

**153.33 Powers of board.**

1. Subject to the provisions of [this chapter](#), any provision of [this subtitle](#) to the contrary notwithstanding, the board shall exercise the following powers:

a. (1) To initiate investigations of and conduct hearings on all matters or complaints relating to the practice of dentistry, dental hygiene, or dental assisting or pertaining to the enforcement of any provision of [this chapter](#), to provide for mediation of disputes between licensees or registrants and their patients when specifically recommended by the board, to revoke or suspend licenses or registrations, or the renewal thereof, issued under this or any prior chapter, to provide for restitution to patients, and to otherwise discipline licensees and registrants.

(2) Subsequent to an investigation by the board, the board may appoint a disinterested third party to mediate disputes between licensees or registrants and patients. Referral of a matter to mediation shall not preclude the board from taking disciplinary action against the affected licensee or registrant.

b. To appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provisions of law relating to those persons licensed to practice dentistry and dental hygiene, and persons registered as dental assistants. The amount of compensation for the investigators shall be determined pursuant to [chapter 8A, subchapter IV](#). Investigators authorized by the board have the powers and status of peace officers when enforcing [this chapter](#) and [chapters 147 and 272C](#).

c. To initiate in its own name or cause to be initiated in a proper court appropriate civil proceedings against any person to enforce the provisions of [this chapter](#) or [this subtitle](#) relating to the practice of dentistry, and the board may have the benefit of counsel in connection therewith. Any such judicial proceeding as may be initiated by the board shall be commenced and prosecuted in the same manner as any other civil action and injunctive relief may be granted therein without proof of actual damage sustained by any person but such injunctive relief shall not relieve the person so enjoined from criminal prosecution by the attorney general or county attorney for violation of any provision of [this chapter](#) or [this subtitle](#) relating to the practice of dentistry.

d. To adopt rules regarding infection control in dental practice which are consistent with standards of the federal Occupational Safety and Health Act of 1970, 29 U.S.C. §651 – 678, and recommendations of the centers for disease control.

e. To promulgate rules as may be necessary to implement the provisions of [this chapter](#).

2. All employees needed to administer [this chapter](#) except the executive director shall be appointed pursuant to the merit system. The executive director shall be appointed pursuant to [section 135.11B](#) and shall be exempt from the merit system provisions of [chapter 8A, subchapter IV](#).

3. In any investigation made or hearing conducted by the board on its own motion, or upon written complaint filed with the board by any person, pertaining to any alleged violation of [this chapter](#) or the accusation against any licensee or registrant, the following procedure and rules so far as material to such investigation or hearing shall obtain:

a. The accusation of such person against any licensee or registrant shall be reduced to writing, verified by some person familiar with the facts therein stated, and three copies thereof filed with the board.

b. If the board finds the charges sufficient, if true, to warrant suspension or revocation of license or registration, the board shall issue an order fixing a time and place for hearing and requiring the licensee or registrant to appear and answer to the charges. The order, together with a copy of the charges, shall be served upon the accused at least twenty days before the date fixed for hearing, either personally or by certified or registered mail, sent to the licensee's or registrant's last known post office address as shown by the records of the board.

c. At the time and place fixed in said notice for said hearing, or at any time and place to which the said hearing shall be adjourned, the board shall hear the matter and may take evidence, administer oaths, take the deposition of witnesses, including the person accused, in the manner provided by law in civil cases, compel the appearance of witnesses before it in person the same as in civil cases by subpoena issued over the signature of the chairperson

of the board and in the name of the state of Iowa, require answers to interrogatories, and compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation or relating to the hearing.

d. In all investigations and hearings pertaining to the suspension or revocation of licenses or registrations, the board and any person affected may have the benefit of counsel. Upon the request of the licensee or registrant or the licensee's or registrant's counsel, the board shall issue subpoenas for the attendance of witnesses in behalf of the licensee or registrant. The subpoenas when issued shall be delivered to the licensee or registrant or the licensee's or registrant's counsel. Such subpoenas for the attendance of witnesses shall be effective if served upon the person named in the subpoena anywhere within this state, provided that, at the time of such service, the fees provided by law for attendance of witnesses in civil cases in district court are paid or tendered to the person.

e. In case of disobedience of a subpoena lawfully served under [this subsection](#), the board or any party to such hearing aggrieved thereby may invoke the aid of the district court in the county where the hearing is being conducted to require the attendance and testimony of such witnesses. The district court of the county within which the hearing is being conducted may, in case of contumacy or refusal to obey the subpoena, issue an order requiring the person to appear before the board, and, if so ordered, to give evidence touching the matter involved in the hearing. Any failure to obey such order of the court may be punished by the court as contempt.

f. If the licensee or registrant pleads guilty, or after hearing is found guilty by the board of any of the charges made, the board may suspend for a limited period or revoke the license or registration, and the last renewal of the license or registration, and shall enter the order on its records. The board shall notify the accused of the revocation or suspension of the person's license or registration, as the case may be, and the person shall immediately surrender that license or registration to the board. Any person whose license or registration has been revoked or suspended shall not practice dentistry, dental hygiene, or dental assisting within this state while the revocation or suspension is in force and effect.

g. The findings of fact made by the board acting within its power shall, in the absence of fraud, be conclusive, but the district court shall have power to review questions of law involved in any final decision or determination of the board if application is made by the aggrieved party within thirty days after such determination by certiorari, mandamus, or such other method of review or appeal permitted under the laws of this state, and to make such further orders in respect thereto as justice may require.

h. Pending the review and final disposition thereof by the district court, the action of the board suspending or revoking such license or registration shall not be stayed.

4. An inspector may be appointed by the dental board pursuant to the provisions of [chapter 8A, subchapter IV](#).

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

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

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

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

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

c. A licensee, registrant, or trainee may contest a penalty issued pursuant to paragraph "a" by initiating a contested case proceeding pursuant to [chapter 17A](#).

d. [This subsection](#) shall not prohibit the board from imposing discipline on a licensee, registrant, or trainee for willful or repeated violations.

e. An administrative penalty collected pursuant to [this subsection](#) shall be deposited into the general fund of the state.

[C71, 73, 75, 77, 79, 81, §153.33]

90 Acts, ch 1112, §1; 92 Acts, ch 1121, §2; 93 Acts, ch 41, §2; 2002 Acts, ch 1108, §19, 20; 2003 Acts, ch 44, §38, 39; 2003 Acts, ch 145, §200; 2007 Acts, ch 10, §136; 2009 Acts, ch 41, §263; 2009 Acts, ch 133, §192; 2015 Acts, ch 36, §1; 2016 Acts, ch 1073, §61; 2017 Acts, ch 29, §43; 2019 Acts, ch 85, §62; 2020 Acts, ch 1018, §2; 2021 Acts, ch 80, §85, 86

Referred to in §272C.5