

BEFORE THE IOWA DENTAL BOARD

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| In the Matter of the Petition for Waiver by: Mariam Mikhail, D.D.S. Petitioner. | ORDER DENYING WAIVER |
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Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code rule 481—6, the Dental Board (“Board”) makes the following ruling on the Petition for Waiver submitted by Mariam Mikhail, D.D.S. (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner completed her dental education at Alexandria University in Egypt in 2002.
2. Petitioner has applied for a dentist position with a community health center in Iowa.
3. Petitioner seeks to waive Iowa Administrative Code chapter **481 – 572.4(1)(a)(3)** which states “applications for licensure of graduates of foreign dental schools shall include the following:
 - a. Evidence of successful completion of dental education that is substantially equivalent to a DDS or DMD degree issued by an accredited school.
 - (3) Results of a formal evaluation of the applicant’s foreign dental education by a board-approved professional credentialing organization. The results of the evaluation must indicate that the nonaccredited dental education completed was substantially equivalent to that of an accredited dental school.”
4. Petitioner obtained an equivalency evaluation that indicates her dental education is equivalent to five years of study in a dentistry program, but is not equivalent to a DMD or DDS.
5. The Board considered the Petition for Waiver at a board meeting on January 23, 2026.

APPLICABLE LAW

6. Pursuant to Iowa Administrative Code chapter 481—6.1(3), the Board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

- a. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
 - b. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
 - c. The provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and
 - d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.
7. “The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant a waiver from a board rule.” 481 IAC 6.1(8)(b).
8. The Board's rules provide “The final decision on whether the circumstances justify the granting of a waiver is at the discretion of the department upon consideration of all relevant factors. Each petition for a waiver will be evaluated by the department based on the unique, individual circumstances set out in the petition.” 481 IAC 6.1(8)(a).
9. “A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.” 481 IAC 6.1(8)(f).

ANALYSIS OF WAIVER CRITERIA

Whether the application of the rule would create an undue hardship on the person for whom the waiver is requested:

- 10. Application of the rule (requiring full CODA educational equivalency required by rule) would not cause undue hardship as this is what is required by rule of all graduates of foreign dental schools when applying based on credentials.

Whether the waiver from the requirements of the rule in the specific case would prejudice the substantial legal rights of any person:

- 11. Waiving the requirements of the rule would not prejudice the substantial legal rights of any other person.

Whether the provision of the rule subject to the petition for waiver is not specifically mandated by another provision of law:

- 12. The requirement found in the Board’s administrative rule is not specifically mandated by statute.

Whether substantially equal protection of the public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver

is requested:

13. The public health, safety, and welfare will not be afforded by other means if this waiver is granted. The rule requiring evidence of successful completion of a dental education that is substantially equivalent to a DDS or DMD degree issued by an accredited school is necessary to ensure the public health, safety, and welfare is maintained.

**PETITIONER HAS NOT MET THE CRITERIA TO
WAIVE RULE 481 IAC 572.4(1)(a)(3).**

Upon review of the Petition, the Board finds that Petitioner has not satisfied the four criteria for waiver of the requirements in 481 IAC 572.4(1)(a)(3).

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of 481 IAC 572.4(1)(a)(3) is DENIED.

Issued February 9, 2026.



Dr. James Nemmers, D.D.S.
Chairperson
Iowa Dental Board

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