

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

In the Matter of the Petition for Waiver by: Nithula Mariam Jose, D.D.S. Petitioner.	ORDER GRANTING 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 Nithula Mariam Jose, D.D.S. (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner graduated from the Rungta College of Dental Sciences & Research in India in 2018. Petitioner then practiced dentistry in India until August 2023 when she relocated to the United States.
2. Petitioner also received a Masters Degree in Population Health Informatics from The City University of New York in May 2023. She was actively practicing dentistry in India while obtaining this degree.
3. Petitioner remained actively engaged in the dental field after relocating to the United States by working as a dental assistant.
4. Petitioner is now seeking to obtain an Iowa resident license.
5. Petitioner specifically seeks to waive Iowa Administrative Code chapter **481 – 572.8(2)(e)** which states: Applicants for a resident license are exempt from providing evidence of current CPR certification. Applications for resident license must include the following:
 - e. Clinical experience or assessment as evidenced by one of the following:
 - (1) The applicant has practiced clinically in another state, district, territory or country within three years of the date of application; or
 - (2) The applicant has successfully completed a clinical examination or assessment within three years of the date of application to demonstrate ongoing clinical competency
6. The Board considered the Petition for Waiver at a board meeting on June 12, 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, if read to require practice of dentistry in another country for the entire three years prior to application, would cause undue hardship as Applicant would be denied a resident license despite demonstrating a continuation of practicing dentistry in India until September 2023 and then as a dental assistant in the United States since that time. In the alternative to show competency, the applicant could take a clinical exam. This would also cause undue hardship as she could not take an exam prior to the residency beginning.

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 be afforded by other means if this waiver is granted. The rule requiring evidence of continued practice in the 36 months or a clinical exam in order to obtain an Iowa resident license is meant to ensure the applicant is competent to practice safely in Iowa. Applicant here has demonstrated this via her continuation of practice, her dental education, and the fact she will be fully supervised as a resident at the University of Iowa College of Dentistry.

**PETITIONER HAS MET THE CRITERIA TO
WAIVE RULE 481 IAC 572.8(2)(e)**

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver of the requirements in 481 IAC 572.8(2)(e) for the reasons stated above.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of 481 IAC 572.8(2)(e) is APPROVED.

Issued June 22, 2026.



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

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