse judgment in a professional malpractice action to which the licensee or registrant was a party or any settlement of a claim against the licensee or registrant alleging malpractice;
- e. Failure to comply with an order of the board;
- f. Violating any provision of Iowa law or rule of the board, or being a party to or assisting in any violation of any provision of Iowa law or rule of the board;
- g. Failure to report any restriction of practice imposed by a hospital, clinic, or other practicing setting;
- h. Failure to report any misdemeanor or felony conviction within 60 days, excluding traffic offenses;
- i. Failure to comply with an Iowa practitioner review committee (IPRC) initial agreement or contract;
- j. Failure to report to the board any acts or omissions made by other licensees or registrants of the board that may constitute a basis for disciplinary action under the rules of statutory provisions governing the practice of dentistry, dental hygiene, or dental assisting in Iowa; or
- k. Failure to report adverse occurrences related to sedation, nitrous oxide inhalation analgesia, and antianxiety premedication pursuant to 650—Chapter 29.

30.4(8) The board may impose discipline for the following violations related to board investigations:

- a. Knowingly providing false information to the board or an agent of the board during the course of an inspection or investigation or interfering with an inspection or investigation;
- b. Failure to comply with a subpoena issued by the board;
- c. Failure to fully and promptly comply with office inspections conducted at the request of the board to determine compliance with sanitation and infection control standards or sedation permit requirements;
- d. Failure to cooperate with a board investigation; or
- e. Retaliating against, threatening, or coercing any person for filing a complaint with the board or cooperating with a board inspection or investigation.

30.4(9) The board may impose discipline for the following violations related to continuing education:

- a. Failure to respond to the board during a continuing education audit, or failure to submit verification of continuing education requirements within the time period provided;
- b. Knowingly submitting a false report of continuing education; or
- c. Failure to meet the required continuing education hours per biennium.

[ARC 4409C, IAB 4/24/19, effective 5/29/19]

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.

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These rules are intended to implement Iowa Code chapters 147; 153; 252J; 272C as amended by 2019 Iowa Acts, Senate File 304; and 598.

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†See HJR 2006 of 2006 Session of the Eighty-first General Assembly.