

## CHAPTER 153

## DENTISTRY

Referred to in [§135.24](#), [135.61](#), [135B.7](#), [135P1](#), [147.76](#), [147.136A](#), [272C.2C](#), [514.17](#), [514J.102](#), [714H.4](#)

Penalty, [§147.86](#)

Licensing board and support staff; location, meetings, and powers; see [§135.11A](#) – [135.12](#), [135.31](#)

153.1	through 153.11	Reserved.	153.25	through 153.30	Reserved.
153.12	Board defined.		153.31	Falsification in application for renewal.	
153.13	“Practice of dentistry” defined.		153.32	Unprofessional conduct.	
153.14	Persons not included.		153.33	Powers of board.	
153.15	Dental hygienists — scope of term.		153.33A	Dental hygiene committee.	
153.15A	Dental hygienists — license requirements, renewal.		153.33B	Executive director — duties.	
153.16	Dental office where dentist is employed.		153.34	Discipline.	
153.17	Unlawful practice.		153.35	Construction rule.	
153.18	Employment of unlicensed dentist.		153.36	Exceptions to other statutes.	
153.19	Temporary permit — fees.		153.37	Dental college and dental hygiene program faculty permits.	
153.20	Drugs, medicine, and surgery.		153.38	Dental assistants — scope of practice.	
153.21	License by credentials.		153.39	Dental assistants — registration requirements, renewal, revocation, or suspension.	
153.22	Resident license.		153.40	Reserved.	
153.23	Retired volunteer license.				
153.24	Orthodontia-related services.				

**153.1 through 153.11** Reserved.

**153.12 Board defined.**

As used in [this chapter](#), “board” means the dental board created under [chapter 147, 2007 Acts, ch 10, §132](#); [2007 Acts, ch 218, §204](#)

**153.13 “Practice of dentistry” defined.**

For the purpose of this subtitle the following classes of persons shall be deemed to be engaged in the practice of dentistry:

1. Persons publicly professing to be dentists, dental surgeons, or skilled in the science of dentistry, or publicly professing to assume the duties incident to the practice of dentistry.

2. Persons who perform examination, diagnosis, treatment, and attempted correction by any medicine, appliance, surgery, or other appropriate method of any disease, condition, disorder, lesion, injury, deformity, or defect of the oral cavity and maxillofacial area, including teeth, gums, jaws, and associated structures and tissue, which methods by education, background experience, and expertise are common to the practice of dentistry.

3. Persons who offer to perform, perform, or assist with any phase of any operation incident to tooth whitening, including the instruction or application of tooth whitening materials or procedures at any geographic location. For purposes of [this subsection](#), “tooth whitening” means any process to whiten or lighten the appearance of human teeth by the application of chemicals, whether or not in conjunction with a light source.

[S13, §2600-o; C24, 27, 31, 35, 39, §2565; C46, 50, 54, 58, 62, 66, §153.1; C71, 73, 75, 77, 79, 81, §153.13]

[96 Acts, ch 1147, §1](#); [2009 Acts, ch 56, §5, 13](#)

Referred to in [§153.14](#)

**153.14 Persons not included.**

[Section 153.13](#) shall not be construed to include the following classes:

1. Students of dentistry who practice dentistry upon patients at clinics in connection with their regular course of instruction at an accredited dental college, students of dental hygiene who practice upon patients at clinics in connection with their regular course of instruction at state-approved schools, and students of dental assisting who practice upon patients at clinics

in connection with a regular course of instruction determined by the board pursuant to [section 153.39](#).

2. Licensed physicians and surgeons or licensed osteopathic physicians and surgeons who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their profession.

3. Persons licensed to practice dental hygiene who are exclusively engaged in the practice of said profession.

4. Dentists and dental hygienists who are licensed in another state and who are active or reserve members of the United States military service when acting in the line of duty in this state.

5. Persons registered to practice as a dental assistant.

1, 2. [S13, §2600-1, -o; C24, 27, 31, 35, 39, §2566; C46, 50, 54, 58, 62, 66, §153.2; C71, 73, 75, 77, 79, 81, §153.14]

3. [C24, 27, 31, 35, 39, §2566; C46, 50, 54, 58, 62, 66, §153.2; C71, 73, 75, 77, 79, 81, §153.14]

[89 Acts, ch 63, §1](#); [95 Acts, ch 16, §1](#); [2000 Acts, ch 1002, §3, 4](#); [2007 Acts, ch 10, §133](#); [2009 Acts, ch 133, §57](#); [2011 Acts, ch 129, §86, 156](#); [2021 Acts, ch 76, §37](#)

#### **153.15 Dental hygienists — scope of term.**

1. A licensed dental hygienist may perform those services which are educational, therapeutic, and preventive in nature which attain or maintain optimal oral health as determined by the board. Services may include but are not necessarily limited to the following:

- a. Complete oral prophylaxis.
- b. Application of preventive agents to oral structures.
- c. Exposure and processing of radiographs.
- d. Administration of medicaments prescribed by a licensed dentist.
- e. Obtaining and preparing nonsurgical, clinical and oral diagnostic tests for interpretation by the dentist.
- f. Preparation of preliminary written records of oral conditions for interpretation by the dentist.

2. Such services, except educational services, shall be performed under supervision of a licensed dentist but nothing in [this section](#) shall be construed to authorize a dental hygienist to practice dentistry.

3. Educational services shall be limited to the following:

a. Assessing the need for, planning, implementing, and evaluating oral health education programs for individual patients and community groups.

b. Conducting workshops and in-service training sessions on dental health for nurses, school personnel, institutional staff, community groups, and other agencies providing consultation and technical assistance for promotional, preventive, and educational services.

[C24, 27, 31, 35, 39, §2571; C46, 50, 54, 58, 62, 66, §153.7; C71, 73, 75, 77, 79, 81, §153.15]

[2007 Acts, ch 10, §134](#); [2017 Acts, ch 41, §1](#); [2020 Acts, ch 1018, §1](#); [2021 Acts, ch 80, §83](#)

Referred to in [§153.23](#)

#### **153.15A Dental hygienists — license requirements, renewal.**

1. In addition to requirements adopted by rule by the board, in order to obtain a license as a dental hygienist, an applicant shall present evidence to the board of both of the following:

a. That the applicant possesses a degree or certificate of graduation from a college, university, or institution of higher education, accredited by a national agency recognized by the council on higher education accreditation or the United States department of education, in a program of dental hygiene with a minimum of two academic years of curriculum.

b. That the applicant possesses a valid certificate in a nationally recognized course in cardiopulmonary resuscitation.

2. In order to renew a license as a dental hygienist, a licensee shall furnish evidence of

valid annual certification for cardiopulmonary resuscitation which shall be credited toward the licensee's continuing education requirement.

92 Acts, ch 1121, §1; 2016 Acts, ch 1011, §37

#### **153.16 Dental office where dentist is employed.**

Every person who owns, operates, or controls a dental office in which anyone other than that person is practicing dentistry shall display the name of the other person in a conspicuous manner at the public entrance to said office.

[S13, §2600-o1; C24, 27, 31, 35, 39, §2568; C46, 50, 54, 58, 62, 66, §153.4; C71, 73, 75, 77, 79, 81, §153.16]

#### **153.17 Unlawful practice.**

Except as otherwise provided in [this chapter](#), it shall be unlawful for any person to practice dentistry or dental surgery or dental hygiene in this state, other than:

1. Those who are now duly licensed dentists, under the laws of this state in force at the time of their licensure; and

2. Those who are now duly licensed dental hygienists under the laws of this state in force at the time of their licensure; and

3. Those who may hereafter be duly licensed as dentists or dental hygienists pursuant to the provisions of [this chapter](#).

[C71, 73, 75, 77, 79, 81, §153.17]

2021 Acts, ch 80, §84

#### **153.18 Employment of unlicensed dentist.**

No person owning or conducting any place where dental work of any kind is done or contracted for, shall employ or permit any unlicensed dentist to practice dentistry in said place.

[S13, §2600-o2; C24, 27, 31, 35, 39, §2569; C46, 50, 54, 58, 62, 66, §153.5; C71, 73, 75, 77, 79, 81, §153.18]

#### **153.19 Temporary permit — fees.**

1. The board may, in its discretion, issue a temporary permit authorizing the permit holder to practice dentistry or dental hygiene in a specific location or locations and for a specified period of time if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the permit, which shall be substantially equivalent to those required for licensure under [this chapter](#). The board shall determine in each instance those eligible for this permit, whether or not examinations shall be given, and the type of examinations. None of the requirements for regular licensure under [this chapter](#) are mandatory for a temporary permit except as specifically designated by the board. The issuance of a temporary permit shall not in any way indicate that the permit holder is necessarily eligible for regular licensure, nor is the board in any way obligated to so license the person.

2. A temporary permit shall be issued for a period determined by the board and may be renewed at the discretion of the board. The fee for a temporary permit and the fee for renewal shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the permits.

2002 Acts, ch 1108, §15; 2004 Acts, ch 1167, §7, 8

#### **153.20 Drugs, medicine, and surgery.**

A dentist shall have the right to prescribe and administer drugs or medicine, perform such surgical operations, administer general or local anesthetics and use such appliances as may be necessary to the proper practice of dentistry.

[C71, 73, 75, 77, 79, 81, §153.20]

**153.21 License by credentials.**

The board may issue a license under [this chapter](#) without examination to an applicant who furnishes satisfactory proof that the applicant meets all of the following requirements:

1. Holds a license from a similar dental board of another state, territory, or district of the United States under requirements equivalent or substantially equivalent to those of this state.
2. Has satisfied at least one of the following:
  - a. Passed an examination administered by a regional or national testing service, which examination has been approved by the dental board in accordance with [section 147.34, subsection 1](#).
  - b. Has for three consecutive years immediately prior to the filing of the application in this state been in a legal practice of dentistry or dental hygiene in such other state, territory, or district of the United States.
3. Furnishes such other evidence as to the applicant's qualifications and lawful practice as the board may require.

[C71, 73, 75, 77, 79, 81, §153.21]

[2002 Acts, ch 1108, §16](#); [2011 Acts, ch 80, §1](#)

**153.22 Resident license.**

A dentist or dental hygienist who is serving only as a resident, intern, or graduate student and who is not licensed to practice in this state is required to obtain from the board a temporary or special license to practice as a resident, intern, or graduate student. The license shall be designated "Resident License" and shall authorize the licensee to serve as a resident, intern, or graduate student only, under the supervision of a licensed practitioner, in an institution approved for this purpose by the board. Such license shall be renewed at the discretion of the board. The fee for a resident license and the renewal fee shall be set by the board based upon the cost of issuance of the license. The board shall determine in each instance those eligible for a resident license, whether or not examinations shall be given, and the type of examination. None of the requirements for regular permanent licensure are mandatory for resident licensure except as specifically designated by the board. The issuance of a resident license shall not in any way indicate that the person so licensed is necessarily eligible for regular licensure or that the board is obligated to so license the person. The board may revoke a resident license at any time it shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the board.

[C71, 73, 75, 77, 79, 81, §153.22]

[2002 Acts, ch 1108, §17](#); [2007 Acts, ch 10, §135](#)

**153.23 Retired volunteer license.**

1. Upon application and qualification, the board may issue a retired volunteer license to a dentist or dental hygienist who has held an active license to practice dentistry or dental hygiene within the past five years, and who has retired from the practice of dentistry or dental hygiene, to enable the retired dentist or dental hygienist to provide volunteer dental or dental hygiene services. The board shall adopt rules to administer [this section](#), including but not limited to rules providing eligibility requirements and services that may be performed pursuant to the license.

2. The board shall not charge an application or licensing fee for issuing or renewing a retired volunteer license. A retired volunteer license shall not be converted to a regular license with active or inactive status. A retired volunteer license shall not be considered to be an active license to practice dentistry or dental hygiene.

3. A person holding a retired volunteer license shall not charge a fee or receive compensation or remuneration in any form from any person or third-party payor including but not limited to an insurance company, health plan, or state or federal benefit program.

4. A person holding a retired volunteer license is subject to all rules and regulations governing the practice of dentistry or dental hygiene except those relating to the payment of fees, license renewal, and continuing education requirements.

5. A dental hygienist holding a retired volunteer license shall abide by the permitted scope

of practice of actively licensed dental hygienists described in [section 153.15](#). However, a dental hygienist holding a retired volunteer license may perform screenings or educational programs without an actively licensed dentist present.

6. An applicant for a retired volunteer license who has surrendered, resigned, converted, or allowed a license to lapse or expire as the result of or in lieu of disciplinary action shall not be eligible for a retired volunteer license.

7. The board may waive the five-year requirement in [subsection 1](#) if the applicant demonstrates that the applicant possesses sufficient knowledge and skills to practice safely and competently.

[2015 Acts, ch 18, §1](#)

#### **153.24 Orthodontia-related services.**

1. A licensee under the purview of the board who provides treatment for the correction of malpositions of human teeth or the initial use of orthodontic appliances shall not begin orthodontic treatment on a new patient unless one of the following conditions is met:

a. The licensee performs an initial in-person or teledentistry examination of the teeth and supporting structures of the new patient prior to beginning orthodontic treatment.

b. The new patient provides the licensee with the portion of the dental record taken within the prior six months of an in-person or teledentistry examination of the teeth and supporting structures of the new patient prior to the licensee beginning orthodontic treatment.

2. The examination required pursuant to [subsection 1](#) shall include any appropriate conventional or digital radiographs or digital imaging that are necessary to develop a suitable orthodontic diagnosis and treatment plan.

3. For the purposes of [this section](#), “*new patient*” means a person whom a licensee has not examined, for whom a licensee has not provided care, or for whom a licensee has not otherwise provided consultation during the two-year period immediately prior to the patient’s most recent appointment.

[2021 Acts, ch 127, §1](#)

**153.25 through 153.30** Reserved.

#### **153.31 Falsification in application for renewal.**

A license to practice either dentistry or dental hygiene, or registration as a dental assistant, shall be revoked or suspended in the manner and upon the grounds elsewhere provided in [this chapter](#), and also when the certificate accompanying the application of such licensee or registrant for renewal of license or registration filed with the board is not in all material respects true.

[C35, §2573-g15; C39, §2573.15; C46, 50, 54, 58, 62, 66, §153.24; C71, 73, 75, 77, 79, 81, §153.31]

[2002 Acts, ch 1108, §18](#)

#### **153.32 Unprofessional conduct.**

As to dentists and dental hygienists “*unprofessional conduct*” shall consist of any of the acts denominated as such elsewhere in [this chapter](#), and also any other of the following acts:

1. Receiving any rebate, or other thing of value, directly or indirectly from any dental laboratory or dental technician.

2. Solicitation of professional patronage by agents or persons popularly known as “cappers” or “steerers”, or profiting by the acts of those representing themselves to be agents of the licensee.

3. Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured.

4. Division of fees or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient or assisting in the care or treatment of a patient without the consent of said patient or the patient’s legal representative.

5. Willful neglect of a patient in a critical condition.

[C35, §2573-g16; C39, §2573.16; C46, 50, 54, 58, 62, 66, §153.25; C71, 73, 75, 77, 79, 81, §153.32]

### 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](#)

#### **153.33A Dental hygiene committee.**

1. A three-member dental hygiene committee of the board is created, consisting of the two dental hygienist members of the board and one dentist member of the board. The dentist member of the committee must have supervised and worked in collaboration with a dental hygienist for a period of at least three years immediately preceding election to the committee. The dentist member shall be elected to the committee annually by a majority vote of board members.

2. The committee shall have the authority to adopt recommendations regarding the practice, discipline, education, examination, and licensure of dental hygienists, subject to [subsection 3](#), and shall carry out duties as assigned by the board. The committee shall have no regulatory or disciplinary authority with regard to dentists, dental assistants, dental lab technicians, or any other auxiliary dental personnel.

3. The board shall ratify recommendations of the committee at the first meeting of the board following adoption of the recommendations by the committee, or at a meeting of the board specifically called for the purpose of board review and ratification of committee recommendations. The board shall decline to ratify committee recommendations only if the board makes a specific finding that a recommendation exceeds the jurisdiction or expands the scope of the committee beyond the authority granted in [subsection 2](#), creates an undue financial impact on the board, or is not supported by the record. The board shall pay the necessary expenses of the committee and of the board in implementing committee recommendations ratified by the board.

4. [This section](#) shall not be construed as impacting or changing the scope of practice of the profession of dental hygiene or authorizing the independent practice of dental hygiene.

98 Acts, ch 1010, §2; 2007 Acts, ch 10, §137

Referred to in [§147.14](#)

#### **153.33B Executive director — duties.**

A full-time executive director shall be appointed as provided under [section 135.11B](#). The executive director shall not be a member of the board. The duties of the executive director shall be the following:

1. To receive all applications for the following:
  - a. Licensure as a dentist or dental hygienist.
  - b. Registration as a dental assistant.
  - c. Permission to administer sedation or anesthesia.
  - d. Any other activity for which an application to the board is required.
2. To collect and receive all fees.
3. To keep all records pertaining to licensure, registration, enforcement, and other board actions, including a record of all board proceedings.
4. To perform such other duties as may be prescribed by the board.
5. To appoint assistants to the director and other persons necessary to administer [this chapter](#).

2015 Acts, ch 36, §2; 2020 Acts, ch 1063, §65

#### **153.34 Discipline.**

The board may issue an order to discipline a licensed dentist or dental hygienist, or registered dental assistant, for any of the grounds set forth in [this chapter](#), [chapter 272C](#), or [Title IV](#). Notwithstanding [section 272C.3](#), licensee or registrant discipline may include



a civil penalty not to exceed ten thousand dollars. Pursuant to [this section](#), the board may discipline a licensee or registrant for any of the following reasons:

1. For fraud or deceit in procuring the license or registration or the renewal thereof to practice dentistry, dental hygiene, or dental assisting.
2. For being guilty of willful and gross malpractice or willful and gross neglect in the practice of dentistry, dental hygiene, or dental assisting.
3. For fraud in representation as to skill or ability.
4. For willful or repeated violations of [this chapter](#), this subtitle, or the rules of the board.
5. For obtaining any fee by fraud or misrepresentation.
6. For having failed to pay license or registration fees as provided herein.
7. For gross immorality or dishonorable or unprofessional conduct in the practice of dentistry, dental hygiene, or dental assisting.
8. For failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, dental hygiene, or dental assisting.
9. For a violation of a law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which law relates to the practice of dentistry, dental hygiene, or dental assisting. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction.
10. The revocation or suspension of a license or registration to practice dentistry, dental hygiene, or dental assisting or other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.
11. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice dentistry, dental hygiene, or dental assisting.
12. For an adjudication of mental incompetence by a court of competent jurisdiction. Such adjudication shall automatically suspend a license or registration for the duration of the license or registration unless the board orders otherwise.
13. Inability to practice dentistry, dental hygiene, or dental assisting with reasonable skill and safety by reason of illness, drunkenness, or habitual or excessive use of drugs, intoxicants, narcotics, chemicals, or other types of materials or as a result of a mental or physical condition. At reasonable intervals following suspension or revocation under [this subsection](#), a dentist, dental hygienist, or dental assistant shall be afforded an opportunity to demonstrate that the dentist, dental hygienist, or dental assistant can resume the competent practice of dentistry, dental hygiene, or dental assisting with reasonable skill and safety to patients.
14. For being a party to or assisting in any violation of any provision of [this chapter](#).
15. For a dental hygienist, the practice of dentistry by the dental hygienist; and for a dentist, permitting the practice of dentistry by a dental hygienist by the dentist under whose supervision the dental hygienist is operating.

[C71, 73, 75, 77, 79, 81, §153.34]

[88 Acts, ch 1124, §1 – 4; 93 Acts, ch 41, §3; 2002 Acts, ch 1108, §21; 2007 Acts, ch 10, §138; 2009 Acts, ch 133, §192; 2010 Acts, ch 1069, §20; 2020 Acts, ch 1103, §18, 31](#)

Referred to in [§272C.3, 272C.4](#)

### **153.35 Construction rule.**

[This chapter](#) shall be deemed to be passed in the interest of the public health, safety and welfare of the people of this state, and its provisions shall be liberally construed to carry out its object and purposes.

[C71, 73, 75, 77, 79, 81, §153.35]

### **153.36 Exceptions to other statutes.**

1. [Sections 147.44, 147.48, 147.49, 147.53, and 147.55, and sections 147.87 through 147.92](#) shall not apply to the practice of dentistry.

2. In addition to the provisions of [section 272C.2, subsection 4](#), a person licensed by the board shall also be deemed to have complied with continuing education requirements of this

state if, during periods that the person practiced the profession in another state or district, the person met all of the continuing education and other requirements of that state or district for the practice of the occupation or profession.

3. Notwithstanding the panel composition provisions in [section 272C.6, subsection 1](#), the board's disciplinary hearing panels shall be comprised of three board members, at least two of which are licensed in the profession.

[C71, 73, 75, 77, 79, 81, §153.36]

[97 Acts, ch 159, §23](#); [2007 Acts, ch 10, §139](#); [2009 Acts, ch 41, §56](#)

### **153.37 Dental college and dental hygiene program faculty permits.**

The board may issue a faculty permit entitling the holder to practice dentistry or dental hygiene within a college of dentistry or a dental hygiene program and affiliated teaching facilities as an adjunct to the faculty member's teaching position, associated responsibilities, and functions. The dean of the college of dentistry or chairperson of a dental hygiene program shall certify to the board those bona fide members of the college's or a dental hygiene program's faculty who are not licensed and registered to practice dentistry or dental hygiene in Iowa. Any faculty member so certified shall, prior to commencing the member's duties in the college of dentistry or a dental hygiene program, make written application to the board for a permit. The permit shall be for a period determined by the board and may be renewed at the discretion of the board. The fee for the faculty permit and the renewal shall be set by the board based upon the administrative cost of issuance of the permit. The fee shall be deposited in the same manner as fees provided for in [section 147.82](#). The faculty permit shall be valid during the time the holder remains a member of the faculty and shall subject the holder to all provisions of [this chapter](#).

[C79, 81, §153.37]

[93 Acts, ch 41, §4](#); [2002 Acts, ch 1108, §22](#); [2007 Acts, ch 10, §140](#)

### **153.38 Dental assistants — scope of practice.**

A registered dental assistant may perform those services of assistance to a licensed dentist as determined by the board by rule. A registered dental assistant with additional education and training, as provided by the board by rule, may become certified to perform expanded functions or become qualified to participate in dental radiography. A registered dental assistant who has successfully completed expanded function training through the university of Iowa college of dentistry or a program certified by the commission on dental accreditation may place dental sealants on teeth. Services performed by a registered dental assistant shall be performed under supervision of a licensed dentist, but [this section](#) shall not be construed to authorize a dental assistant to practice dentistry or dental hygiene. The board shall not adopt rules that delegate to a dental assistant the administration of local anesthesia or the removal of plaque, stain, calculus, or hard natural material except by toothbrush, floss, or rubber cup coronal polish. Every licensed dentist who utilizes the services of a registered dental assistant for the purpose of assistance in the practice of dentistry shall be responsible for acts delegated to the registered dental assistant. A dentist shall delegate to a registered dental assistant only those acts which are authorized to be delegated to registered dental assistants by the board.

[2000 Acts, ch 1002, §5](#); [2007 Acts, ch 10, §141](#); [2020 Acts, ch 1018, §3](#)

### **153.39 Dental assistants — registration requirements, renewal, revocation, or suspension.**

1. A person shall not practice on or after July 1, 2001, as a dental assistant unless the person has registered with the board and received a certificate of registration pursuant to [this chapter](#).

2. Education requirements shall be determined by the board by rule, according to standards to be determined by the board. A person shall be registered upon the successful completion of either of the education and examination requirements established in paragraph "a" or "b":

a. Successful completion of a course of study and examination approved by the board and sponsored by a board-approved postsecondary school.

b. Successful completion of on-the-job training and examination consisting of all of the following:

(1) Completion of on-the-job training as specified in rule.

(2) Successful completion of an examination process approved by the board. A written examination may be waived by the board pursuant to [section 17A.9A](#), in practice situations where the written examination is deemed to be unnecessary or detrimental to the dentist's practice.

3. The education requirements in [subsection 2](#), paragraphs "a" and "b" may include possession of a valid certificate in a nationally recognized course in cardiopulmonary resuscitation. Successful passage of an examination administered by the board under [subsection 2](#), paragraph "a" or "b", which shall include sections regarding infection control, hazardous materials, and jurisprudence, shall also be required.

4. The board shall establish continuing education requirements as a condition of renewing registration as a registered dental assistant, as well as standards for the suspension or revocation of registration.

5. A person employed as a dental assistant after July 1, 2005, shall have a twelve-month period following the person's first date of employment after July 1, 2005, to comply with the provisions of [subsection 1](#).

[2000 Acts, ch 1002, §6](#); [2002 Acts, ch 1108, §23](#); [2005 Acts, ch 28, §1, 2](#); [2007 Acts, ch 22, §39](#); [2009 Acts, ch 133, §201](#)

Referred to in [§153.14](#)

#### **153.40** Reserved.

For future text of this section effective upon receipt by the Iowa department of public health of federal funding to establish a mobile dental delivery system, see [2004 Acts, ch 1175, §227, 287](#)