

Case 5712 (Iowa, 87)  
Amended 5/15/88 by Senate (p. 1416)

FILED MAR 2 1988

SENATE FILE 2274  
BY COMMITTEE ON HUMAN RESOURCES  
(formerly 55B 2049)  
(formerly 5-78)

Passed Senate, Date 3/10/88 (p. 1416) Passed House, Date 3/10/88 (p. 1416)  
Vote: Ayes 43 Nays 0 Vote: Ayes 75 Nays 0

Approved April 27, 1988  
4/2/88 (p. 1223)  
45-0

A BILL FOR

1 An Act to allow the board of dental examiners to revoke or  
2 suspend a license of a licensee where the licensee has been  
3 disciplined in another state, territory, or country.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2274

1 Section 1. Section 153.34, Code 1987, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 13. For the conviction of a felony in the  
4 courts of this state or another state, territory, or country.  
5 Conviction as used in this subsection includes a conviction of  
6 an offense which if committed in this state would be a felony  
7 without regard to its designation elsewhere, and includes a  
8 finding or verdict of guilt made or returned in a criminal  
9 proceeding even if the adjudication of guilt is withheld or  
10 not entered. A certified copy of the final order or judgment  
11 of conviction or plea of guilty in this state or in another  
12 state constitutes conclusive evidence of the conviction.

13 NEW SUBSECTION. 14. For a violation of a law of this  
14 state, another state, or the United States, without regard to  
15 its designation as either a felony or misdemeanor, which law  
16 relates to the practice of dentistry.

17 NEW SUBSECTION. 15. The revocation or suspension of a  
18 license to practice dentistry or dental hygiene or other  
19 disciplinary action taken by a licensing authority of another  
20 state, territory, or country. A certified copy of the record  
21 or order of suspension, revocation, or disciplinary action is  
22 conclusive or prima facie evidence.

23 NEW SUBSECTION. 16. Knowingly aiding, assisting, pro-  
24 curing, or advising a person to unlawfully practice dentistry  
25 or dental hygiene.

26 NEW SUBSECTION. 17. For an adjudication of mental  
27 incompetence by a court of competent jurisdiction. Such  
28 adjudication shall automatically suspend a license for the  
29 duration of the license unless the board orders otherwise.

30 NEW SUBSECTION. 18. Inability to practice dentistry or  
31 dental hygiene with reasonable skill and safety by reason of  
32 illness, drunkenness, or excessive use of drugs, narcotics,  
33 chemicals, or other types of materials or as a result of a  
34 mental or physical condition. The board shall, upon probable  
35 cause, have authority to compel a dentist or a dental

1 hygienist to submit to a mental or physical examination by  
2 designated physicians. Failure of a dentist or a dental  
3 hygienist to submit to an examination shall constitute  
4 admission to the allegations made against the dentist or the  
5 dental hygienist and the finding of fact and decision of the  
6 board may be entered without the taking of testimony or  
7 presentation of evidence. At reasonable intervals, a dentist  
8 or a dental hygienist shall be afforded an opportunity to  
9 demonstrate that the dentist or the dental hygienist can  
10 resume the competent practice of dentistry or dental hygiene  
11 with reasonable skill and safety to patients.

12 EXPLANATION

13 The bill permits the board of dental examiners to revoke a  
14 license for disciplinary action in another state, territory,  
15 or country.

16 COMPANION TO LSB 7261DH  
17 SUCCESSOR TO SSB 2069 (LSB 7262DS)

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HOUSE AMENDMENT TO  
SENATE FILE 2274

S-5650

- 1 Amend Senate File 2274, as passed by the Senate, as  
2 follows:
- 3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 153.34, subsections 2 and 3,  
6 Code 1987, are amended by striking the subsections.  
7 Sec. 2. Section 153.34, subsection 9, Code 1987,  
8 is amended to read as follows:  
9 9. For ~~being-guilty-of~~ gross immorality or  
10 dishonorable or unprofessional conduct in the practice  
11 of dentistry or dental hygiene.  
12 Sec. 3. Section 153.34, subsection 12, Code 1987,  
13 is amended to read as follows:  
14 12. For ~~a-violation-of-any-provision-of-this~~  
15 ~~chapter, or for~~ being a party to or assisting in any  
16 violation of any provision of this chapter."  
17 2. Page 1, by striking line 16 and inserting the  
18 following: "relates to the practice of dentistry or  
19 dental hygiene. A certified copy of the final order  
20 or judgment of conviction or plea of guilty in this  
21 state or in another state constitutes conclusive  
22 evidence of the conviction."  
23 3. Page 1, by striking line 32 and inserting the  
24 following: "illness, drunkenness, or habitual or  
25 excessive use of drugs, intoxicants, narcotics,".  
26 4. By striking page 1, line 34 through page 2,  
27 line 7, and inserting the following: "mental or  
28 physical condition. At reasonable intervals following  
29 suspension or revocation under this subsection, a  
30 dentist".  
31 5. Title page, line 3, by inserting after the  
32 word "country" the following: ", and revising other  
33 provisions relating to the suspension and revocation  
34 of licenses by the board."  
35 6. By renumbering as necessary.

S-5650

Filed March 30, 1988

*Senate File 2274 (S.F. 2274)*

RECEIVED FROM THE HOUSE

SENATE FILE 2274

H-5815

1 Amend Senate File 2274, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

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9 9. For ~~being-guilty-of gross immorality or~~  
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12 Sec. 3. Section 153.34, subsection 12, Code 1987,  
13 is amended to read as follows:

14 12. For ~~a-violation-of-any-provision-of-this~~  
15 ~~chapter, or-for~~ being a party to or assisting in any  
16 violation of any provision of this chapter."

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32 word "country" the following: ", and revising other  
33 provisions relating to the suspension and revocation  
34 of licenses by the board."

35 6. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT  
BLANSHAN of Greene, Chairperson

H-5815 FILED MARCH 22, 1988

*Adopted 3/23/88 p. 1120*

SSB 2049

HUMAN RESOURCES: Carr. Chair; Coleman and Taylor

LSB

SENATE FILE *now* 2274  
BY (PROPOSED BOARD OF DENTAL  
EXAMINERS OF THE DEPART-  
MENT OF PUBLIC HEALTH BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act to allow the board of dental examiners to revoke or  
2 suspend a license of a licensee where the licensee has been  
3 disciplined in another state, territory, or country.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 hygienist to submit to a mental or physical examination by  
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6 board may be entered without the taking of testimony or  
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12 EXPLANATION

13 The bill permits the board of dental examiners to revoke a  
14 license for disciplinary action in another state, territory,  
15 or country.

16 BACKGROUND STATEMENT

17 SUBMITTED BY THE AGENCY

18 The purpose of this bill is to allow the Iowa board of  
19 dental examiners the authority to address a recently emerging  
20 problem relating to disciplinary action against licensees.

21 At the present time there are licensees who are licensed in  
22 Iowa and also licensed in other states. These licensees may  
23 be the subject of disciplinary action in other states and then  
24 move back to Iowa to practice dentistry. Under present law  
25 the Iowa board of dental examiners must allow these licensees  
26 who move back into Iowa to practice in this state despite the  
27 disciplinary action taken against them in the state where they  
28 formerly practiced. This bill would allow the board to  
29 address the problem of licensees seeking multiple licenses as  
30 a hedge against licensee discipline and moving from one state  
31 to another.

32 It is consistent with the recently enacted federal statute  
33 "Health Care Quality Act of 1986" which mandates the  
34 establishment of a central federal clearinghouse for  
35 information on licensee discipline. States shall be required



1 to report sanctions and malpractice judgments to this federal  
2 clearinghouse. The purpose of this federal statute is due to  
3 the increasing occurrence of malpractice and the need to  
4 improve the quality of medical care nationwide. Also its  
5 purpose is to address the need to restrict the ability of  
6 incompetent dentists who move from state to state without  
7 disclosure or discovery of the dentist's previous damaging or  
8 incompetent performance.

9 This proposed bill is consistent with and patterned after a  
10 corresponding provision in section 148.6, relating to the  
11 powers already possessed by the Iowa board of medical  
12 examiners as well as other examining boards.

13 COMPANION TO LSB 7261DE

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SENATE FILE 2274

AN ACT

TO ALLOW THE BOARD OF DENTAL EXAMINERS TO REVOKE OR SUSPEND A LICENSE OF A LICENSEE WHERE THE LICENSEE HAS BEEN DISCIPLINED IN ANOTHER STATE, TERRITORY, OR COUNTRY, AND REVISING OTHER PROVISIONS RELATING TO THE SUSPENSION AND REVOCATION OF LICENSES BY THE BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 153.34, subsections 2 and 3, Code 1987, are amended by striking the subsections.

Sec. 2. Section 153.34, subsection 9, Code 1987, is amended to read as follows:

9. For being-guilty-of gross immorality or dishonorable or unprofessional conduct in the practice of dentistry or dental hygiene.

Sec. 3. Section 153.34, subsection 12, Code 1987, is amended to read as follows:

12. For ~~a violation of any provision of this chapter~~ or for being a party to or assisting in any violation of any provision of this chapter.

Sec. 4. Section 153.34, Code 1987, is amended by adding the following new subsections:

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dental hygienist can resume the competent practice of dentistry or dental hygiene with reasonable skill and safety to patients.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2274, Seventy-second General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 27, 1988

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TERRY E. BRANSTAD  
Governor