

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

In the Matter of the Petition for Waiver by: Maria Castaneda 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 Maria Castaneda (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner completed her dental hygiene education in Texas in 2022 and has worked in Iowa since 2024 as a dental hygienist.
2. Petitioner has not performed the administration of local anesthetic in her work as a dental hygienist because Texas does not allow hygienists to administer local anesthetic and she has not therefore had any experience in applying local anesthetic in her practice.
3. Petitioner specifically seeks to waive Iowa Administrative Code chapter **481 – 572.10(1)(b)(3)** which states that applications for a local anesthesia permit must include evidence that the applicant meets one of the following requirements:
 - (1) Successful completion, within the previous 36 months, of formal training in the administration of local anesthesia that includes training in block and infiltration anesthesia at an accredited school or other training program approved by the dental hygiene committee;
 - (2) Successful completion, within the previous 36 months, of a clinical examination in the administration of local anesthesia by a testing center approved by the board in accordance with rule 481—572.14(147,153); or
 - (3) **For applicants who completed training or examination more than 36 months prior to application, evidence of formal training in the administration of local anesthesia and a statement attesting to ongoing practice within the previous 36 months in the administration of local anesthesia in another state or jurisdiction that authorizes a dental hygienist to administer local anesthesia.**
4. The Board considered the Petition for Waiver at a board meeting on June 12, 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 Petitioner to have the requisite formal training or clinical examination to apply local anesthetic) would not cause undue hardship as this is what is required by rule of all applicants when seeking a license to apply local anesthetic and does not unduly burden this particular applicant.

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 formal training or clinical examination to apply local anesthetic is necessary to ensure the public health, safety, and welfare is maintained.

**PETITIONER HAS NOT MET THE CRITERIA TO
WAIVE RULE 481 IAC 572.10(1)(b)(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 572.10(1)(b)(3) due to lack of formal training or clinical examination.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of 481 IAC 572.10(1)(b)(3) is DENIED.

Issued June 12, 2026.



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

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