

**Senate File 2233 - Introduced**

SENATE FILE 2233  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3069)

**A BILL FOR**

1 An Act relating to the regulation of dental hygienists and  
2 dental assistants, and the practice of dentistry, and  
3 providing administrative penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 153.15, Code 2020, is amended to read as  
2 follows:

3 **153.15 Dental hygienists — scope of term.**

4 A licensed dental hygienist may perform those services  
5 which are educational, therapeutic, and preventive in nature  
6 which attain or maintain optimal oral health as determined by  
7 the board and may include but are not necessarily limited to  
8 complete oral prophylaxis, application of preventive agents  
9 to oral structures, exposure and processing of radiographs,  
10 administration of medicaments prescribed by a licensed  
11 dentist, obtaining and preparing nonsurgical, clinical and  
12 oral diagnostic tests for interpretation by the dentist, and  
13 preparation of preliminary written records of oral conditions  
14 for interpretation by the dentist. Such services, except  
15 educational services, shall be performed under supervision of a  
16 licensed dentist ~~and in a dental office, a public or private~~  
17 ~~school, public health agencies, hospitals, and the armed~~  
18 ~~forces~~, but nothing herein shall be construed to authorize  
19 a dental hygienist to practice dentistry. Educational  
20 services shall be limited to assessing the need for, planning,  
21 implementing, and evaluating oral health education programs  
22 for individual patients and community groups; and conducting  
23 workshops and in-service training sessions on dental health  
24 for nurses, school personnel, institutional staff, community  
25 groups, and other agencies providing consultation and technical  
26 assistance for promotional, preventive, and educational  
27 services.

28 Sec. 2. Section 153.33, Code 2020, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 5. a. The board may impose an  
31 administrative penalty of up to five hundred dollars on a  
32 licensee, registrant, or trainee of the board who does any of  
33 the following:

34 (1) Engages in a practice regulated by this chapter without  
35 a current license, registration, permit, or qualification.

1 (2) Employs a person without a current license,  
2 registration, permit, or qualification to engage in a practice  
3 regulated by this chapter.

4 (3) Fails to complete the continuing education required for  
5 renewal of a license or registration.

6 *b.* The assessment and payment of a penalty imposed pursuant  
7 to paragraph "a" shall not be considered a disciplinary action  
8 or reported as discipline and shall be confidential.

9 *c.* A licensee, registrant, or trainee may contest a penalty  
10 issued pursuant to paragraph "a" by initiating a contested case  
11 proceeding pursuant to chapter 17A.

12 *d.* This section shall not prohibit the board from imposing  
13 discipline on a licensee, registrant, or trainee for willful  
14 or repeated violations.

15 *e.* An administrative penalty collected pursuant to this  
16 subsection shall be deposited into the general fund of the  
17 state.

18 Sec. 3. Section 153.38, Code 2020, is amended to read as  
19 follows:

20 **153.38 Dental assistants — scope of practice.**

21 A registered dental assistant may perform those services of  
22 assistance to a licensed dentist as determined by the board  
23 by rule. ~~Such services~~ A registered dental assistant with  
24 additional education and training, as provided by the board  
25 by rule, may become certified to perform expanded functions  
26 or become qualified to participate in dental radiography. A  
27 registered dental assistant who has successfully completed  
28 expanded function training through the university of Iowa  
29 college of dentistry or a program certified by the commission  
30 on dental accreditation may place dental sealants on teeth.  
31 Services performed by a registered dental assistant shall be  
32 performed under supervision of a licensed dentist ~~in a dental~~  
33 ~~office, a public or private school, public health agencies,~~  
34 ~~hospitals, and the armed forces,~~ this section shall not  
35 be construed to authorize a dental assistant to practice

1 dentistry or dental hygiene. The board shall not adopt rules  
2 that delegate to a dental assistant the administration of  
3 local anesthesia or the removal of plaque, stain, calculus, or  
4 hard natural material except by toothbrush, floss, or rubber  
5 cup coronal polish. Every licensed dentist who utilizes the  
6 services of a registered dental assistant for the purpose of  
7 assistance in the practice of dentistry shall be responsible  
8 for acts delegated to the registered dental assistant. A  
9 dentist shall delegate to a registered dental assistant only  
10 those acts which are authorized to be delegated to registered  
11 dental assistants by the board.

12 Sec. 4. REPEAL. 2000 Iowa Acts, chapter 1002, section 7,  
13 is repealed.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the practice of dentistry. The bill  
18 removes the requirement that services performed by a dental  
19 hygienist or dental assistant be performed in a dental office,  
20 public or private school, public health agency, hospital, or  
21 armed forces. The bill allows the dental board to impose an  
22 administrative penalty of up to \$500 on licensees, registrants,  
23 and trainees who engage in the practice of dentistry or employ  
24 a person to engage in the practice of dentistry without the  
25 proper license, registration, permit, or qualification, or  
26 who fail to meet continuing education requirements. Such  
27 administrative penalties are not disciplinary actions, may  
28 be contested through a contested case proceeding under Code  
29 chapter 17A, and shall be deposited into the general fund of  
30 the state.

31 The bill allows a dental assistant with additional training  
32 to perform expanded functions and participate in dental  
33 radiography. The bill prohibits a dental assistant from  
34 placing sealants on teeth unless the dental assistant has  
35 completed expanded function training through the university

1 of Iowa college of dentistry or a program accredited by the  
2 commission on dental accreditation. The bill prohibits the  
3 dental board from adopting rules allowing a dental assistant to  
4 administer local anesthesia or remove plaque, stain, calculus,  
5 or hard natural material except by use of a toothbrush, floss,  
6 or rubber cup coronal polish.

7 The bill repeals a section of the 2000 Iowa Acts reflecting  
8 the intent of the general assembly that the board of dental  
9 examiners, replaced by the dental board, adopt rules regarding  
10 the scope of practice of dental assistants.