

BEFORE THE IOWA DENTAL BOARD

In the Matter of the Petition for Waiver by: Yacell Del Toro, D.D.S. Petitioner.	ORDER DENYING WAIVER
---	-----------------------------

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 Yacell Del Toro, D.D.S. (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner completed her dental education at the University of Medical Sciences of Santiago de Cuba in 1996. Petitioner received a Master’s Degree in Periodontics from the Institute of Medical Sciences of Santiago de Cuba in 2008.
2. 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.”
3. Petitioner obtained an equivalency evaluation through WES and ECE that indicate her dental education is equivalent to five years of CODA equivalent education in the United States, but the administrative rules require education to be equivalent to a DDS or DMD degree. Petitioner obtained a more recent evaluation through Validental that indicates her dental education is equivalent to a DDS, but Validental is not a Board-approved education equivalency evaluation provider.
4. The Board considered the Petition for Waiver at board meetings on April 3, 2026 and April 29, 2026.

APPLICABLE LAW

5. 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.
6. “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).
7. 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).
8. “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:

9. 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:

10. 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:

11. 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:

12. The public health, safety, and welfare will not be afforded by other means if this waiver is granted. The rule requiring proof of full CODA equivalency of a foreign dental school through an approved agency 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) due to the lack of equivalency to a DDS or DMD degree through a Board-approved agency.

ORDER

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

Issued April 29, 2026.



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

Copy to:
Katrina Phillip
Assistant Attorney General
Iowa Department of Justice
Office of the Iowa Attorney General
1305 E. Walnut Street, 2nd Floor
Des Moines, Iowa 50309
katrina.phillip@ag.iowa.gov