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Public Health and Welfare

House File 218

By DEN HERDER, DODERER and
VAN NOSTRAND

Pass 3-2
Governmental Substitutions 4-14, Pass as Amended (Burns, Messerly and Mills)
5.25

Passed House, Date 4-11-67 Passed Senate, Date 6-8-67

Vote: Ayes 1074 Nays 2 Vote: Ayes 46 Nays 0

Approved June 30, 1967

Passed House as amended by Senate 6-14-67 97-7

A BILL FOR

An Act to create a state board of dentistry and to prescribe the powers and duties thereof relating to the practice of dentistry and dental hygiene and the administration of this Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. There is hereby created a state board of den-
 2 tistry whose duty it shall be to administer the provisions of
 3 this Act and others contained in title eight (VIII) of the
 4 Code relating to the practice of dentistry. The board shall
 5 consist of five qualified dentists, each of whom shall have
 6 been graduated from an accredited dental college, shall have
 7 practiced his profession in this state not less than five
 8 years immediately preceding his appointment. The present
 9 members of the board now in existence shall continue in office
 10 until the expiration of the term for which they were respec-
 11 tively appointed. The governor shall annually hereafter
 12 appoint one member of said board, and shall fill any vacancy
 13 in like manner for an unexpired term, by appointment from a
 14 list of not less than six licensed dentists recommended to
 15 him by the Iowa Dental Association. Each member shall hold
 16 office for a term of five years, or until the appointment and
 17 qualification of his successor. No member of the dental
 18 faculty of the school of dentistry at the State University
 19 of Iowa may be eligible to membership on the board.

1 Sec. 2. The board shall adopt rules and regulations for its
 2 own organization and for the practice of dentistry in the state,

3 and for carrying out the provisions of this Act, and may amend,
4 modify and repeal said rules and regulations from time to
5 time. Not less than one examination each year shall be con-
6 ducted by the board in Iowa City at such time as near to the
7 spring commencement of the State University of Iowa as may
8 be practicable, the time and place thereof to be fixed by the
9 board, at which applicants to practice dentistry in this state
10 may be licensed by the board. The secretary shall keep a full
11 record of its proceedings and a complete registry of all duly
12 licensed dentists and dental hygienists and dental graduates
13 to whom temporary licenses are issued, as hereinafter pro-
14 vided. A transcript of any entry in such record or registry
15 certified by the secretary shall be competent evidence of
16 the facts therein stated. Said board shall prepare and file
17 with the executive council such reports as may be required by
18 said council, which reports may be printed and bound in such
19 form and in such quantities as the board may deem necessary.
20 Expense of such printing and binding shall be charged as an
21 expenditure of said board.

1 Sec. 3. The secretary shall give bond in such amount as
2 the board may fix for the faithful discharge of his duties as
3 custodian of the moneys paid to the board. Each member of
4 the board shall receive for each day actually engaged in the
5 duties of his office a per diem of twenty-five dollars.
6 The board may appoint an executive secretary, who shall not
7 be a member of the board, to properly administer and aid in
8 the enforcement of the provisions of law relating to the prac-
9 tice of dentistry, which executive secretary shall receive
10 such salary as may be fixed by the board.

1 Sec. 4. All moneys received by the board shall be de-
2 posited in the office of the treasurer of state who shall
3 receipt therefor and who shall keep such moneys in a seper-
4 ate fund, which fund shall be known as the board of dentistry
5 fund, to be used by the board to assist in administering and
6 enforcing the laws relating to the practice of dentistry.

7 Such funds shall be continued from year to year and the trea-
8 surer shall keep a separate account thereof showing receipts
9 and disbursements and any remainder in said fund in excess of
10 twenty-five thousand dollars at the end of each fiscal year
11 shall be paid into the general fund of the state. Said fund
12 shall be subject at all times to the warrant of the state
13 comptroller drawn upon written requisition of the chairman of
14 the board and attested by the secretary, for the payment of
15 all salaries, per diem expense, and other expenses necessary
16 to administer and aid in the enforcement of the provisions of
17 law relating to the practice of dentistry, but in no event
18 shall the total expenses therefor exceed the total fees collected
19 and deposited to the credit of said fund.

1 Sec. 5. No person desiring to practice dentistry shall be
2 licensed until he shall have satisfactorily passed an examina-
3 tion by said board. Every applicant for such examination shall
4 furnish satisfactory proof supported by affidavit that he is of
5 good moral character and a graduate of an accredited dental
6 college duly organized under the laws of this state or any other
7 of the United States or of any other country. Said board is
8 hereby authorized to ascertain and determine what shall con-
9 stitute an accredited dental college.

1 Sec. 6. Every candidate for examination shall file a written
2 application on a form prescribed by the board, shall present
3 his license or diploma for inspection, and shall pay to the
4 secretary a fee of fifty dollars. The applicant shall present
5 himself before the board for examination at the next regular
6 meeting of the board after filing his application, in default
7 of which said fee may be forfeited to said board. The exam-
8 ination shall be written or oral, or both, and shall include
9 such subjects as may be designated by the board at any meet-
10 ing of the board held at least four months prior to such
11 examination. The board may also require such practical tests,
12 working operations and demonstrations as may be designated by

13 the board. Any applicant who shall fail to pass an examination
14 shall have the right to apply for a subsequent examination:
15 provided, however, that said board may for a sufficient cause
16 remit said fee for such subsequent re-examination. Any per-
17 son who in any affidavit or application for examination shall
18 wilfully make a false statement in a material regard shall be
19 deemed guilty of perjury and, upon conviction thereof, shall
20 be punished as provided by the laws of this state for the
21 crime of perjury.

1 Sec. 7. The board shall issue to each person who shall
2 successfully pass the examination a license under its seal
3 duly authenticated by the signatures of the chairman and sec-
4 retary of the board.

1 Sec. 8. Said board shall also issue licenses to dental
2 hygienists. Every candidate for examination as a dental
3 hygienist shall pay to the secretary of the board a fee of
4 twenty-five dollars and shall furnish satisfactory proof that
5 he or she is a graduate of an accredited high school in this
6 state, or a school of like and equal standing in any other
7 state or country, or has in earned units of study the equiva-
8 lent necessary for graduation, and has earned a diploma or
9 certificate from an accredited school of dental hygiene.
10 The board shall ascertain and determine what shall constitute
11 an accredited school for such purpose. Every applicant who
12 shall successfully pass such examination as may be prescribed
13 by the board shall be granted a license as a dental hygien-
14 ist which shall be recorded in the same manner as provided
15 in section two (2) of this Act. Any applicant who shall
16 fail to pass such examination shall have the right to apply
17 for a subsequent examination, in which case he or she shall
18 pay to the secretary a fee of ten dollars for each subsequent
19 examination; provided, however, that said board may for a
20 sufficient cause remit said fee for such subsequent re-
21 examination.

1 Sec. 9. Every license to practice dentistry or dental hy-
2 giene shall expire on the thirtieth day of June following the
3 date of issuance of such license. Application for renewal of
4 such license shall be made in writing to the board of dentistry
5 at least sixty days prior to the expiration of such license,
6 accompanied by the legal fee, upon a form to be prescribed by
7 said board of dentistry in which the applicant shall certify
8 that he has not during the term of the license which he then
9 holds or the last renewal thereof violated any of the pro-
10 visions of this Act or committed any of the acts of unpro-
11 fessional conduct, naming them, as defined in this title.

1 Sec. 10. Every year the board of dentistry shall notify
2 each licensee by mail of the expiration of his license and,
3 subject to the provisions of this Act, the same shall be re-
4 newed upon application being made, without examination.

1 Sec. 11. On or before the thirtieth day of April of each
2 year hereafter, excepting the year in which he is originally
3 licensed, each registered dentist shall pay to the secretary of
4 the board such fee as may be fixed by the board, which fee shall
5 be not less than ten dollars, nor more than twenty dollars, as
6 an annual license fee and a dentist registered in but not
7 practicing in Iowa shall pay five dollars as an annual license
8 fee; and each registered dental hygienist shall pay to the
9 secretary of the board five dollars as an annual license fee.
10 The board may revoke or suspend the license of any person who
11 fails to pay the fee on or before April thirtieth, but revoca-
12 tion or suspension shall not be ordered except after thirty
13 days written notice of the delinquency by registered mail to
14 the last known address of the person, during which period the
15 person may pay the fee, together with such penalty, not
16 exceeding five dollars, as may be determined by the board.
17 If any license is revoked or suspended, the same may be re-
18 issued or reinstated upon the payment of the accrued fees and
19 such penalties, not exceeding ten dollars, as may be determined
20 by the board.

1 Sec. 12. The board each year, on or before the first day
2 of February, shall determine the amount that may be necessary
3 for the next ensuing fiscal year to administer and enforce
4 the provisions of this Act, and shall prepare a budget there-
5 for and file a copy of same with the executive council; and
6 shall fix the renewal license fee for a license to practice
7 dentistry within the limits prescribed in section eleven (11)
8 of this Act. On fixing the annual license fee as herein pro-
9 vided, the board shall immediately notify all registered
10 dental licensees of the amount of said fee for the ensuing
11 year. Upon payment thereof by the licensee on or before
12 April thirtieth the board shall issue a renewal license
13 authorizing such licensee to continue the practice of dentis-
14 try in this state for a period of one year. Any license
15 granted under authority of this or any prior dental act of
16 this state shall automatically be cancelled if the holder
17 thereof fails to secure the renewal license herein provided
18 for, within a period of thirty days from the thirtieth day
19 of April of each year. Any dentist whose license shall be
20 cancelled as herein provided may be reinstated by the board
21 at any time within six months from the date of the automatic
22 cancellation of said license, upon payment of the annual
23 license fee so fixed by the board and a penalty fee of ten
24 dollars, and the board may require that the dentist take the
25 examination provided for in this Act. Upon failure of any
26 licensee to pay the annual license fee on or before April
27 thirtieth, the board shall notify such licensee, in writing, by
28 mailing notice to his last address shown on the records of the
29 board. Failure to mail or receive such notice, however, shall
30 not affect the cancellation of his license.

1 Sec. 13. For the purpose of this title the following classes
2 of persons shall be deemed to be engaged in the practice of den-
3 tistry:

4 1. Persons publicly professing to be dentists, dental sur-
5 geons, or skilled in the science of dentistry, or publicly

6 professing to assume the duties incident to the practice of den-
7 tistry.

8 2. Persons who treat, or attempt to correct by any medicine,
9 appliance, or method, any disorder, lesion, injury, deformity,
10 or defect of the oral cavity, teeth, gums, or maxillary bones
11 of the human being, or give prophylactic treatment to any of
12 said organs.

1 Sec. 14. Section thirteen (13) of this Act shall not be con-
2 strued to include the following classes:

3 1. Students of dentistry who practice dentistry upon patients
4 at clinics in connection with their regular course of instruc-
5 tion at the state dental college.

6 2. Licensed "physicians and surgeons" or licensed "osteo-
7 paths and surgeons" who extract teeth or treat diseases of the
8 oral cavity, gums, teeth, or maxillary bones as an incident to
9 the general practice of their profession.

10 3. Persons licensed to practice dental hygiene who are
11 exclusively engaged in the practice of said profession.

1 Sec. 15. A licensed dental hygienist may perform those
2 services which are education, therapeutic, and preventive in
3 nature which attain or maintain optimal oral health as deter-
4 mined by the board of dentistry and may include but are not
5 necessarily limited to complete oral prophylaxis, application
6 of preventive agents to oral structures, exposure and process-
7 ing of radiographs, administration of medicaments prescribed
8 by a licensed dentist, obtaining and preparing nonsurgical,
9 clinical and oral diagnostic tests for interpretation by the
10 dentist, preparation of preliminary written records of oral
11 conditions for interpretation by the dentist. Such services
12 shall be performed under supervision of a licensed dentist
13 and in a dental office, a public or private school, public
14 health agencies, hospitals, and the armed forces, but nothing
15 herein shall be construed to authorize a dental hygienist to
16 practice dentistry.

1 Sec. 16. Every person who owns, operates, or controls a den-
2 tal office in which anyone other than himself is practicing
3 dentistry shall display the name of such person in a conspicuous
4 manner at the public entrance to said office.

1 Sec. 17. Except as herein otherwise provided, it shall be
2 unlawful for any person to practice dentistry or dental surgery
3 or dental hygiene in this state, other than:

4 1. Those who are now duly licensed dentists, under the laws
5 of this state in force at the time of their licensure; and

6 2. Those who are now duly licensed dental hygienists under
7 the laws of this state in force at the time of their licensure;
8 and

9 3. Those who may hereafter be duly licensed as dentists or
10 dental hygienists pursuant to the provisions of this Act.

1 Sec. 18. No person owning or conducting any place where den-
2 tal work of any kind is done or contracted for, shall employ or
3 permit any unlicensed dentist to practice dentistry in said
4 place.

1 Sec. 19. No person shall operate any place in which dentis-
2 try is practiced under any other name than his own, or display,
3 in connection with his practice, on any advertising matter any
4 other than his own name; but two or more licensed dentists who
5 are associated in the practice shall use all of their names, and
6 a widow, heir, or any legal representative of a deceased dentist,
7 may operate such office for a reasonable time for the purpose of
8 disposing of the same.

1 Sec. 20. A dentist shall have the right to prescribe and
2 administer drugs or medicine, perform such surgical operations,
3 administer general or local anaesthetics and use such appliances
4 as may be necessary to the proper practice of dentistry.

1 Sec. 21. The board may issue a license without examination
2 to an applicant who is a citizen of the United States or who
3 has officially declared his intention to become such and who
4 furnishes satisfactory proof that he is a graduate from an ac-
5 credited dental school or college of a state, territory or

6 district of the United States, who holds a license from a simi-
7 lar dental board under equal or substantially equal require-
8 ments to those of this state, and who for five consecutive
9 years immediately prior to the filing of his application in
10 this state has been in a legal and reputable practice of
11 dentistry in such other state, territory or district of the
12 United States, and who furnishes such other evidence as to his
13 qualifications and lawful practice as the board may deem neces-
14 sary to require. No license shall be issued under this sec-
15 tion unless the state, territory or district from which the
16 applicant comes shall accord equal rights to dentists of Iowa
17 holding a license from the state board of dentistry.

1 Sec. 22. Any dentist, who is a graduate of an accredited
2 dental school and is serving only as a resident, interne or
3 graduate student dentist and who is not licensed to practice
4 dentistry in this state, shall be required to obtain from the
5 board of dentistry a temporary or special license to practice
6 as a resident, interne or graduate dentist. The license shall
7 be designated "Resident Dentist License" and shall authorize
8 the licensee to serve as a resident, interne or graduate stu-
9 dent only, under the supervision of a licensed practitioner
10 of dentistry, in an institution approved for this purpose by
11 the board. Such license shall be valid for one year and may
12 be annually renewed at the discretion of the board for a period
13 not to exceed three additional years. The fee for this license
14 shall be ten dollars, and if extended beyond one year, an
15 annual renewal fee of ten dollars per year shall be required.
16 The board shall determine in each instance those eligible for
17 this license, whether or not examinations shall be given, and
18 the type of examination. No requirements of the law pertain-
19 ing to regular permanent licensure shall be mandatory for this
20 resident licensure except as specifically designated by the
21 board. The granting of a resident dentist's license does not
22 in any way indicate that the person so licensed is necessarily
23 eligible for regular licensure, nor is the board in any

24 way obligated to so license such individual. The board may re-
25 voke said license at any time it shall determine either that
26 the caliber of work done by a licensee or the type of super-
27 vision being given such licensee does not conform to reasonable
28 standards established by the board.

1 Sec. 23. If, prior to the renewal of any license to prac-
2 tice dentistry or dental hygiene, the board is informed upon
3 oath or affirmation lawfully administered, that any such ap-
4 plicant has during the term of his last license or the last
5 renewal thereof violated any of the provisions of this Act
6 or committed any of the acts of unprofessional conduct as de-
7 fined in this Act, or if any member of the board certifies in
8 writing that he is credibly informed that such violation of
9 law or act of unprofessional conduct has been so committed by
10 such applicant, then the board shall notify such applicant,
11 by certified letter, with postage prepaid, mailed to his ad-
12 dress as shown by the records of said board that such informa-
13 tion or certificate has come to the attention of the board,
14 and that on a day and hour specified the applicant may appear
15 before the board at such place stated in such notice and show
16 cause why said license should be renewed. In such event the
17 renewal of such license shall not be made prior to the date
18 so fixed and the making of such a showing by the applicant.

1 Sec. 24. The time and place of such hearing before the
2 board shall be open to public inspection at all reasonable
3 hours.

1 Sec. 25. At such hearing any person having knowledge of the
2 facts pertaining to the propriety of the renewal of such license
3 may testify thereto, and the chairman of the board is hereby
4 empowered to and shall administer oaths to all such persons
5 offering testimony.

1 Sec. 26. If at said hearing, or upon appeal if taken as
2 hereinafter provided, it shall be established that the applicant
3 has theretofore failed to comply with all of the provisions of
4 this Act or has during the term of his license or the last re-

5 newal thereof committed any of the acts of unprofessional con-
6 duct as defined in this Act, then the board shall reject such
7 application and said license shall not be renewed except as
8 hereinafter provided.

1 Sec. 27. The minutes of all evidence heard by the said board
2 or exhibits introduced at said hearing for or against the grant-
3 ing of said application for license, together with the order of
4 the board granting or rejecting such application for renewal of
5 license, which shall be in writing, shall be and become a part
6 of the records of said board and shall be open to public in-
7 spection at all reasonable hours. Written notice of said order
8 shall forthwith be mailed to the applicant by the board.

1 Sec. 28. If the board should reject any such application,
2 and refuse to renew any such license, the applicant may, within
3 thirty days after the order of the board, and not afterward,
4 obtain a review of the action of the board by a writ of cer-
5 tiorari to the district court in the county where such appli-
6 cant resides in which court the hearing shall be de novo and
7 all competent evidence pertaining to the action of the board
8 may be submitted, including new evidence not submitted to the
9 board.

1 Sec. 29. The order of the board rejecting such application,
2 and refusing to renew such license, shall remain in force and
3 effect until such writ of certiorari is finally determined and
4 disposed of upon the merits and no new or temporary license
5 shall be issued to the applicant pending such disposition.

1 Sec. 30. Any former licensee whose application for renewal
2 of license has been rejected by the board and who has not suc-
3 cessfully prosecuted a review by certiorari therefrom as herein
4 provided shall not thereafter receive such license or renewal
5 thereof unless same shall be granted by the board and upon pay-
6 ment of the renewal fees then due. Said board may require ex-
7 amination of the former licensee, in which case he shall pay
8 the examination fees provided by law.

1 Sec. 31. A license to practice either dentistry or dental

2 hygiene shall be revoked or suspended in the manner and upon the
3 grounds elsewhere provided in this Act, and also when the certi-
4 ficate accompanying the application of such licensee for re-
5 newal of license filed with the board is not in all respects
6 true.

1 Sec. 32. As to dentists and dental hygienists "unprofessional
2 conduct" shall consist of any of the acts denominated as such
3 elsewhere in this Act, and also any other of the following acts:

4 1. All advertising of any kind or character other than the
5 carrying or publishing of a professional card or the display
6 of a window sign at the licensee's place of business; which
7 professional card or window sign shall display only the name,
8 address, profession, office hours and telephone connections of
9 the licensee.

10 2. Exploiting or advertising through the press, on the
11 radio, on television, or by the use of handbills, circulars or
12 periodicals, other than professional cards stating only the
13 name, address, profession, office hours, and telephone connec-
14 tions of the licensee.

15 3. Employing or making use of advertising solicitors or
16 publicity agents or solicing employment personally or by repre-
17 sentative.

18 4. Employing any person to obtain, contract for, sell or
19 solicit patronage, or make use of free publicity press agents.

20 5. Receiving any rebate, or other thing of value, directly
21 or indirectly from any dental laboratory or dental technician.

22 6. Solicitation of professional patronage by agents or per-
23 sons popularly known as "cappers" or "steerers", or profiting
24 by the acts of those representing themselves to be agents of
25 the licensee.

26 7. Receipt of fees on the assurance that a manifestly in-
27 curable disease can be permanently cured.

28 8. Division of fees or agreeing to split or divide the fees
29 received for professional services with any person for bringing
30 or referring a patient or assisting in the care or treatment

31 of a patient without the consent of said patient or his legal
32 representative.

33 9. Willful betrayal of a professional secret.

34 10. Willful neglect of a patient in a critical condition.

1 Sec. 33. Subject to the provisions of this Act, any pro-
2 vision of title eight (8) of the Code to the contrary notwith-
3 standing, the board shall exercise the following powers:

4 1. To initiate investigations of and conduct hearings on
5 all matters or complaints relating to the practice of dentistry
6 or dental hygiene or pertaining to the enforcement of any pro-
7 vision of this Act, to revoke or suspend licenses or the renewal
8 thereof issued under this or any prior Act, and to otherwise
9 discipline licensees.

10 2. To employ such persons as it may deem necessary to
11 assist it in carrying out its duties in the administration and
12 enforcement of this Act, and expend such funds as it deems
13 necessary therefor.

14 3. To initiate in its own name or cause to be initiated in
15 a proper court appropriate civil proceedings against any person
16 to enforce the provisions of this Act or title eight (8) of
17 the Code relating to the practice of dentistry, and the board
18 may have the benefit of counsel in connection therewith. Any
19 such judicial proceeding as may be initiated by the board
20 shall be commenced and prosecuted in the same manner as any
21 other civil action and injunctive relief may be granted
22 therein without proof of actual damage sustained by any per-
23 son but such injunctive relief shall not relieve the person so
24 enjoined from criminal prosecution by the attorney general or
25 county attorney for violation of any provision of this Act or
26 title eight (8) of the Code relating to the practice of den-
27 tistry. Nothing in this Act shall be construed to prevent
28 assistance being rendered to the board by the executive sec-
29 retary in any such civil proceeding.

30 4. In any investigation made or hearing conducted by the
31 board on its own motion, or upon written complaint filed with

32 the board by any person, pertaining to any alleged violation of
33 this Act or the accusation against any licensee, the following
34 procedure and rules so far as material to such investigation
35 or hearing shall obtain:

36 a. The accusation of such person against any licensee shall
37 be reduced to writing, verified by some person familiar with
38 the facts therein stated, and three copies thereof filed with
39 the secretary of the board.

40 b. If the board shall deem the charges sufficient, if true,
41 to warrant suspension or revocation of license, it shall make
42 an order fixing the time and place for hearing thereon and
43 requiring the licensee to appear and answer thereto, such
44 order, together with a copy of the charges so made to be
45 served upon the accused at least twenty days before the date
46 fixed for hearing, either personally or by certified or regis-
47 tered mail, sent to his last known post office address as shown
48 by the records of the board.

49 c. At the time and place fixed in said notice for said
50 hearing, or at any time and place to which the said hearing
51 shall be adjourned, the board shall hear the matter and may
52 take evidence, administer oaths, take the deposition of wit-
53 nesses, including the person accused, in the manner provided
54 by law in civil cases, compel the appearance of witnesses be-
55 fore it in person the same as in civil cases by subpoena
56 issued over the signature of the chairman or secretary of the
57 board and in the name of the state of Iowa, require answers to
58 interrogatories and compel the production of books, papers,
59 accounts, documents and testimony pertaining to the matter under
60 investigation or relating to the hearing.

61 d. In all such investigations and hearings pertaining to the
62 suspension or revocation of licenses, the board and any per-
63 son affected thereby may have the benefit of counsel, and upon
64 the request of the licensee or his counsel the board shall
65 issue subpoenas for the attendance of such witnesses in behalf
66 of the licensee, which subpoenas when issued shall be delivered

67 to the licensee or his counsel. Such subpoenas for the at-
68 tendance of witnesses shall be effective if served upon the
69 person named therein anywhere within this state, provided, that
70 at the time of such service the fees now or hereafter provided
71 by law for witnesses in civil cases in district court shall be
72 paid or tendered to such person.

73 e. In case of disobedience of a subpoena lawfully served
74 hereunder, the board or any party to such hearing aggrieved
75 thereby may invoke the aid of the district court in the county
76 where such hearing is being conducted to require the attendance
77 and testimony of such witnesses. Such district court of the
78 county within which the hearing is being conducted may, in
79 case of contumacy or refusal to obey such subpoena, issue an
80 order requiring such person to appear before said board, and if
81 so ordered give evidence touching the matter involved in the
82 hearing. Any failure to obey such order of the court may be
83 punished by such court as a contempt thereof.

84 f. If the licensee pleads guilty, or after hearing he shall
85 be found guilty by the board of any of the charges made, it
86 may suspend for a limited period or revoke the license and the
87 last renewal thereof, and shall enter the order on its records
88 and notify the accused of the revocation or suspension of his
89 license, as the case may be, who shall thereupon forthwith sur-
90 render his license to the board. Any such person whose license
91 has been so revoked or suspended shall not thereafter and while
92 such revocation or suspension is in force and effect practice
93 dentistry or dental hygiene within this state.

94 g. The findings of fact made by the board acting within its
95 power shall, in the absence of fraud, be conclusive, but the
96 district court shall have power to review questions of law in-
97 volved in any final decision or determination of the board;
98 provided, that application is made by the aggrieved party within
99 thirty days after such determination by certiorari, mandamus
100 or such other method of review or appeal permitted under the
101 laws of this state, and to make such further orders in respect

102 thereto as justice may require.

103 h. Pending the review and final disposition thereof by the
104 district court, the action of the board suspending or revoking
105 such license shall not be stayed.

1 Sec. 34. The board shall suspend for a limited period or
2 revoke the license and the last renewal thereof of any licensed
3 dentist or any licensed dental hygienist for any of the follow-
4 ing reasons:

5 1. For fraud or deceit in procuring his license or the
6 renewal thereof to practice dentistry or dental hygiene.

7 2. His conviction of a felony or of a misdemeanor involving
8 moral turpitude, in either of which cases a certified copy of
9 the court record where such conviction appears shall be con-
10 clusive evidence, upon receipt of which the board shall revoke
11 or suspend the license of the person so convicted.

12 3. For habitually using drugs or intoxicants to the ex-
13 tent of rendering him unfit for the practice of dentistry or
14 dental hygiene, or for gross immorality.

15 4. For being guilty of willful and gross malpractice or
16 willful and gross neglect in the practice of dentistry or den-
17 tal hygiene.

18 5. For conducting the practice of dentistry so as to permit
19 directly or indirectly an unlicensed person to perform work
20 which under this Act can legally be done only by persons
21 licensed to practice dentistry or dental hygiene in this state.

22 6. For employing solicitors or cappers for the purpose of
23 procuring patients for dental work to be done.

24 7. For fraud in representation as to skill or ability.

25 8. For distribution of intoxicating liquors or drugs for any
26 other than lawful purposes.

27 9. For willful or repeated violations of this Act, title
28 eight (8) of the Code, or the rules of the state board of
29 dentistry.

30 10. For continuing practice while knowingly having an infec-
31 tious or contagious disease.

32 11. For obtaining any fee by fraud or misrepresentation.

33 12. For having failed to pay license fees as provided herein.

34 13. For being guilty of dishonorable or unprofessional con-
35 duct in the practice of dentistry or dental hygiene.

36 14. For the use of the name "clinic", "institute", or other
37 title of similar import that may suggest a public or semipublic
38 activity to designate what is in fact an individual or group
39 private practice.

40 15. For failure to maintain a reasonably satisfactory stan-
41 dard of competency in the practice of dentistry or dental
42 hygiene.

43 16. For a violation of any provision of this Act, or for
44 being a party to or assisting in any violation of any provision
45 of this Act.

1 Sec. 35. This Act shall be deemed to be passed in the inter-
2 est of the public health, safety and welfare of the people of
3 this state, and its provisions shall be liberally construed to
4 carry out its object and purposes.

1 Sec. 36. Chapter one hundred fifty-three (153), Code 1966,
2 is hereby repealed and sections one hundred forty-seven point
3 one (147.1) through one hundred forty-seven point sixteen
4 (147.16), one hundred forty-seven point eighteen (147.18)
5 through one hundred forty-seven point twenty-six (147.26), one
6 hundred forty-seven point twenty-nine (147.29) through one
7 hundred forty-seven point thirty-two (147.32), one hundred
8 forty-seven point thirty-four (147.34) through one hundred
9 forty-seven point seventy-one (147.71), one hundred forty-
10 seven point eighty (147.80) subsections one (1), five (5)
11 seven (7), eight (8), fifteen (15), and sixteen (16), one
12 hundred forty-seven point eighty-one (147.81) and one hundred
13 forty-seven point eighty-two (147.82), one hundred forty-
14 seven point eighty-seven (147.87) through one hundred forty-
15 seven point ninety-two (147.92), one hundred forty-seven point
16 one hundred four (147.104), one hundred forty-seven point one
17 hundred fourteen (147.114), and one hundred forty-seven point

18 one hundred fifteen (147.115), Code 1966, shall not apply to
19 the practice of dentistry.

1 Sec. 37. This Act is declared to be severable, and should
2 any word, phrase, sentence, provision or section hereof be
3 declared unconstitutional or otherwise invalid by a court of
4 competent jurisdiction, the remainder of this Act shall not
5 thereby be affected but shall remain in full force and as
6 valid as if such word, phrase, sentence, provision or section
7 had not been incorporated herein.

EXPLANATION

The attached and foregoing bill is for the purpose of creating a state board of dentistry which will be empowered to discipline licensees, administer the dental practice act and enforce same against licensees and other persons, and for such purpose to exercise civil powers only in accordance with the laws of the state; to conduct investigations and hold hearings on any matters relating to an alleged violation of the practice act; to initiate on its own motion civil proceedings for injunctive relief in the district court for the purpose of preventing such violations; to suspend or revoke, after reasonable notice and hearing a license to practice dentistry or dental hygiene, with reasonable and adequate safeguards for individual persons to redress any grievance by appeal or certiorari action taken to the district court from such revocation or suspension order by the board of dentistry; to adopt rules and regulations pertaining to the conduct of examinations for licensure; to fix the fees for such examinations, original licenses and renewals thereof within fixed and prescribed limits; to wholly finance its administration from license fees and to file a copy of its annual budget with the executive council.

1 Amend House File 218 as follows:

2 By striking all after the word "term" from line 13, section 1,
3 through the word "Association" in line 15 and by inserting in
4 lieu thereof the following: "The Iowa Dental Association may
5 submit a list of not less than six (6) licensed dentists to the
6 governor for his consideration in making an appointment to the
7 board".

8 By striking from lines 10 and 15, section 2, the word "secretary"
9 and by inserting in lieu thereof the word "board". By striking
from

10 line 17, section 2, the words "executive council" and by inserting
11 in lieu thereof the words "commissioner of public health". By
12 striking all of lines 18 through 21, inclusive, section 2 and by
13 inserting in lieu thereof the following: "the commissioner, which
14 reports shall be open for public inspection."

15 By striking the first sentence of section 3. By striking lines
16 6 through 10, inclusive, of section 3.

17 By striking lines 5 and 6, section 4, and by inserting in lieu
18 thereof the word "fund." By striking from section 4 all after the
19 period in line 11 through the period in line 19, inclusive.

20 By striking from line 4, section 6, the word "secretary" and
21 by inserting in lieu thereof the word "board".

22 By striking from lines 3 and 4, section 7, the words "and
23 secretary".

24 By striking from line 18, section 8, the word "secretary"
25 and by inserting in lieu thereof the word "board".

26 By striking from lines 3, 8 and 9, section 11, the words "the
27 secretary of".

28 By striking all of lines 1 through 5, inclusive, section 12,
29 and by inserting in lieu thereof the following: "The state board
of

30 dentistry and all persons employed to administer this Act shall be
31 included within the state department of health. The funds to
32 administer this Act shall be included in the budget of the depart-
33 ment of health and included in such department's appropriation,
34 except that such funds shall be appropriated from the board of
35 dentistry fund. The board".

36 By inserting in line 1, section 25, after the word "hearing"
37 the words ", which shall be confidential unless the applicant
38 requests it be a public one,".

39 By inserting in line 5, section 31, after the word "all" the
word

40 "material".

41 By striking all of line 33, section 32, and by renumbering the
42 remaining subsection.

43 By striking all of lines 10 through 13, inclusive, section 33,
44 and by inserting in lieu thereof the following:

45 "2. All employees needed to administer this Act shall be
46 appointed pursuant to the merit system." By striking from section

47 33 all after the period in line 27 through the period in line 29,
48 inclusive. By striking from line 39, section 33, the words "the
49 secretary of". By striking from line 56, section 33, the words
50 "or secretary".

As Adopted by the Senate.

House concurred 6-14

1 Amend House File 218 as follows:
2 1. Amend section four (4) by striking everything
3 after the word "shall" in line three (3), and substituting
4 in lieu thereof the words "credit such fees to the
5 general fund of the state."
6 2. Amend section twelve (12) as follows:
7 a. By striking everything up to and including
8 the word "Act." in line eight (8).
9 b. By striking from line eight (8) the word
10 "herein".
11 c. By inserting after the word "provided" in
12 lines eight (8) and nine (9) the words "in section
13 eleven (11) of this Act".

Filed - *See 4-11 Return to recorder book 4-11*
April 5, 1967

House
EDGINGTON of Franklin.

- 1 Amend House File 218 as follows:
- 2 1. Amend section one (1) by striking all after the word
- 3 "term" in line thirteen (13) through the word "Association"
- 4 in line fifteen (15).
- 5 2. Amend section two (2) as follows:
- 6 a. By striking from lines ten (10) and fifteen (15) the
- 7 word "secretary" and by inserting in lieu thereof the word
- 8 "board".
- 9 b. By striking from line seventeen (17) the words "execu-
- 10 tive council" and by inserting in lieu thereof the words
- 11 "commissioner of public health".
- 12 c. By striking all of lines eighteen (18) through twenty-
- 13 one (21), inclusive, and by inserting in lieu thereof the
- 14 following: "the commissioner, which reports shall be open
- 15 for public inspection."
- 16 3. Amend section three (3) as follows:
- 17 a. By striking the first sentence of such section.
- 18 b. By striking all of lines six (6) through ten (10),
- 19 inclusive.
- 20 4. Amend section four (4) as follows:
- 21 a. By striking all of lines five (5) and six (6) and by
- 22 inserting in lieu thereof the word "fund."
- 23 b. By striking all after the period (.) in line eleven
- 24 (11) through the period (.) in line nineteen (19), inclusive.
- 25 5. Amend section six (6) by striking from line four (4)
- 26 the word "secretary" and by inserting in lieu thereof the word
- 27 "board".
- 28 6. Amend section seven (7) by striking from lines three
- 29 (3) and four (4) the words "and secretary".
- 30 7. Amend section eight (8) as follows:
- 31 a. By striking from line three (3) the words "secretary of
- 32 the".
- 33 b. By striking from line eighteen (18) the word "secretary"
- 34 and by inserting in lieu thereof the word "board".
- 35 8. Amend section eleven (11) by striking from lines three
- 36 (3), eight (8) and nine (9) the words "the secretary of".
- 37 9. Amend section twelve (12) by striking all of lines one
- 38 (1) through five (5), inclusive, and by inserting in lieu
- 39 thereof the following:
- 40 "The state board of denistry and all persons employed to
- 41 administer this Act shall be included within the state de-
- 42 partment of health. The funds to administer this Act shall
- 43 be included in the budget of the department of health and
- 44 included in such department's appropriation, except that such
- 45 funds shall be appropriated from the board of denistry fund.
- 46 The board".
- 47 10. Amend section twenty-five (25) by inserting in line
- 48 one (1) after the word "hearing" the words ", which shall be
- 49 confidential unless the applicant requests it be a public
- 50 one,".
- 51 11. Amend section thirty-one (31) by inserting in line
- 52 five (5) after the word "all" the word "material".
- 53 12. Amend section thirty-two (32) by striking all of line
- 54 thirty-three (33) and by renumbering the remaining subsec-
- 55 tion.

56 13. Amend section thirty-three (33) as follows:
 57 a. By striking all of lines ten (10) through thirteen (13),
 58 inclusive, and by inserting in lieu thereof the following:
 59 "2. All employees needed to administer this Act shall be
 60 appointed pursuant to the merit system."
 61 b. By striking all after the period (.) in line twenty-
 62 seven (27) through the period (.) in line twenty-nine (29),
 63 inclusive.
 64 c. By striking from line thirty-nine (39) the words "the
 65 secretary of".
 66 d. By striking from line fifty-six (56) the words "or
 67 secretary".

Filed - adopted & amended 6-8
May 25, 1967

By COMMITTEE ON GOVERNMENTAL
AFFAIRS

1 Amend the Committee Amendment to House File 218
 2 by striking subparagraph A of Section Seven (7).

Filed - adopted 6-8
June 1, 1967

By GAUDINEER

1 Amend section 1 of the Committee Amendment to House
 2 File 218 by adding after the figure "(15)" in line 4 the
 3 following:
 4 "and by inserting in lieu thereof the following:
 5 'The Iowa Dental Association may submit a list of not
 6 less than six (6) licensed dentists to the governor for his
 7 consideration in making an appointment to the Board'".

Filed - adopted 6-8
June 1, 1967

By STANLEY