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STATE GOVERNMENT

HOUSE FILE 144
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and JOCHUM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 1 An Act creating a board of dental hygiene examiners.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 144

1 Section 1. Section 147.13, subsection 8, Code 1997, is
2 amended to read as follows:

3 8. For dentistry ~~and-dental-hygiene~~, dental examiners.

4 Sec. 2. Section 147.13, Code 1997, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 19. For dental hygienists, dental hygiene
7 examiners.

8 Sec. 3. Section 147.14, Code 1997, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 17. For dental hygiene examiners, four
11 members licensed to practice dental hygiene, one member
12 licensed to practice dentistry who has supervised or worked in
13 collaboration with a dental hygienist for at least four out of
14 the immediately preceding five years, and two members not
15 licensed to practice dentistry or dental hygiene who shall
16 represent the general public. A majority of the members of
17 the board constitutes a quorum.

18 Sec. 4. Section 147.74, Code 1997, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 19A. A dental hygienist licensed under
21 chapter 153 may use the words "licensed dental hygienist"
22 after the person's name or signify the same by the use of the
23 letters "L.D.H." after the person's name.

24 Sec. 5. Section 147.80, subsection 11, Code 1997, is
25 amended to read as follows:

26 11. License to practice dental hygiene issued upon the
27 basis of an examination given by the board of dental hygiene
28 examiners, license to practice dental hygiene issued under a
29 reciprocal agreement, renewal of a license to practice dental
30 hygiene.

31 Sec. 6. Section 153.15, Code 1997, is amended to read as
32 follows:

33 153.15 DENTAL HYGIENISTS -- SCOPE OF TERM.

34 A licensed dental hygienist may perform those services
35 which are educational, therapeutic, and preventive in nature

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

15 Sec. 7. Section 153.15A, subsection 1, unnumbered
16 paragraph 1, Code 1997, is amended to read as follows:

17 In addition to requirements adopted by rule by the board of
18 dental hygienists, in order to obtain a license as a dental
19 hygienist, an applicant shall present evidence to the board of
20 both of the following:

21 Sec. 8. Section 153.23, Code 1997, is amended to read as
22 follows:

23 153.23 NOTICE OF INTENTION NOT TO RENEW LICENSE.

24 If, prior to the renewal of any license to practice
25 dentistry or dental hygiene, the board of dental examiners or
26 the board of dental hygiene examiners, respectively, is
27 informed upon oath or affirmation lawfully administered, that
28 any such applicant has during the term of the applicant's last
29 license or the last renewal thereof violated any of the
30 provisions of this chapter or chapter 147 or committed any of
31 the acts of unprofessional conduct as defined in this chapter,
32 or if any member of the board certifies in writing that the
33 member is credibly informed that such violation of law or act
34 of unprofessional conduct has been so committed by such
35 applicant, then the board shall notify such applicant, by

1 certified letter, with postage prepaid, mailed to the
2 applicant's address as shown by the records of said the board
3 that such information or certificate has come to the attention
4 of the board, and that on a day and hour specified the
5 applicant may appear before the board at such place stated in
6 such notice and show cause why said the license should be
7 renewed. In such event the renewal of such the license shall
8 not be made prior to the date so fixed and the making of such
9 a showing by the applicant.

10 Sec. 9. Section 153.24, Code 1997, is amended to read as
11 follows:

12 153.24 TIME AND PLACE OF HEARING.

13 The time and place of such hearing before the board of
14 dental examiners or the board of dental hygiene examiners
15 shall be open to public inspection at all reasonable hours.

16 Sec. 10. Section 153.25, Code 1997, is amended to read as
17 follows:

18 153.25 HEARING CONFIDENTIAL.

19 At such hearing, which shall be confidential unless the
20 applicant requests it be a public one, any person having
21 knowledge of the facts pertaining to the propriety of the
22 renewal of such license may testify thereto, and the
23 chairperson of the board of dental examiners or the board of
24 dental hygiene examiners is hereby empowered to and shall
25 administer oaths to all such persons offering testimony.

26 Sec. 11. Section 153.26, Code 1997, is amended to read as
27 follows:

28 153.26 REJECTION OF RENEWAL.

29 If at said the hearing, or upon appeal if taken as
30 hereinafter provided, it shall be established that the
31 applicant has theretofore failed to comply with all of the
32 provisions of this chapter or has during the term of the
33 license or the last renewal thereof committed any of the acts
34 of unprofessional conduct as defined in this chapter, then the
35 board of dental examiners or the board of dental hygiene

1 examiners shall reject such application and said the license
2 shall not be renewed except as hereinafter provided.

3 Sec. 12. Section 153.27, Code 1997, is amended to read as
4 follows:

5 153.27 MINUTES OF EVIDENCE.

6 The minutes of all evidence heard by the said board of
7 dental examiners or the board of dental hygiene examiners or
8 exhibits introduced at said the hearing for or against the
9 granting of said the application for license, together with
10 the order of the board granting or rejecting such application
11 for renewal of license, which shall be in writing, shall be
12 and become a part of the records of said the board and shall
13 be open to public inspection at all reasonable hours. Written
14 notice of said the order shall forthwith be mailed to the
15 applicant by the board.

16 Sec. 13. Section 153.28, Code 1997, is amended to read as
17 follows:

18 153.28 JUDICIAL REVIEW.

19 Judicial review of actions of the board of dental examiners
20 or the board of dental hygiene examiners may be sought in
21 accordance with the terms of the Iowa administrative procedure
22 Act.

23 Sec. 14. Section 153.29, Code 1997, is amended to read as
24 follows:

25 153.29 ORDER STANDS DURING REVIEW.

26 Notwithstanding the terms of the Iowa administrative
27 procedure Act, chapter 17A, the order of the board of dental
28 examiners or the board of dental hygiene examiners rejecting
29 such application, and refusing to renew such license, shall
30 remain in force and effect until such petition for judicial
31 review is finally determined and disposed of upon the merits
32 and no new or temporary license shall be issued to the
33 applicant pending such disposition.

34 Sec. 15. Section 153.30, Code 1997, is amended to read as
35 follows:

1 153.30 REINSTATEMENT -- EXAMINATION.

2 Any former licensee whose application for renewal of
3 license has been rejected by the board of dental examiners or
4 the board of dental hygiene examiners and who has not
5 successfully prosecuted a proceeding for judicial review
6 therefrom as herein provided shall not thereafter receive such
7 license or renewal thereof unless ~~same~~ such license or renewal
8 shall be granted by the board and upon payment of the renewal
9 fees then due. ~~Said~~ The board may require examination of the
10 former licensee, in which case the former licensee shall pay
11 the examination fees provided by law.

12 Sec. 16. Section 153.31, Code 1997, is amended to read as
13 follows:

14 153.31 FALSIFICATION IN APPLICATION FOR RENEWAL.

15 A license to practice either dentistry or dental hygiene
16 shall be revoked or suspended in the manner and upon the
17 grounds elsewhere provided in this chapter, and also when the
18 certificate accompanying the application of such licensee for
19 renewal of license filed with the board of dental examiners or
20 the board of dental hygiene examiners is not in all material
21 respects true.

22 Sec. 17. Section 153.33, unnumbered paragraph 1, Code
23 1997, is amended to read as follows:

24 Subject to the provisions of this chapter, any provision of
25 this subtitle to the contrary notwithstanding, the board of
26 dental examiners or the board of dental hygiene examiners
27 shall exercise the following powers:

28 Sec. 18. Section 153.34, unnumbered paragraph 1, Code
29 1997, is amended to read as follows:

30 The board of dental examiners or the board of dental
31 hygiene examiners may issue an order to discipline a licensed
32 dentist or dental hygienist for any of the grounds set forth
33 in this chapter, chapter 272C, or title IV. Notwithstanding
34 section 272C.3, licensee discipline may include a civil
35 penalty not to exceed ten thousand dollars. Pursuant to this

1 section, the board may discipline a licensee for any of the
2 following reasons:

3 Sec. 19. NEW SECTION. 153.34A REFERENCES TO BOARDS.

4 All references to "board" within this chapter refer to the
5 board of dental examiners for dentists and to the board of
6 dental hygiene examiners for dental hygienists. The board of
7 dental hygiene examiners shall act only on matters pertaining
8 to dental hygienists, the licensure, discipline, and education
9 of dental hygienists, and the practice of dental hygiene.

10 Sec. 20. Section 272C.1, subsection 6, Code 1997, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. cc. The board of dental hygiene examiners,
13 created pursuant to chapter 147.

14 Sec. 21. CURRENT RULES AND LICENSES.

15 1. All rules pertaining to dental hygiene and dental
16 hygienists in force at the time the board of dental hygiene
17 examiners is created shall remain in force and be enforced by
18 the board of dental hygiene examiners until amended or
19 repealed by the board of dental hygiene examiners.

20 2. All persons holding a valid dental hygiene license
21 granted under the authority of the board of dental examiners
22 shall continue to hold such license for its term unless
23 revoked or suspended by the board of dental hygiene examiners
24 pursuant to this chapter.

25 **EXPLANATION**

26 This bill creates a board of dental hygiene examiners
27 separate and distinct from the board of dental examiners. The
28 board of dental hygiene examiners replaces the board of dental
29 examiners as the regulating and licensing board for the
30 practice of dental hygiene.

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