



STATE OF IOWA

IOWA DENTAL BOARD

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

JILL STUECKER
EXECUTIVE DIRECTOR

IOWA DENTAL HYGIENE COMMITTEE

MEETING AGENDA

January 26, 2017
9:30 A.M.

The mission of the Iowa Dental Board is to ensure that all Iowans receive professional, competent, and safe dental care of the highest quality.

Updated 1/23/2017

Location: Iowa Dental Board, 400 SW 8th St., Suite D, Des Moines, Iowa
Members: *Mary Kelly, R.D.H., Chair; Nancy Slach, R.D.H., William McBride, D.D.S.*

- I. CALL MEETING TO ORDER – ROLL CALL**
- II. 1st OPPORTUNITY FOR PUBLIC COMMENT**
- III. APPROVAL OF OPEN SESSION MINUTES**
 - a. October 13, 2016 – Quarterly Meeting
- IV. EXECUTIVE DIRECTOR’S REPORT**
- V. LEGAL REPORT**
- VI. ADMINISTRATIVE RULES**
 - a. Review of 2017 Regulatory Plan
 - b. Update on Rules Adopted and Filed
 - c. Discussion on Rulemaking Draft: Iowa Administrative Code 650 - Chapter 25, *Continuing Education*
 - d. Discussion on Rulemaking Draft: Iowa Administrative Code 650 - Chapter 14, *Renewal and Reinstatement*
- VII. OTHER BUSINESS**
 - a. Legislative Updates
 - i. **Discussion and Vote: IDHA Legislation, HF2388** *Tom Cope*
 - b. Discussion on Separate Fee and Application for Local Anesthesia Permit

- c. Discussion and Follow-Up on Silver Diamine Fluoride
- d. Level 2 Expanded Functions Training Update
- e. Review of *Expanded Functions Frequently Asked Clinical Questions*
- f. Discussion on ARC 2901C, IDPH Notice of Intended Action to Amend Chapter 41, *Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials*

VIII. APPLICATIONS FOR LICENSURE & OTHER REQUESTS

IX. 2nd OPPORTUNITY FOR PUBLIC COMMENT

X. ADMINISTRATIVE RULE WAIVERS

- a. Rule Waiver Request: M.E., R.D.H. Confidential Pursuant to Iowa Code 21.5(1)(a), Iowa Administrative Code 650 – Chapter 12.4(3), *Dental and Dental Hygiene Examinations*

XI. CLOSED SESSION AGENDA

- a. **Closed Session Minutes** (Closed session pursuant to Iowa Code § 21.5(1)(a) “to review or discuss records which are required or authorized by state or federal law to be kept confidential...”, specifically to review or discuss information that is confidential under Iowa Code § 21.5(4)).
- b. **New Complaints** (Closed session pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4)).
- c. **Additional Information on Previous Complaints** (Closed session pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4)).

XII. ACTION, IF ANY, ON CLOSED SESSION ITEMS

- a. Closed Session Minutes
- b. New Complaints
- c. Additional Information on Previous Complaints

XIII. ADJOURN

NEXT QUARTERLY MEETING: April 27, 2017

Please Note: At the discretion of the chairperson, agenda items may be taken out of order to accommodate scheduling requests of committee members, presenters or attendees; or to facilitate meeting efficiency.

If you require the assistance of auxiliary aids or services to participate in or attend the meeting because of a disability, please call the office of the Board at 515/281-5157.



STATE OF IOWA

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TERRY E. BRANSTAD, GOVERNOR
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EXECUTIVE DIRECTOR

DENTAL HYGIENE COMMITTEE

OPEN SESSION MINUTES

October 13, 2016
Conference Room
400 S.W. 8th St., Suite D
Des Moines, Iowa

Committee Members

Mary C. Kelly, R.D.H.
Nancy A. Slach, R.D.H.
William G. McBride, D.D.S.

October 13, 2016

Present
Present
Present

Staff Members

Jill Stuecker, Phil McCollum, Christel Braness, David Schultz, Dee Ann Argo, Janet Arjes

Attorney General's Office

Sara Scott, Assistant Attorney General

I. CALL TO ORDER FOR OCTOBER 13, 2016

Ms. Kelly called the meeting of the Dental Hygiene Committee to order at 8:30 a.m. on Thursday, October 13, 2016. A quorum was established with all members present.

Roll Call:

<u>Member</u>	<u>Kelly</u>	<u>Slach</u>	<u>McBride</u>
Present	x	x	x
Absent			

II. 1st OPPORTUNITY FOR PUBLIC COMMENT

Ms. Kelly asked those in attendance to introduce themselves; and allowed the opportunity for public comment.

No comments were received.

III. APPROVAL OF OPEN SESSION MINUTES

- *July 21, 2016 – Quarterly Meeting Minutes*

Ms. Kelly proposed a change in relation to the discussion about CRDTS and about how states are proposing to list examination requirements. The proposed change to the minutes clarified that some states, not CRDTS, have recommended listing examination requirements instead of accepting specific examinations.

- ❖ MOVED by SLACH, SECONDED by MCBRIDE, to APPROVE the minutes with the change as noted. Motion APPROVED unanimously.

- *July 29, 2016 – Teleconference Meeting Minutes*

- ❖ MOVED by SLACH, SECONDED by MCBRIDE, to APPROVE the minutes as submitted. Motion APPROVED unanimously.

- *September 2, 2016 – Teleconference Meeting Minutes*

- ❖ MOVED by MCBRIDE, SECONDED by SLACH, to APPROVE the minutes as submitted. Motion APPROVED unanimously.

IV. EXECUTIVE DIRECTOR'S REPORT

Ms. Stuecker provided some data regarding licensure for discussion. Ms. Stuecker stated that she would discuss some of this further at the full Board meeting, specifically regarding paper applications versus online applications.

V. LEGAL REPORT

Ms. Scott stated that she would present a mini-orientation at the full board meeting regarding topics that the committee and Board members may confront. She will discuss those topics there. Ms. Scott intended to do this more regularly going forward.

VI. ADMINISTRATIVE RULES/ADMINISTRATIVE RULE WAIVERS

- *Review of 2017 Regulatory Plan*

Mr. McCollum provided an update on the regulatory plan. There have been no changes.

- *Vote on Adopted and Filed: Iowa Administrative Code 650 - Chapter 11, Licensure to Practice Dentistry or Dental Hygiene*

Mr. McCollum provided an overview of the proposed rulemaking. A few changes were made to the draft, specifically as it related to the required passing scores. The changes also clarified the name of the examination versus the name of the agency administering the examination.

Ms. Stuecker clarified that the passing rate has always been 75%; it was simply being reflected formally in rule. Mr. McCollum stated that this change was implemented due to feedback received by the Board.

Ms. Kelly asked about naming the examination and agency, in the event of an agency offering multiple examinations. Ms. Stuecker stated that this will allow the Board to have greater control over the examinations, which it accepts.

- ❖ MOVED by MCBRIDE, SECONDED by SLACH, to RECOMMEND APPROVAL of the proposed rules as currently drafted. Motion APPROVED unanimously.
- *Vote on Adopted and Filed: Iowa Administrative Code 650 - Chapter 12, Dental and Dental Hygiene Examinations*
- ❖ MOVED by KELLY, SECONDED by SLACH, to RECOMMEND APPROVAL of the proposed rules as currently drafted. Motion APPROVED unanimously.
- *Vote on Notice of Intended Action: Iowa Administrative Code 650 - Chapter 25, Continuing Education*

Mr. McCollum reported that staff recommended tabling this item until a new draft can be submitted, following the receipt of recent comments. Mr. McCollum asked that any new comments be forwarded to his attention.

- *Vote on Notice of Intended Action: Iowa Administrative Code 650 - Chapter 14, Renewal and Reinstatement*

Mr. McCollum provided an overview of the draft Notice of Intended Action, and the proposed amendments.

Ms. Scott recommended holding off on the vote of this Notice of Intended Action as well since there was some overlap between chapters 14 and 25. It would be best to incorporate those changes at the same time.

The committee decided to table the vote on this until later meeting.

VII. OTHER BUSINESS

- *Legislative Update*
 - *IDHA Legislative Priorities*

Mr. Cope reported that the Iowa Dental Hygienists' Association was still finalizing its legislative agenda. Last year, the Iowa Dental Hygienists' Association proposed legislation to support dental hygienists who wanted to provide educational services within their communities, and who may not have a supervising dentist to direct those services. The intention was to seek legislative action on this matter in the upcoming session. They are hoping to meet with other stakeholders about this matter prior to proceeding. To date, they have not been able to schedule a meeting.

- *Discussion on Separate Fee and Application for Local Anesthesia Permit*

Mr. McCollum reported that staff intended to streamline the overall process. Mr. McCollum stated that he needed to better understand the intent of the committee before proceeding. There were several potential options.

Dr. Bradley recommended keeping the dental hygiene license and local anesthesia separate.

Ms. Slach asked about an option to combine the dental hygiene license and local anesthesia permit into one. Ms. Kelly noted the potential fiscal impact to combining the two, and asked if the dental hygienists, who do not currently hold a local anesthesia permit, would be open to paying a little more to offset the cost to incorporate it. Mr. McCollum stated that this option would also require changes to the rules before this could be fully implemented.

Mr. McCollum indicated that staff can continue to pursue options to streamline the process for renewal.

- *Discussion on Dental Hygiene Title/Abbreviation*

Ms. Kelly noted that this matter had been discussed by the committee previously. Ms. Stuecker referenced Iowa Code Chapter 147, which references usage of the term “registered dental hygienist.” Data was provided regarding current usage in the database. Ms. Stuecker believed that the forms needed to be consistent; and pursuant to Iowa Code, it should be R.D.H.

- *Discussion and Follow-Up on Silver Diamine Fluoride*

Ms. Kelly stated that she wanted to keep this on everyone’s radar. Ms. Kelly has spoken to the University of Iowa College of Dentistry, and they were drafting guidelines as to how silver diamine fluoride could be used as a preventive agent, similar to fluoride varnish.

- *Level 2 Expanded Functions Training Update*

Ms. Stuecker reported that the University of Iowa College of Dentistry had 18 students enroll in the first course. One of the enrollees is a dental hygienist. The course was scheduled to begin in November 2016.

VIII. APPLICATIONS FOR LICENSURE & OTHER REQUESTS

- *Erica Whalen, R.D.H.*

Ms. Braness provided a brief overview of the application. Information reported with Ms. Whalen’s application indicated that she has not practiced as a dental hygienist since she graduated dental hygiene school in 2009.

Ms. Slach recommended requiring a clinical examination due to the lack of practice. Ms. Kelly asked if a full examination should be required, or whether to allow some kind of clinical evaluation by a dental hygiene program. Ms. Scott referenced Iowa Administrative Code 650—14.6, which

establishes the requirements for reinstatement. The provision allows the Dental Hygiene Committee and the Board to require an additional examination if deemed to be necessary to ensure clinical skill and safety; however, it does not provide for alternatives to an examination.

- ❖ **MOVED** by KELLY, **SECONDED** by MCBRIDE, to **RECOMMEND** completion of a clinical examination due to lack of practice prior to reinstating her dental hygiene license. Motion **APPROVED** unanimously.

IX. 2nd OPPORTUNITY FOR PUBLIC COMMENT

Ms. Kelly allowed the opportunity for public comment.

Mr. Cope commented on the challenges of licenses and related matters. Mr. Cope stated that the Iowa Dental Hygienists' Association would be willing to meet with the board to discuss this and see what options may be available to streamline these processes.

X. CLOSED SESSION

- ❖ **MOVED** by KELLY, **SECONDED** by SLACH, to go into **CLOSED SESSION** in compliance with the following requirements:
 - a. **Closed Session Minutes** (Closed session pursuant to Iowa Code § 21.5(1)(a) “to review or discuss records which are required or authorized by state or federal law to be kept confidential...”, specifically to review or discuss information that is confidential under Iowa Code § 21.5(4)).
 - b. **New Complaints** (Closed session pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4)).
 - c. **Additional Information on Previous Complaints** (Closed session pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4)).

Roll Call:

<u>Member</u>	<u>Kelly</u>	<u>Slach</u>	<u>McBride</u>
Yes	x	x	x
No			

Motion **APPROVED** by **ROLL CALL**.

- The Dental Hygiene Committee convened in closed session at 9:15 a.m.

RECONVENE IN OPEN SESSION

- ❖ MOVED by SLACH, SECONDED by MCBRIDE, to return to OPEN SESSION. Motion APPROVED unanimously.

➤ The Dental Hygiene Committee returned to open session at 9:32 a.m.

XI. ACTION ON CLOSED SESSION ITEMS

- ❖ MOVED by KELLY, SECONDED by SLACH, to APPROVE the closed session minutes as submitted. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by SLACH, to KEEP OPEN file #16-0093. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by SLACH, to KEEP OPEN file #16-0048. Motion APPROVED unanimously.

XII. ADJOURN

- ❖ MOVED by SLACH, SECONDED by MCBRIDE, to ADJOURN. Motion APPROVED unanimously.

The meeting of the Dental Hygiene Committee adjourned at 9:33 a.m. on October 13, 2016.

NEXT MEETING OF THE COMMITTEE

The next meeting of the Dental Hygiene Committee is scheduled for January 26, 2017, in Des Moines, Iowa.

These minutes are respectfully submitted by Christel Braness, Program Planner 2, Iowa Dental Board.

2016-17 IDB REGULATORY PLAN

Chapter # and Title	Description of Action, Reason, & Alternatives	Legal Basis for Action	Schedule for Action
IAC 650-Chapter 11 “Licensure to Practice Dentistry or Dental Hygiene” and Chapter 12 “Dental and Dental Hygiene Examinations”	Amending licensure by examination to include all regional testing agencies for licensure. This will ensure uniformity in the testing process.	Iowa Code Chapter 147.34	In progress: Scheduled for July 2016
IAC 650-Chapter 11 “Licensure to Practice Dentistry or Dental Hygiene” and Chapter 12 “Dental and Dental Hygiene Examinations”	Per legislative mandate the Board is required to offer an alternate examination for licensure of dentists.	Iowa Code Chapter 147.34	Discussion In progress: Date to be determined
IAC 650—Chapter 25 “Continuing Education”	These rules have not been reviewed for several years. We are currently vetting a draft with stakeholders.	Iowa Code Chapter 272C.2	In progress: Scheduled for October 2016
IAC 650—Chapter 27 “Discontinuation of Practice”	These rules need to be updated to reflect new practice structures.	Iowa Code Chapter 153.33(8), 153.34 and 147.76	In progress: Scheduled for October 2016
IAC 650—Chapter 20 “Dental Assistants”	These rules need to be made simpler; particularly reinstatement for dental assistants.	Iowa Code Chapter 153.39 and 147.11	In progress: Scheduled for October 2016
IAC 650—Chapter 15 “Fees”	Due to database updates some of our mailing lists and subscription services are now automated. The section on subscription services needs to be revised to reflect this.	Iowa Code Chapter 147.80	In progress: Scheduled for October 2016
IAC 650—Chapter 10 “General Requirements”	The address type a licensee must submit to the board needs to be specified.	Iowa Code Chapter 147.8 and 147.9	Scheduled for January 2017
IAC 650—Chapter 20 “Dental Assistants” and Chapter 10 “General Requirements”	Expanded function rules in these 2 chapters need to be revisited to provide clarity on some functions. Language may need to be added regarding minimum requirements for training and resubmission of courses.	Iowa Code Chapter 153.15 and 153.38	Scheduled for April 2017
IAC 650 – Chapter 10 “General Requirements”	Chapter 10 currently prohibits a hygienist from owning a dental practice. This is the only prohibition on ownership and needs to be revisited.	Iowa Code Chapter 153.15	Scheduled for July 2017
IAC 650-Chapter 28 “Designation of Specialties”	The Board needs to discuss new legal concerns with ADA approved specialties, and determine whether changes need to be made to this chapter.	Iowa Code Chapter 153.13	Scheduled for July 2017

DENTAL BOARD [650]

Notice of Intended Action

Pursuant to the authority of Iowa Code 153.33, 153.39 and 272C.2, the Dental Board hereby gives Notice of Intended Action to rescind Chapter 25, “Continuing Education,” and adopt a new Chapter 25 “Continuing Education,” and amends Chapter 14, “Renewal and Reinstatement.”

These amendments rescind Chapter 25 and replace it with a new Chapter 25 pertaining to updated continuing education requirements and standards. New Chapter 25 will continue to set forth the updated continuing education requirements for renewal, and standards for continuing education course and sponsor approval. New Chapter 25 will incorporate all continuing education requirements for the purposes of renewal into one chapter.

The purpose of the proposed amendments is to clarify continuing education requirements for renewal of licenses and registrations, and to simplify requirements for continuing education course and sponsor review.

These amendments update and add definitions in the chapter to clarify intent, and to allow the approval of programs and activities when content meets established requirements for approval.

These amendments would place all continuing education requirements for the purposes of renewal in a single chapter. Currently, continuing education requirements for dental assistants are found in Chapter 20. The continuing education requirements for dental assistants will be stricken from Chapter 20 and moved to new Chapter 25.

The amendments would clarify when proof of continuing education shall be submitted as part of an audit.

These amendments would establish new requirements for continuing education in the areas of infection control and jurisprudence for all Iowa licensees and registrants.

These amendments would strike language pertaining to continuing education credit awarded during previous renewal cycles that is no longer applicable to current renewal requirements.

These amendments would add a provision to allow continuing education credit for those who complete the Dental Assisting National Board (DANB) examination during the current reporting period.

These amendments would put a limit on the length of time for which continuing education courses would be eligible for credit following approval by the Board. This would ensure that courses for which credit is awarded are current, and include relevant concepts and information.

These amendments would update and clarify the list of acceptable and unacceptable topics for continuing education credit.

These amendments would establish a new section, "Designation of continuing education hours," which sets forth the number of continuing education hours that will be awarded for specific activities.

These amendments would update the notification requirement following the board's decision regarding continuing education requests. Current requirements require notification by ordinary mail. The proposal would require written notification, to include written notification by email.

These amendments would strike the rules relating to reinstatement of an inactive practitioner in Chapter 25. These rules are being moved to Chapter 14, "Renewal and Reinstatement." This would allow renewal and reinstatement requirements to be addressed in a single chapter.

Any interested person may make written comments on the proposed amendments on or before (April 4 – TBD), 2017. Such written materials should be directed to Phil McCollum, Associate Director, Iowa Dental Board, 400 S.W. Eighth Street, Suite D, Des Moines, Iowa 50309 or sent by email to phil.mccollum@iowa.gov.

There will be a public hearing on (April 4 – TBD), 2017 at 2:00 pm in the Board office, 400 S.W. Eighth Street, Suite D, Des Moines, Iowa, 50309 at which time persons may present their views orally or in writing.

The proposed amendments are subject to waiver or variance pursuant to 650-chapter 7.

After analysis and review of this rule making, there is no impact on jobs.

TITLE V
PROFESSIONAL STANDARDS
CHAPTER 25
CONTINUING EDUCATION
[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—25.1(153) Definitions. For the purpose of these rules on continuing education, these definitions shall apply:

“Advisory committee.” An advisory committee on continuing education shall be formed to review and advise the board with respect to applications for approval of sponsors or activities ~~and requests for postapproval of activities~~. Its members shall be appointed by the board and consist of at least one a member of the board, two licensed dentists with expertise in the area of professional continuing education, two licensed dental hygienists with expertise in the area of professional continuing education, and two registered dental assistants with expertise in the area of professional continuing education. The advisory committee on continuing education may ~~tentatively approve or deny~~ recommend approval or denial of applications or requests submitted to it pending final approval or disapproval of the board at its next meeting.

~~*“Approved program or activity”* means a continuing education program activity meeting the standards set forth in these rules which has received advanced approval by the board pursuant to these rules.~~

~~*“Approved sponsor”* means a person or an organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to these rules. During the time an organization, educational institution, or person is an approved sponsor, all continuing education activities of such person or organization may be deemed automatically approved provided they meet the continuing education guidelines of the board.~~

“Board” means the dental board of dental examiners.

“Continuing dental education” consists of education activities designed to review existing concepts and techniques and to update knowledge on advances in dental and medical sciences. The objective is to improve the knowledge, skills, and ability of the individual to deliver the highest quality of service to the public and professions.

Continuing dental education should favorably enrich past dental education experiences. Programs should make it possible for practitioners to attune dental practice to new knowledge as it becomes available. All continuing dental education should strengthen the skills of critical inquiry, balanced judgment and professional technique.

“Dental public health” is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice in which the community serves as the patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis.

“Hour” of continuing education means one unit of credit which shall be granted for each hour of contact instruction and shall be designated as a “clock hour.” This credit shall apply to either academic or clinical instruction.

“Licensee” means any person who has been issued a certificate ~~licensed~~ to practice dentistry or dental hygiene in the state of Iowa.

“Registrant” means any person registered to practice as a dental assistant in the state of Iowa.

“Self-study activities” mean the study of something by oneself, without direct supervision or attendance in a class. This may include Internet-based coursework, television viewing, video programs, correspondence work or research, or computer CD-ROM programs that are interactive and require branching, navigation, participation and decision making on the part of the viewer. Internet-based webinars, which includes the involvement of an instructor and participants in real time

and which allow for communication with the instructor through messaging, telephone or other means shall not be construed to be self-study activities.

“Sponsor” means a person or an organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to these rules. During the time an organization, educational institution, or person is an approved sponsor, all continuing education activities of such person or organization may be deemed automatically approved provided they meet the continuing education guidelines of the board.

650—25.2(153) Continuing education administrative requirements.

~~25.2(1) Each person licensed to practice dentistry or dental hygiene in this state shall complete during the biennium renewal period a minimum of 30 hours of continuing education approved by the board. However, for the dental hygiene renewal period beginning July 1, 2006, and ending August 30, 2007, a dental hygienist shall complete a minimum of 12 hours of continuing education approved by the board.~~

25.2(2) Each person registered to practice dental assisting in this state shall complete during the biennium renewal period a minimum of 20 hours of continuing education approved by the board. The continuing education compliance period shall be the 24 month period commencing September 1 and ending on August 31 of the renewal cycle. However, for the dental hygiene renewal period beginning July 1, 2006, and ending August 30, 2007, the continuing education compliance period for dental hygienists shall be the 14 month period commencing July 1, 2006, and ending August 30, 2007. For the dental assistant renewal period beginning July 1, 2005, and ending August 30, 2007, the continuing education compliance period for dental assistants shall be the previous 26 month period. For the dental license renewal period beginning July 1, 2006, and ending August 30, 2008, the continuing education compliance period for dentists shall be the previous 26 month period.

25.2(3) The continuing education compliance period shall be the 24-month period commencing September 1 and ending on August 31 of the renewal cycle.

~~25.2(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity, either previously approved by the board or which otherwise meets the requirements herein and is approved by the board pursuant to subrule 25.2(5) 25.3(5).~~

~~25.2(4) It is the responsibility of each licensee or registrant to finance the costs of continuing education.~~

650—25.3 (153) Documentation of continuing education hours.

~~25.2(5) 25.3(1) Every licensee or registrant shall maintain a record of all courses attended by keeping the certificates of attendance for four years after the end of the year of attendance. The board reserves the right to require any licensee or registrant to submit the certificates of attendance for the continuing education courses attended. If selected for continuing education audit, the licensee or registrant shall file a signed continuing education form and submit certificates or other evidence of attendance.~~

~~25.2(6) 25.3(2) Licensees and registrants are responsible for obtaining proof of attendance forms when attending courses. Clock hours must be verified by the sponsor with the issuance of proof of attendance forms to the licensee or registrant.~~

~~25.2(7) 25.3(3) Each licensee or registrant shall report the number of continuing education credit hours completed during the current renewal cycle in compliance with this chapter. file a signed continuing education reporting form reflecting the required minimum number of continuing education credit hours in compliance with this chapter and 650—Chapter 20. Such report shall be filed with the board at the time of application for renewal of a dental or dental hygiene license or renewal of dental assistant registration.~~

~~25.2(8) 25.3(4) No carryover of credits from one biennial period to the next will be allowed.~~

650-25.4(153) Required continuing education courses. The following courses are required for licensees and registrants:

- a. Mandatory reporter training for child abuse and dependent adult abuse
- b. Cardiopulmonary resuscitation
- c. Infection Control
- d. Jurisprudence

~~25.2(9)~~25.4(1) Mandatory reporter training for child abuse and dependent adult abuse reporting.

a. Licensees or registrants who regularly examine, attend, counsel or treat children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or conditions for exemptions as identified in paragraph “f” of this subrule, pursuant to Iowa Code chapter 232. Completion of training in this course shall result in two hours of continuing education credit.

b. Licensees or registrants who regularly examine, attend, counsel or treat adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or conditions for exemptions as identified in paragraph “f” of this subrule.

c. Licensees or registrants who regularly examine, attend, counsel or treat both children and adults in Iowa shall indicate on the renewal application completion of at least two hours of training on the identification and reporting of abuse in children and dependent adults in the previous five years or conditions for exemptions as identified in paragraph “f” of this subrule pursuant to Iowa Code chapters 232 and 235B. Training may be completed through separate courses or in one combined course that includes curricula for identifying and reporting child abuse and dependent adult abuse. Completion of training in this combined course shall result in ~~Up to~~ three hours of continuing education credit, ~~may be awarded for taking a combined course.~~

d. The licensee or registrant shall maintain written documentation for five years after completion of the mandatory training, including program date(s), content, duration, and proof of participation. The board may audit this information at any time within the five-year period.

e. Training programs in child and dependent adult abuse identification and reporting that are approved by the board are those that use a curriculum approved by the abuse education review panel of the department of public health or a training program offered by the department of human services, the department of education, an area education agency, a school district, the Iowa law enforcement academy, an Iowa college or university, or a similar state agency.

f. Exemptions. Licensees and registrants shall be exempt from the requirement for mandatory training for identifying and reporting child and dependent adult abuse if the board determines that it is in the public interest or that at the time of the renewal the licensee or registrant is issued an extension or exemption pursuant to 650—25.710(153).

~~25.2(10)~~25.4(2) Cardiopulmonary resuscitation. Licensees, ~~faculty permit holders,~~ and registrants shall furnish evidence of valid certification for cardiopulmonary resuscitation (CPR), which shall be credited toward the continuing education requirement for renewal of the license, faculty permit or registration. Such evidence shall be filed at the time of renewal of the license, faculty permit or registration. Credit hours awarded shall not exceed three continuing education credit hours per biennium. Valid certification means certification by an organization on an annual basis or, if that certifying organization requires certification on a less frequent basis, evidence that the licensee or registrant has been properly certified for each year covered by the renewal period. In addition, the course must include a clinical component. Credit hours awarded for certification in cardiopulmonary resuscitation (CPR) shall not exceed three hours of continuing education hours per biennium.

25.4(3) Infection control. Beginning July 1, 2017, licensees and registrants shall complete continuing education in the area of infection control. Licensees and registrants shall furnish evidence of continuing education within the previous biennium in the area of infection control standards, as required by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. This shall be credited toward the continuing education requirement in the renewal period during which it was completed. A minimum of one hours shall be submitted.

25.4(4) Jurisprudence. Beginning July 1, 2017, licensees and registrants shall complete

continuing education in the area of jurisprudence. Licensees and registrants shall furnish evidence of continuing education within the previous biennium in the area of jurisprudence. This shall be credited toward the continuing education requirement in the renewal period during which it was completed. A minimum of one hour shall be submitted.

650—25.325.5(153) Approval of Acceptable programs and activities. A continuing education activity shall be acceptable and not require board approval if it meets the following criteria: ~~qualified for approval if the board determines that:~~

~~25.325.5(1)~~ 25.325.5(1) It constitutes an organized program of learning (including a workshop or symposium) which contributes directly to the professional competency of the licensee or registrant, and is of value to dentistry and applicable to oral health care; and

~~25.325.5(2)~~ 25.325.5(2) It pertains to common subjects or other subject matters which relate integrally to the practice of dentistry, dental hygiene, or dental assisting which are intended to refresh and review, or update knowledge of new or existing concepts and techniques, and enhance the dental health of the public; and

~~25.325.5(3)~~ 25.325.5(3) It is conducted by individuals who have special education, training and experience to be considered experts concerning the subject matter of the program. The program must include a manual or written outline that substantively pertains to the subject matter of the program.

~~25.325.5(4)~~ 25.325.5(4) Activity types acceptable for continuing dental education credit may include:

a. A dental science course that includes topics which address the clinical practice of dentistry, dental hygiene, dental assisting and dental public health. ~~Attendance at a multiply convention type meeting. A multiday, convention type meeting is held at a national, state, or regional level and involves a variety of concurrent educational experiences directly related to the practice of dentistry. Effective July 1, 2000, attendees shall receive three hours of credit with the maximum allowed six hours of credit per biennium. Prior to July 1, 2000, attendees received five hours of credit with the maximum allowed ten hours of credit per biennium. Four hours of credit shall be allowed for presentation of an original table clinic at a convention type meeting as verified by the sponsor when the subject matter conforms with 25.3(7). Attendees at the table clinic session of a dental, dental hygiene, or dental assisting convention shall receive two hours of credit as verified by the sponsor.~~

b. Courses in record keeping, medical conditions which may have an effect on oral health, ergonomics, HIPAA, risk management, sexual boundaries, communication with patients, OSHA regulations, and the discontinuation of practice related to the transition of patients and patient records. ~~Postgraduate study relating to health sciences shall receive 15 credits per semester.~~

c. Attendance at a multiday convention-type meeting. A multiday, convention-type meeting is held at a national, state, or regional level and involves a variety of concurrent educational experiences directly related to the practice of dentistry. ~~Successful completion of Part II of the National Board Examination for dentists, or the National Board Examination for dental hygienists, if taken five or more years after graduation, or a recognized specialty examination will result in 15 hours of credit.~~

d. Postgraduate study relating to health sciences. ~~Self study activities shall result in a maximum of 12 hours of credit per biennium. Activity may include television viewing, video programs, correspondence work or research or computer CD-ROM programs that are interactive and require branching, navigation, participation and decision making on the part of the viewer.~~

e. Successful completion of a recognized specialty examination, or the Dental Assisting National Board (DANB) examination. ~~Original presentation of continuing dental education courses shall result in credit double that which the participant receives. Credit will not be granted for repeating presentations within the biennium. Credit is not given for teaching that represents part of the licensee's or registrant's normal academic duties as a full time or part time faculty member or consultant.~~

f. Self-study activities. ~~Publications of scientific articles in professional journals related to dentistry, dental hygiene, or dental assisting shall result in a maximum of 5 hours per article, maximum of 20 hours per biennium.~~

g. Original presentation of continuing dental education courses. Credit may be given for other continuing education activities upon request and approval by the Iowa board of dental examiners.

h. Publications of scientific articles in professional journals related to dentistry, dental hygiene, or dental assisting.

i. Credit may be given for other continuing education activities upon request and approval by the board.

~~25.3(5) Prior approval of activities. An organization or person, other than an approved sponsor, that desires prior approval for a course, program or other continuing education activity or that desires to establish approval of the activity prior to attendance shall apply for approval to the board at least 90 days in advance of the commencement of the activity on a form provided by the board. The board shall approve or deny the application. The application shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers and other pertinent information. An application fee as specified in 650—Chapter 15 is required.~~

~~25.3(6) Postapproval of activities. A licensee or registrant seeking credit for attendance and participation in an educational activity which was not conducted by an approved sponsor or otherwise approved may submit to the board, within 60 days after completion of such activity, its dates, subjects, instructors, and their qualifications, the number of credit hours and proof of attendance. Within 90 days after receipt of such application, the board shall advise the licensee or registrant in writing by ordinary mail whether the activity is approved and the number of hours allowed. All requests may be reviewed by the advisory committee on continuing education prior to final approval or denial by the board. A licensee or registrant not complying with the requirements of this paragraph may be denied credit for such activity. An application fee as specified in 650—Chapter 15 is required.~~

~~25.3(7) Subject matter acceptable for continuing dental education credit:~~

~~a. In order for specific course subject material to be acceptable for credit, the stated course objectives, overall curriculum design or course outlines shall clearly establish conformance with the following criteria:~~

~~(1) The subject matter is of value to dentistry and directly applicable to oral health care.~~

~~(2) The information presented enables the dental professional to enhance the dental health of the public.~~

~~(3) The dental professional is able to apply the knowledge gained within the professional capacity of the individual.~~

~~(4) The dental science courses include, but are not limited to, those within the eight recognized dental specialty areas and topics such as geriatric dentistry, hospital dentistry, oral diagnosis, oral rehabilitation and preventative dentistry.~~

~~b. Acceptable subject matter includes courses in patient treatment record keeping, risk management, sexual boundaries, communication, and OSHA regulations, and courses related to clinical practice. A course on Iowa jurisprudence that has been prior approved by the board is also acceptable subject matter.~~

~~c. Unacceptable subject matter includes personal development, business aspects of practice, personnel management, government regulations, insurance, collective bargaining, and community service presentations. While desirable, those subjects are not applicable to dental skills, knowledge, and competence. Therefore, such courses will receive no credit toward renewal. The board may deny credit for any course.~~

~~25.3(8) Inquiries relating to acceptability of continuing dental education activities, approval of sponsors, or exemptions should be directed to Advisory Committee on Continuing Dental Education, Iowa Board of Dental Examiners, 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.~~

~~[ARC 8369B, IAB 12/16/09, effective 1/20/10; ARC 0265C, IAB 8/8/12, effective 9/12/12]~~

650—25.6(153) Unacceptable programs and activities. Unacceptable subject matter and activity types includes, but are not limited to, personal development, business aspects of practice, business

strategy, financial management, marketing, sales, practice growth, personnel management, insurance, collective bargaining, and events where volunteer services are provided. While desirable, those subjects and activities are not applicable to dental skills, knowledge, and competence. Therefore, such courses will receive no credit toward renewal. The board may deny credit for any course.

25.6(1) Inquiries relating to acceptability of continuing dental education activities, approval of sponsors, or exemptions should be directed to Advisory Committee on Continuing Dental Education, Iowa Dental Board, 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.

650—25.7(153) Prior approval of activities. An organization or person, other than an approved sponsor, that desires prior approval for a course, program or other continuing education activity or that desires to establish approval of the activity prior to attendance may apply for approval to the board at least 90 days in advance of the commencement of the activity using board-approved forms. Within 90 days after receipt of such application, the board shall advise the licensee or registrant in writing whether the activity is approved and the number of hours allowed. All requests may be reviewed by the advisory committee on continuing education prior to final approval or denial by the board. An application fee as specified in 650—Chapter 15 is required. Continuing education course approval shall be valid for a period of five years following the date of board approval. Thereafter, courses may be resubmitted for approval. Courses which clearly meet the criteria listed under acceptable programs and activities are not required to be submitted for approval.

650—25.8(153) Post approval of activities. A licensee or registrant seeking credit for attendance and participation in an educational activity which was not conducted by an approved sponsor or otherwise approved, and which does not clearly meet the acceptable programs and activities listed in subrule 25.5, may apply for approval to the board using board-approved forms. Within 90 days after receipt of such application, the board shall advise the licensee or registrant in writing whether the activity is approved and the number of hours allowed. All requests may be reviewed by the advisory committee on continuing education prior to final approval or denial by the board. An application fee as specified in 650—Chapter 15 is required.

650—25.9(153) Designation of continuing education hours. Continuing education hours shall be determined by the length of a continuing education course in “clock hours”. For the purposes of calculating continuing education hours for renewal of a license or registration the following rules shall apply:

25.9(1) Presenters or attendees of table clinics at a multiday convention-type meeting.

a. Four hours of credit shall be allowed for presentation of an original table clinic at a convention-type meeting as verified by the sponsor when the subject matter conforms with 25.5.

b. Attendees at the table clinic session of a dental, dental hygiene, or dental assisting convention shall receive two hours of credit as verified by the sponsor when the subject matter conforms with 25.35.

25.9(2) Postgraduate study relating to health sciences shall receive 15 credits per semester.

25.9(3) Successful completion of a specialty examination or the Dental Assisting National Board (DANB) shall result in 15 hours of credit.

25.9(4) Self-study activities shall result in a maximum of 12 hours of continuing education credit per biennium.

25.9(5) Original presentation of continuing education dental education shall result in credit double that which the participants receive. Additional credit will not be granted for repeating presentations within the biennium. Credit is not given for teaching that represents part of the licensee’s or registrant’s normal academic duties as a full-time or part-time faculty member or consultant.

25.9(6) Publication of scientific articles in professional journals related to dentistry, dental hygiene, or dental assisting shall result in 5 hours of credit per article, maximum of 20 hours per biennium.

650—25.10(153) Extensions and exemptions.

25.10(1) Illness or disability. The board may, in individual cases involving physical disability or illness, grant an exemption of the continuing education requirements or an extension of time within which to fulfill the same or make the required reports. No exemption or extension of time shall be granted unless written application is made on forms provided by the board and signed by the licensee or registrant and a licensed health care professional. Extensions or exemptions of the continuing education requirements may be granted by the board for any period of time not to exceed one calendar year. In the event that the physical disability or illness upon which an exemption has been granted continues beyond the period granted, the licensee or registrant must apply for an extension of the exemption. The board may, as a condition of the exemption, require the applicant to make up a certain portion or all of the continuing education requirements.

25.10(2) Other extensions or exemptions. Extensions or exemptions of continuing education requirements will be considered by the board on an individual basis. Licensees or registrants will be exempt from the continuing education requirements for:

- a. Periods that the person serves honorably on active duty in the military services;
- b. Periods that the person practices the person's profession in another state or district having a continuing education requirement and the licensee or registrant meets all requirements of that state or district for practice therein;
- c. Periods that the person is a government employee working in the person's licensed or registered specialty and assigned to duty outside the United States;
- d. Other periods of active practice and absence from the state approved by the board;
- e. The current biennium renewal period, or portion thereof, following original issuance of the license.
- f. For dental assistants registered pursuant to 650—20.7(153), the current biennium renewal period, or portion thereof, following original issuance of the registration.

650—25.11(153) Exemptions for inactive practitioners. No continuing education hours are required to renew a license or registration on inactive status until application for reactivation is made. A request to place a license or registration on inactive status shall also contain a statement that the applicant will not engage in the practice of the applicant's profession in Iowa without first complying with all rules governing reactivation of inactive practitioners.

650—25.425.12(153) Approval of sponsors.

25.412(1) ~~An organization or person, which desires approval as a sponsor of courses, programs, or other continuing education activities, shall apply for approval to the board stating its education history, including approximate dates, subjects offered, total hours of instruction presented, and names and qualifications of instructors. All applications shall be reviewed by the advisory committee on continuing education prior to final approval or denial by the board. An organization or person not previously approved by the board, which desires approval as a sponsor of courses, programs, or other continuing education activities, shall apply for approval to the board stating its education history for the preceding two years, including approximate dates, subjects offered, total hours of instruction presented, and names and qualifications of instructors. All applications shall be reviewed by the advisory committee on continuing education prior to final approval or denial by the board.~~

25.412(2) Prospective sponsors must apply to the Iowa dental board using approved forms a "Sponsor Approval Form" in order to obtain approved sponsor status. An application fee as specified in 650—Chapter 15 is required. Sponsors must pay the biennial renewal fee as specified in 650—Chapter 15 and file a sponsor recertification record report biennially. Board-approved sponsors must pay the biennial renewal fee as specified in 650—Chapter 15 and file a sponsor recertification record report biennially.

25.412(3) The person or organization sponsoring continuing education activities shall make a

written record of the Iowa licensees or registrants in attendance, maintain the written record for a minimum of five years, and submit the record upon the request of the board. The sponsor of the continuing education activity shall also provide proof of attendance and the number of credit hours awarded to the licensee or registrant who participates in the continuing education activity.

~~25.412(4)~~ Sponsors must be formally organized and adhere to board rules for planning and providing continuing dental education activities. Programs sponsored by individuals or institutions for commercial or proprietary purposes, especially programs in which the speaker advertises or urges the use of any particular dental product or appliance, may be recognized for credit on a prior approval basis only. When courses are promoted as approved continuing education courses which do not meet the requirements as defined by the board, the sponsor will be required to refund the registration fee to the participants. Approved sponsors may offer noncredit courses provided the participants have been informed that no credit will be given. Failure to meet this requirement may result in loss of approved sponsor status.

[ARC 9218B, IAB 11/3/10, effective 12/8/10; ARC 0265C, IAB 8/8/12, effective 9/12/12]

~~650—25.513(153) Review of programs or sponsors.~~ The board on its own motion or at the recommendation of the advisory committee on continuing education may monitor or review any continuing education program or sponsors already approved by the board. Upon evidence of a failure to meet the requirements of 650—25.12, the board may revoke the approval status of the sponsor. Upon evidence of significant variation in the program presented from the program approved, the board may deny all or any part of the approved hours granted to the program. A provider who wishes to appeal the board's decision regarding revocation of approval status or denial of continuing education credit shall file an appeal within 30 days of the board's decision. A timely appeal shall initiate a contested case proceeding. The contested case shall be conducted pursuant to Iowa Code chapter 17A and 650 IAC chapter 51. The written decision issued at the conclusion of a contested case hearing shall be considered final agency action. ~~Upon evidence of significant variation in the program presented from the program approved, the board may disapprove all or any part of the approved hours granted to the program or may rescind the approval status of the sponsor.~~

~~650—25.6(153) Hearings.~~ In the event of denial, in whole or in part, of any application for approval of a continuing education program or credit for continuing education activity, the applicant, licensee, or registrant shall have the right, within 20 days after the sending of the notification of the denial by ordinary mail, to request a hearing which shall be held within 60 days after receipt of the request for hearing. The hearing shall be conducted by the board or a qualified hearing officer designated by the board. If the hearing is conducted by a hearing officer, the hearing officer shall submit a transcript of the hearing with the proposed decision of the hearing officer. The decision of the board or decision of the hearing officer after adoption by the board shall be final.

~~650—25.7(153) Extensions and exemptions.~~

~~25.7(1) Illness or disability.~~ The board may, in individual cases involving physical disability or illness, grant an exemption of the minimum education requirements or an extension of time within which to fulfill the same or make the required reports. No exemption or extension of time shall be granted unless written application is made on forms provided by the board and signed by the licensee or registrant and a physician licensed by the board of medical examiners. Extensions or exemptions of the minimum educational requirements may be granted by the board for any period of time not to exceed one calendar year. In the event that the physical disability or illness upon which an exemption has been granted continues beyond the period granted, the licensee or registrant must reapply for an extension of the exemption. The board may, as a condition of the exemption, require the applicant to make up a certain portion or all of the minimum educational requirements.

~~25.7(2) Other extensions or exemptions.~~ Extensions or exemptions of continuing education requirements will be considered by the board on an individual basis. Licensees or registrants will be

exempt from the continuing education requirements for:

- ~~a.~~ Periods that the person serves honorably on active duty in the military services;
- ~~b.~~ Periods that the person practices the person's profession in another state or district having a continuing education requirement and the licensee or registrant meets all requirements of that state or district for practice therein;
- ~~c.~~ Periods that the person is a government employee working in the person's licensed or registered specialty and assigned to duty outside the United States;
- ~~d.~~ Other periods of active practice and absence from the state approved by the board;
- ~~e.~~ The current biennium renewal period, or portion thereof, following original issuance of the license;
- ~~f.~~ For dental assistants registered pursuant to 650—20.6(153), the current biennium renewal period, or portion thereof, following original issuance of the registration.

~~650—25.8(153) Exemptions for inactive practitioners.~~ A licensee or registrant who is not engaged in practice in the state of Iowa, residing in or out of the state of Iowa, may place the license or registration on inactive status by submitting a written renewal form and paying the required renewal fee. No continuing education hours are required to renew a license or registration on inactive status until reinstatement. A request to place a license or registration on inactive status shall also contain a statement that the applicant will not engage in the practice of the applicant's profession in Iowa without first complying with all rules governing reinstatement of inactive practitioners.

[ARC 8369B, IAB 12/16/09, effective 1/20/10]

~~650—25.9(153) Reinstatement of inactive practitioners.~~ Inactive practitioners shall, prior to engaging in the practice of dentistry, dental hygiene, or dental assisting in the state of Iowa, satisfy the following requirements for reinstatement:

- ~~25.9(1)~~ Submit written application for reinstatement to the board upon forms provided by the board; and
- ~~25.9(2)~~ Furnish in the application evidence of one of the following:
 - ~~a.~~ The full-time practice of the profession in another state of the United States or the District of Columbia and completion of continuing education for each year of inactive status substantially equivalent in the opinion of the board to that required under the rules; or
 - ~~b.~~ Completion of a total number of hours of approved continuing education computed by multiplying 15 by the number of years the license has been on inactive status for a dentist or dental hygienist, up to a maximum of 75 hours for a dentist or dental hygienist, or by multiplying 10 by the number of years the registration has been on inactive status for a dental assistant, up to a maximum of 50 hours for a dental assistant; or
 - ~~c.~~ Successful completion of CRDTS or other Iowa state license or registration examination conducted within one year immediately prior to the submission of such application for reinstatement; or
 - ~~d.~~ The licensee or registrant may petition the board to determine the continuing education credit hours required for reinstatement of the Iowa license or registration.
 - ~~e.~~ Evidence that the applicant possesses a current certificate in a nationally recognized course in cardiopulmonary resuscitation. The course must include a clinical component.
- ~~25.9(3)~~ Applications must be filed with the board along with the following:
 - ~~a.~~ Certification by the state board of dentistry or equivalent authority in which applicant has engaged in the practice of the applicant's profession that the applicant has not been the subject of final or pending disciplinary action.
 - ~~b.~~ Statement as to any claims, complaints, judgments or settlements made with respect to the applicant arising out of the alleged negligence or malpractice in rendering professional services as a dentist, dental hygienist, or dental assistant.

[ARC 8369B, IAB 12/16/09, effective 1/20/10; ARC 9218B, IAB 11/3/10, effective 12/8/10]

650—25.1014(153) Noncompliance with continuing dental education requirements. It is the licensee's or registrant's personal responsibility to comply with these rules. The license or registration of individuals not complying with the continuing dental education rules may be subject to disciplinary action by the board or nonrenewal of the license or registration.

650—25.1115(153) Dental hygiene continuing education. The dental hygiene committee, in its discretion, shall make recommendations to the board for approval or denial of requests pertaining to dental hygiene education. The dental hygiene committee may utilize the continuing education advisory committee as needed. The board's review of the dental hygiene committee recommendation is subject to 650—Chapter 1. The following items pertaining to dental hygiene shall be forwarded to the dental hygiene committee for review.

1. Dental hygiene continuing education requirements and requests for approval of programs, activities and sponsors.
2. Requests by dental hygienists for waivers, extensions and exemptions of the continuing education requirements.
3. Requests for exemptions from inactive dental hygiene practitioners.
4. Requests for reinstatement from inactive dental hygiene practitioners.
5. Appeals of denial of dental hygiene continuing education and conduct hearings as necessary.

These rules are intended to implement Iowa Code sections 147.10, 153.15A, and 153.39 and chapter 272C.

[Filed 8/23/78, Notice 6/28/78—published 9/20/78, effective 10/25/78]

[Filed emergency 12/16/83—published 1/4/84, effective 12/16/83]

[Filed emergency 2/24/84 after Notice 1/4/84—published 3/14/84, effective 2/24/84]

[Filed 12/12/85, Notice 9/11/85—published 1/1/86, effective 2/5/86]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 3/16/90, Notice 12/27/89—published 4/4/90, effective 5/9/90]

[Filed 4/3/91, Notice 2/20/91—published 5/1/91, effective 6/5/91]

[Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93]

[Filed 5/1/97, Notice 2/26/97—published 5/21/97, effective 6/25/97]

[Filed 10/17/97, Notice 8/13/97—published 11/5/97, effective 12/10/97]

[Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

[Filed 11/12/99, Notice 8/11/99—published 12/1/99, effective 1/5/00]

[Filed emergency 1/21/00—published 2/9/00, effective 1/21/00]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

[Filed 1/18/02, Notice 11/14/01—published 2/6/02, effective 3/13/02]

[Filed 1/18/02, Notice 11/14/01—published 2/6/02, effective 10/1/02]

[Filed emergency 6/21/02—published 7/10/02, effective 7/1/02]

[Filed without Notice 10/24/02—published 11/13/02, effective 12/18/02]

[Filed 7/1/04, Notice 5/12/04—published 7/21/04, effective 8/25/04]

[Filed 9/9/05, Notice 7/20/05—published 9/28/05, effective 11/2/05]

[Filed 4/6/06, Notice 2/15/06—published 4/26/06, effective 7/1/06]

[Filed 2/5/07, Notice 9/27/06—published 2/28/07, effective 4/4/07]

[Filed 2/5/07, Notice 11/22/06—published 2/28/07, effective 4/4/07]

[Filed ARC 8369B (Notice ARC 8044B, IAB 8/12/09), IAB 12/16/09, effective 1/20/10]

[Filed ARC 9218B (Notice ARC 8846B, IAB 6/16/10), IAB 11/3/10, effective 12/8/10]

[Filed ARC 0265C (Notice ARC 0128C, IAB 5/16/12), IAB 8/8/12, effective 9/12/12]

DENTAL BOARD [650]

Notice of Intended Action

Pursuant to the authority of Iowa Code 153.33, 153.39 and 272C.2, the Dental Board hereby gives Notice of Intended Action to rescind Chapter 25, “Continuing Education,” and adopt a new Chapter 25 “Continuing Education,” and amends Chapter 14, “Renewal and Reinstatement.”

These amendments rescind Chapter 25 and replace it with a new Chapter 25 pertaining to updated continuing education requirements and standards. New Chapter 25 will continue to set forth the updated continuing education requirements for renewal, and standards for continuing education course and sponsor approval. New Chapter 25 will incorporate all continuing education requirements for the purposes of renewal into one chapter.

The purpose of the proposed amendments is to clarify continuing education requirements for renewal of licenses and registrations, and to simplify requirements for continuing education course and sponsor review.

These amendments update and add definitions in the chapter to clarify intent, and to allow the approval of programs and activities when content meets established requirements for approval.

These amendments would place all continuing education requirements for the purposes of renewal in a single chapter. Currently, continuing education requirements for dental assistants are found in Chapter 20. The continuing education requirements for dental assistants will be stricken from Chapter 20 and moved to new Chapter 25.

The amendments would clarify when proof of continuing education shall be submitted as part of an audit.

These amendments would establish new requirements for continuing education in the areas of infection control and jurisprudence for all Iowa licensees and registrants.

These amendments would strike language pertaining to continuing education credit awarded during previous renewal cycles that is no longer applicable to current renewal requirements.

These amendments would add a provision to allow continuing education credit for those who complete the Dental Assisting National Board (DANB) examination during the current reporting period.

These amendments would put a limit on the length of time for which continuing education courses would be eligible for credit following approval by the Board. This would ensure that courses for which credit is awarded are current, and include relevant concepts and information.

These amendments would update and clarify the list of acceptable and unacceptable topics for continuing education credit.

These amendments would establish a new section, "Designation of continuing education hours," which sets forth the number of continuing education hours that will be awarded for specific activities.

These amendments would update the notification requirement following the board's decision regarding continuing education requests. Current requirements require notification by ordinary mail. The proposal would require written notification, to include written notification by email.

These amendments would strike the rules relating to reinstatement of an inactive practitioner in Chapter 25. These rules are being moved to Chapter 14, "Renewal and Reinstatement." This would allow renewal and reinstatement requirements to be addressed in a single chapter.

Any interested person may make written comments on the proposed amendments on or before (April 4 – TBD), 2017. Such written materials should be directed to Phil McCollum, Associate Director, Iowa Dental Board, 400 S.W. Eighth Street, Suite D, Des Moines, Iowa 50309 or sent by email to phil.mccollum@iowa.gov.

There will be a public hearing on (April 4 – TBD), 2017 at 2:00 pm in the Board office, 400 S.W. Eighth Street, Suite D, Des Moines, Iowa, 50309 at which time persons may present their views orally or in writing.

The proposed amendments are subject to waiver or variance pursuant to 650-chapter 7.

After analysis and review of this rule making, there is no impact on jobs.

CHAPTER 14
RENEWAL AND REINSTATEMENT
[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—14.1(147,153,272C) Renewal of license to practice dentistry or dental hygiene. A license to practice dentistry or a license to practice dental hygiene must be renewed prior to the expiration date of the license. Dental hygiene licenses expire on August 31 of every odd-numbered year. Dental licenses expire August 31 of every even-numbered year. A licensee who is not engaged in practice in the state of Iowa may place the license on inactive status by submitting a renewal form and paying the required renewal fee. No continuing education hours are required to renew a license on inactive status until application for reactivation is made. A request to place a license on inactive status shall also contain a statement that the applicant will not engage in the practice of the applicant's profession in Iowa without first complying with all rules governing reactivation of inactive practitioners.

14.1(1) Application renewal procedures.

a. Renewal notice. The board office will send a renewal notice by ~~regular mail~~ or e-mail to each licensee at the licensee's last-known ~~mailing~~ or e-mail address.

b. Licensee and permit holder obligation. The licensee or permit holder is responsible for renewing the license or permit prior to its expiration. Failure of the licensee or permit holder to receive the notice does not relieve the licensee or permit holder of the responsibility for renewing that license or permit in order to continue practicing in the state of Iowa.

c. Renewal application form. Application for renewal must be made on forms provided by the board office. Licensees and permit holders may renew their licenses and permits online or via paper application.

d. Complete and timely filed application. No renewal application shall be considered timely and sufficient until received by the board office and accompanied by all material required for renewal and all applicable renewal and late fees. Incomplete applications will be not be accepted. For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for renewals submitted online, the electronic timestamp will be deemed the date of filing.

14.1(2) Application fee. The appropriate fee as specified in 650—Chapter 15 of these rules must accompany the application for renewal. A penalty shall be assessed by the board for late renewal, as specified in 650—Chapter 15.

14.1(3) Continuing education requirements. Completion of continuing education in accordance with 650—Chapter 25 is required for renewal of an active license. However, licensees are exempt from the continuing education requirement for the current biennium in which the license is first issued.

14.1(4) CPR certification. In order to renew a license, an applicant must submit a statement:

a. Confirming that the applicant possesses a valid certificate from a nationally recognized course in cardiopulmonary resuscitation (CPR) that included a “hands-on” clinical component;

b. Providing the expiration date of the CPR certificate; and

c. Acknowledging that the CPR certificate will be retained and made available to board office staff as part of routine auditing and monitoring.

14.1(5) Dental hygiene committee review. The dental hygiene committee may, in its discretion, review any applications for renewal of a dental hygiene license and make recommendations to the board. The board's review is subject to 650—Chapter 1.

This rule is intended to implement Iowa Code section 147.10 and chapters 153 and 272C.

[ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—14.2(153) Renewal of registration as a dental assistant. A certificate of registration as a registered dental assistant must be renewed biennially. Registration certificates shall expire on August 31 of every odd-numbered year. A registrant who is not engaged in practice in the state of Iowa may place the registration on inactive status by submitting a renewal form and paying the required renewal

fee. No continuing education hours are required to renew a registration on inactive status until application for reactivation is made. A request to place a registration on inactive status shall also contain a statement that the applicant will not engage in the practice of the applicant's profession in Iowa without first complying with all rules governing reactivation of inactive practitioners.

14.2(1) Renewal procedures.

a. Renewal notice. The board office will send a renewal notice by ~~regular mail or e-mail~~ to each registrant at the registrant's last-known ~~mailing address or e-mail address~~. ~~The board will notify each registrant by mail or e-mail of the expiration of the registration certificate.~~

b. Registrant obligation. The registrant is responsible for renewing the registration prior to its expiration. Failure of the registrant to receive the notice does not relieve the registrant of the responsibility for renewing that registration in order to continue practicing in the state of Iowa.

c. Renewal application form. Registrants may renew their registration online or via paper application. Paper application for renewal must be made in writing on forms provided by the board office before the current registration expires.

d. Complete and timely filed application. No renewal application shall be considered timely and sufficient until received by the board office and accompanied by all material required for renewal and all applicable renewal and late fees. Incomplete applications will not be accepted. For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for renewals submitted online, the electronic timestamp will be deemed the date of filing.

14.2(2) Application fee. The appropriate fee as specified in 650—Chapter 15 must accompany the application for renewal. A penalty shall be assessed by the board for late renewal, as specified in 650—Chapter 15.

14.2(3) Continuing education requirements. Completion of continuing education as specified in rule ~~650—20.11(153)~~ and 650—Chapter 25 is required for renewal of an active registration. Failure to meet the requirements of renewal in the time specified by rule will automatically result in a lapsed registration.

14.2(4) CPR certification. In order to renew a registration, an applicant must submit a statement:

a. Confirming that the applicant possesses a valid certificate from a nationally recognized course in cardiopulmonary resuscitation (CPR) that included a “hands-on” clinical component;

b. Providing the expiration date of the CPR certificate; and

c. Acknowledging that the CPR certificate will be retained and made available to board office staff as part of routine auditing and monitoring.

This rule is intended to implement Iowa Code sections 147.10 and 153.39.
[ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—14.3(136C,153) Renewal of dental assistant radiography qualification. A certificate of radiography qualification must be renewed biennially. Radiography qualification certificates shall expire on August 31 of every odd-numbered year.

14.3(1) Renewal procedures.

a. Renewal notice. The board office will send a renewal notice by regular mail or e-mail to each registrant at the registrant's last-known mailing address or e-mail address. The board will notify each registrant by mail or e-mail of the expiration of the radiography qualification.

b. Registrant obligation. The registrant is responsible for renewing the radiography qualification prior to its expiration. Failure of the registrant to receive the notice does not relieve the registrant of the responsibility for renewing that radiography qualification if the registrant wants to continue taking dental radiographs in the state of Iowa.

c. Renewal application form. Application for renewal must be made in writing on forms provided by the board office before the current radiography qualification expires. Registrants may renew their radiography qualification online or via paper application.

d. Complete and timely filed application. No renewal application shall be considered timely and sufficient until received by the board office and accompanied by all material required for renewal and

all applicable renewal and late fees. Incomplete applications will not be accepted. For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for renewals submitted online, the electronic timestamp will be deemed the date of filing.

14.3(2) *Application fee.* The appropriate fee as specified in 650—Chapter 15 must accompany the application for renewal. A penalty shall be assessed by the board for late renewal, as specified in 650—Chapter 15.

14.3(3) *Continuing education requirements.* In order to renew a radiography qualification, the dental assistant shall obtain at least two hours of continuing education in the subject area of dental radiography. Proof of attendance shall be retained by the dental assistant and must be submitted to the board office upon request.

14.3(4) *CPR certification.* In order to renew a radiography qualification, an applicant must submit a statement:

- a. Confirming that the applicant possesses a valid certificate from a nationally recognized course in cardiopulmonary resuscitation (CPR) that included a “hands-on” clinical component;
- b. Providing the expiration date of the CPR certificate; and
- c. Acknowledging that the CPR certificate will be retained and made available to board office staff as part of routine auditing and monitoring.

This rule is intended to implement Iowa Code chapters 136C and 153.

[ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—14.4(147,153,272C) Grounds for nonrenewal. The board may refuse to renew a license, registration or radiography qualification on the following grounds:

14.4(1) After proper notice and hearing, for a violation of these rules or Iowa Code chapter 147, 153, or 272C during the term of the last license, registration or radiography qualification or renewal of license, registration or radiography qualification.

14.4(2) Failure to pay required fees.

14.4(3) Failure to obtain required continuing education.

14.4(4) Failure to provide a statement of current certification in cardiopulmonary resuscitation in a course that includes a clinical component.

14.4(5) Receipt of a certificate of noncompliance from the college student aid commission or the child support recovery unit of the department of human services in accordance with 650—Chapter 33 and 650—Chapter 34.

This rule is intended to implement Iowa Code section 153.23 and chapters 147, 252J, 261, and 272C.

[ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—14.5(147,153,272C) Late renewal.

14.5(1) *Failure to renew license or permit.*

a. Failure to renew a dental or dental hygiene license or permit prior to September 1 following expiration shall result in a late fee in the amount specified in 650—Chapter 15 being assessed by the board in addition to the renewal fee.

b. Failure to renew prior to October 1 following expiration shall result in assessment of a late fee in the amount specified in 650—Chapter 15.

c. Failure of a license or permit holder to renew a license or permit prior to November 1 following expiration shall cause the license or permit to lapse and become invalid. A licensee or permit holder whose license or permit has lapsed and become invalid is prohibited from the practice of dentistry or dental hygiene until the license or permit is reinstated in accordance with rule 650—14.6(147,153,272C).

14.5(2) *Failure to renew registration.*

a. Failure to renew a dental assistant registration prior to September 1 following expiration shall result in a late fee in the amount specified in 650—Chapter 15 assessed by the board in addition to the

renewal fee.

b. Failure to renew prior to October 1 following expiration shall result in assessment of a late fee in the amount specified in 650—Chapter 15.

c. Failure to renew a registration prior to November 1 following expiration shall cause the registration to lapse and become invalid. A registrant whose registration has lapsed and become invalid is prohibited from practicing as a dental assistant until the registration is reinstated in accordance with rule 650—14.6(147,153,272C).

14.5(3) Failure to renew radiography qualification. Failure to renew a radiography qualification prior to November 1 following expiration shall cause the radiography qualification to lapse and become invalid. A dental assistant whose radiography qualification is lapsed is prohibited from engaging in dental radiography until the qualification is reinstated in accordance with rule 650—14.7(136C,153).

This rule is intended to implement Iowa Code sections 147.10, 147.11, and 272C.2.
[ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—14.6(147,153,272C) Reinstatement of a lapsed license or registration.

14.6(1) A licensee or a registrant who allows a license or registration to lapse by failing to renew may have the license or registration reinstated at the discretion of the board by submitting the following:

a. A completed application for reinstatement of a lapsed license or registration to practice dentistry, ~~or~~ dental hygiene or dental assisting, on forms provided to the board, in addition to the required fee.

b. Dates and places of practice.

c. A list of other states in which licensed or registered and the identifying number of each license or registration.

d. Reasons for seeking reinstatement and why the license or registration was not maintained.

e. Payment of all renewal fees past due, as specified in 650—Chapter 15, plus the reinstatement fee as specified in 650—Chapter 15.

f. The full-time or part-time practice of the profession in another state of the United States or the District of Columbia, for a minimum of two out of the previous five year period, and a statement verifying that continuing education requirements in that state of practice have been met; or

g. Evidence of completion of a total of 15 hours of continuing education for each lapsed year or part thereof in accordance with 650—Chapter 25, up to a maximum of 75 hours. Dental assistants shall be required to submit evidence of completion of a total of 10 hours of continuing education for each lapsed year or part thereof in accordance with 650—20.12(153) Chapter 25, up to a maximum of 30 hours.

g.h If licensed or registered in another state, the licensee or registrant shall provide certification by the state board of dentistry or equivalent authority of such state that the licensee or registrant has not been the subject of final or pending disciplinary action.

h.i A statement disclosing and explaining any disciplinary actions, investigations, claims, complaints, judgments, settlements, or criminal charges.

i.j Evidence that the applicant possesses a current certificate in a nationally recognized course in cardiopulmonary resuscitation. The course must include a clinical component.

j.k For reinstatement of a lapsed license, a completed fingerprint packet to facilitate a criminal history background check by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI), including the fee for the evaluation of the fingerprint packet and the criminal history background checks by the DCI and FBI, as specified in 650—Chapter 15.

14.6(2) The board may require a licensee or registrant applying for reinstatement, who has not actively practiced clinically within the previous five years, to successfully complete ~~an examination designated by the board prior to reinstatement if necessary to ensure the licensee or registrant is able~~

~~to practice the licensee's or registrant's respective profession with reasonable skill and safety. a regional clinical examination, or other board approved examination or assessment, for the purpose of ensuring that the applicant possesses sufficient knowledge and skill to practice safely.~~

14.6(3) When the board finds that a practitioner applying for reinstatement is or has been subject to disciplinary action taken against a license or registration held by the applicant in another state of the United States, District of Columbia, or territory, and the violations which resulted in such actions would also be grounds for discipline in Iowa in accordance with rule 650—30.4(153), the board may deny reinstatement of a license or registration to practice dentistry, dental hygiene, or dental assisting in Iowa or may impose any applicable disciplinary sanctions as specified in rule 650—30.2(153) as a condition of reinstatement.

14.6(4) The dental hygiene committee may, in its discretion, review any applications for reinstatement of a lapsed dental hygiene license and make recommendations to the board. The board's review of the dental hygiene committee recommendation is subject to 650—Chapter 1.

This rule is intended to implement Iowa Code sections 147.10, 147.11, and 272C.2.
[ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—14.7(136C,153) Reinstatement of lapsed radiography qualification. A dental assistant who allows a radiography qualification to lapse by failing to renew may have the radiography qualification reinstated at the discretion of the board by submitting the following:

14.7(1) A completed application for reinstatement of the dental assistant radiography qualification.

14.7(2) Payment of the radiography reinstatement application fee and the current renewal fee, both as specified in 650—Chapter 15.

14.7(3) Proof of current registration as a dental assistant or proof of an active Iowa nursing license.

14.7(4) If the radiography qualification has been lapsed for less than four years, proof of two hours of continuing education in the subject area of dental radiography, taken within the previous two-year period.

14.7(5) If the radiography qualification has been lapsed for more than four years, the dental assistant shall be required to retake and successfully complete an examination in dental radiography. A dental assistant who presents proof of a current radiography qualification issued by another state and who has engaged in dental radiography in that state is exempt from the examination requirement.

This rule is intended to implement Iowa Code section 136C.3 and chapter 153.
[ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—14.8 (153) Reactivation of inactive practitioners. Inactive practitioners shall, prior to engaging in the practice of dentistry, dental hygiene, or dental assisting in the state of Iowa, satisfy all of the following requirements for reactivation:

14.8(1) Submit application for reactivation to the board upon forms provided by the board, in addition to the required fee.

14.8(2) Provide evidence of one of the following:

a. The full-time or part-time practice of the profession in another state of the United States or the District of Columbia for a minimum of two out of the previous five year period; or

b. Completion of a total number of hours of approved continuing education computed by multiplying 15 by the number of years the license has been on inactive status for a dentist or dental hygienist, up to a maximum of 75 hours for a dentist or dental hygienist, or by multiplying 10 by the number of years the registration has been on inactive status for a dental assistant, up to a maximum of 30 hours for a dental assistant.

14.8(3) Submit evidence that the applicant possesses a current certificate in a nationally recognized course in cardiopulmonary resuscitation. The course must include a clinical component.

14.8(4) The board may require a licensee or registrant applying for reactivation, who has not actively

practiced clinically in the previous five years, to successfully complete a regional clinical examination, or other board approved examination or assessment, to ensure the licensee or registrant is able to practice with reasonable skill and safety.

14.8(3) Applications must be filed with the board along with the following:

a. Certification by the state board of dentistry or equivalent authority in which applicant has engaged in the practice of the applicant's profession that the applicant has not been the subject of final or pending disciplinary action.

b. Statement as to any claims, complaints, judgments or settlements made with respect to the applicant arising out of the alleged negligence or malpractice in rendering professional services as a dentist, dental hygienist, or dental assistant.

[Filed 8/23/78, Notice 6/28/78—published 9/20/78, effective 10/25/78]

[Filed emergency 12/16/83—published 1/4/84, effective 12/16/83]

[Filed emergency 2/24/84 after Notice 1/4/84—published 3/14/84, effective 2/24/84]

[Filed 12/14/84, Notice 10/10/84—published 1/2/85, effective 2/6/85]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 8/1/91, Notice 5/29/91—published 8/21/91, effective 9/25/91]

[Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93]

[Filed 1/27/95, Notice 11/23/94—published 2/15/95, effective 3/22/95]

[Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

[Filed 1/18/02, Notice 11/14/01—published 2/6/02, effective 3/13/02]

[Filed 1/18/02, Notice 11/14/01—published 2/6/02, effective 10/1/02]

[Filed without Notice 10/24/02—published 11/13/02, effective 12/18/02]

[Filed 8/31/04, Notice 7/21/04—published 9/29/04, effective 11/3/04]

[Filed 9/9/05, Notice 7/20/05—published 9/28/05, effective 11/2/05]

[Filed 4/6/06, Notice 2/15/06—published 4/26/06, effective 7/1/06]

[Filed 2/5/07, Notice 11/22/06—published 2/28/07, effective 4/4/07]

[Filed ARC 0265C (Notice ARC 0128C, IAB 5/16/12), IAB 8/8/12, effective 9/12/12]

**Expanded Functions Supplemental
Frequently Asked Clinical Questions
*Board Approval Pending***

1. Can a Level 1 Certified dental assistant place a sedative filling if using the same material as when placing a base such as IRM?

No, they cannot. Certified Level 2 dental assistants can only place and shape amalgam or composite materials following the preparation of a tooth by a dentist. A Certified Level 1 dental assistant cannot place fillings.

Level 1 rules limit expanded function providers to “applying” cavity liners and bases, desensitizing agents, and bonding systems. The purpose and technique of these procedures is different than placing restorations, as their purpose is to apply a material that provides protection and/or retention to the tooth being restored.

The judgement and skill required to place a restoration is different than the judgement and skill required to place a liner or a base even though the same material may be used. That is why the training requirements differ.

Liner, base and cement materials are constantly changing and improving in a trend to reduce the number of components and clinical placement steps. Such advancements in materials allow some to be used for more than one purpose. Intermediate Restorative Material (IRM) would be such an example, since the material may be used as a base or as a temporary restorative filling material.

Another example, even though they have been available for many years, are glass ionomers (GI). Depending on the category, they can be used as a liner, a base, a luting agent or as a restorative material.

Just because an expanded function provider has training in the use of a material for a specific purpose, such as a base or liner, that does not authorize them to use that same material for other purposes, such as for a restoration.

2. If an expanded function dental assistant can place etch before the bonding agent (placement of bonding systems) why can they not place sealants?

Board rules (650—20.3(2)) specifically prohibit a dental assistant from placing sealants, and Iowa law, pursuant to the 2000 Iowa Acts, specifically prohibits the dental board from adopting rules that would allow a dental assistant to place sealants.

3. Can Level 2 Certified dental assistants use sealant materials as part of a restorative procedure?

Yes. Iowa law expressly prohibits dental assistants from placing sealants. It does not prevent them from using sealant material as part of a restorative procedure. Level 2 expanded function rules for dental assistants allows for the placement and shaping of composite following preparation of a tooth by a dentist. Sealing unrestored pits, fissures or grooves as part of a composite filling is a preventative resin restoration. This is very different and distinct from placing a sealant on a stand-alone tooth for preventative or therapeutic purposes.

4. Does the expanded function process of fabrication of a provisional and removal also include the placement of the provisional? If not, why since it is a reversible/temporary procedure?

Level 2 Expanded Functions Procedures allow for the “placement” of stainless steel crowns only. The decision to limit such crown material to stainless steel was made by the Dental Board and the 2012 Expanded Functions Task Force charged with increasing the number of expanded functions that appropriately trained and certified dental auxiliaries are allowed to perform.

Level 1 Expanded Functions Procedures do not allow placement of a provisional. Level 1 and basic providers are only allowed to fabricate and remove provisional restorations (crowns & bridges). While the provisional restorations themselves may be temporary, their placement requires a more advanced level of training, judgement and skill to ensure proper seating and to perform bite adjustment.

5. Has suture removal ever been or ever will be considered for an expanded function?

The Board is not aware of any rule which would prohibit a registered dental assistant (non-expanded function) from removing sutures provided that it is done under the direct supervision of a dentist. The procedure is not listed as one that cannot be delegated pursuant to Board rules. It is mechanical in nature, does not result in an irreversible alteration of the oral anatomy, and it does not require the professional judgement and skill of a dentist. A dental hygienist could also provide such a procedure under general supervision.

6. Can a dental assistant remove excess wet cement from a crown a dentist has just placed with fingers or a cotton roll/ or cotton tip applicator (they are not using hand instrumentation)?

If hand instrumentation is not being used expanded function training is not necessary.

7. Can a Level 1 Certified dental assistant etch and put adhesive on a prep?

Because there have been technological advances in materials there may be gray area in the definition of bonding systems. For the purpose of expanded function rules, bonding systems are defined as any adhesive. This would include anything involving a primer, adhesive and etch, but newer systems could combine these all into one solution. A dental assistant may only apply the etch/adhesive to the tooth surface and may not place any appliance or device that requires the professional judgement and skill of a dentist, such as an orthodontic bracket, crowns, bridges, etc..

8. Can a Level 1 Certified dental assistant place Invisalign or other clear aligner composite attachments or buttons?

Yes. This would be allowed under bonding systems, as it is mechanical in nature and reversible.

9. Can a Level 1 Certified dental assistant take CEREC, Itero or Trios digital impressions?

Yes. This is allowed under taking final impressions.

10. Does the fabrication and removal of provisional restorations listed under Level 1 procedures allow the placement of filling materials for tooth restorations?

No. Provisional restorations only refer to fabricating or removing temporary crowns and bridges and does not include placing restorative materials.

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 136C.3, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 41, “Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials,” Iowa Administrative Code.

The rules are being amended to allow operators to use handheld X-ray equipment without facilities’ needing to obtain a waiver from the Department. Current rules in Chapter 41 prohibit the use of X-ray equipment that is held by the operator during exposures. Over the past few years, manufacturers have developed X-ray equipment specifically designed to be held by the operator during exposures. Over time, the safety of these devices has been confirmed, and industry interest has increased. The Department has been issuing waivers to facilities to allow for the use of this equipment. These proposed amendments remove restrictive language to allow for the use of handheld devices for intraoral radiography only and place into rule operating requirements specific to the X-ray equipment. The operating requirements are currently required as conditions of the waiver. These rules were drafted with input from the Iowa Dental Association.

Any interested person may make written comments or suggestions on the proposed amendments on or before February 7, 2017. Such written comments should be directed to Angela Leek, Bureau of Radiological Health, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to angela.leek@idph.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 136C.

The following amendments are proposed.

ITEM 1. Amend subrule **41.1(2)**, definition of “X-ray equipment,” as follows:

“*X-ray equipment*” means an X-ray system, subsystem, or component thereof. Types of X-ray equipment are as follows:

a. “Mobile X-ray equipment” means X-ray equipment mounted on a permanent base with wheels or casters for moving while completely assembled.

b. “Portable X-ray equipment” means X-ray equipment designed to be hand-carried but used with a tripod or other stabilization mechanism so the operator is not holding the equipment during exposure.

c. “Stationary X-ray equipment” means X-ray equipment which is installed in a fixed location.

d. “Handheld X-ray equipment” means X-ray equipment designed by the manufacturer to be handheld by the operator during the exposure. X-ray equipment designed without a backscatter shield is prohibited.

ITEM 2. Amend subparagraph **41.1(3)“a”(9)** as follows:

(9) Procedures and auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information shall be utilized.

1. The speed of film or screen and film combinations shall be the fastest speed consistent with the diagnostic objective of the examinations. Film cassettes without intensifying screens shall not be used for any routine diagnostic radiological imaging, with the exception of veterinary radiography and standard film packets for ~~intra-oral~~ intraoral use in dental radiography.

2. The radiation exposure to the patient shall be the minimum exposure required to produce images of good diagnostic quality.

3. Portable or mobile X-ray equipment shall be used only for examinations, excluding intraoral dental imaging, where it is impractical to transfer the patient(s) to a stationary X-ray installation. Handheld mobile X-ray equipment may be used for routine intraoral dental imaging in place of a stationary unit. Handheld X-ray equipment shall be used only for intraoral dental radiography.

4. X-ray systems subject to 41.1(6) shall not be utilized in procedures where the source to human patient distance is less than 30 centimeters.

5. If grids are used between the patient and the image receptor to decrease scatter to the film and improve contrast, the grid shall:

- Be positioned properly, i.e., tube side facing the correct direction, and the grid centered to the central ray;
- If the grid is of the focused type, be at the proper focal distance for the SIDs being used.

ITEM 3. Amend subrule 41.1(7), introductory paragraph, as follows:

41.1(7) Intraoral dental radiographic systems. In addition to the provisions of 41.1(3) and 41.1(4), the requirements of 41.1(7) apply to X-ray equipment and associated facilities used for dental radiography. Requirements for extraoral dental radiographic systems are covered in 41.1(6). Only systems meeting the requirements of 41.1(7) shall be used. Additional requirements specific to handheld dental X-ray equipment are outlined in 41.1(7)“i.”

ITEM 4. Amend subparagraph **41.1(7)“c”(5)** as follows:

(5) Each X-ray exposure switch shall be located in such a way as to meet the following requirements:

1. Stationary X-ray systems shall be required to have the X-ray exposure switch located in a protected area or have an exposure switch cord of sufficient length to permit the operator to activate the unit while in a protected area, e.g., corridor outside the operator. The procedures required under 41.1(3)“a”(4) must instruct the operator to remain in the protected area during the entire exposure.

2. Mobile and portable X-ray systems which are:

- Used for greater than one week in the same location, i.e., a room or suite, shall meet the requirements of 41.1(7)“c”(5)“1.”
- Used for greater than one hour and less than one week at the same location, i.e., a room or suite, shall meet the requirements of the above paragraph or be provided with a 6.5 foot (1.98 m) high protective barrier or means to allow the operator to be at least 9 feet (2.7 meters) from the tube housing assembly while making exposure.

3. ~~Portable or hand-held~~ dental X-ray systems designed with a backscatter shield may be used without the additional protective barrier, but the operator must wear a protective apron. The operator must stand directly behind the unit to allow the shield to function as designed.

ITEM 5. Amend subparagraph **41.1(7)“h”(2)** as follows:

(2) The tube housing and the PID for stationary or mobile systems shall not be ~~hand-held~~ held by the operator during an exposure.

ITEM 6. Amend paragraph **41.1(7)“i”** as follows:

i. ~~Portable or hand-held~~ Handheld dental X-ray systems. ~~Portable or hand-held dental X-ray systems designed with a backscatter shield shall:~~ Only equipment specifically designed by the manufacturer to be held by the operator for intraoral dental X-ray exposures is allowed to be operated pursuant to this subrule.

- ~~(1) Be used only where it is impractical to use a portable dental system;~~
- ~~(2) Be used as the manufacturer indicates;~~
- ~~(3) Not be used with the backscatter shield removed, if applicable; and~~
- ~~(4) Be exempted from 41.1(4)“g.”~~

(1) Operators shall be specifically trained to operate the unit. Records of training shall be kept at the facility until the operator is no longer an employee or until the equipment is removed from the facility.

(2) Lead aprons shall be provided for operators to wear while operating the unit.

(3) Dosimetry shall be provided for operators who are expected to exceed 10 percent of the annual occupational dose limit as outlined in 641—40.84(136C).

(4) Operators shall operate the unit according to the manufacturer's instructions.

(5) The image receptor used must be digital, computed radiography (CR), or intraoral film with a speed class designated as "E/F" or a film with a faster speed designation than "F" or "E/F."

(6) No individual except the equipment operator may be within a radius of at least six feet from the patient during exposures.

(7) The unit shall not be operated unless the backscatter shield is in place as designed by the manufacturer.

(8) The unit shall not be operated in hallways, waiting rooms, or other areas where access for individuals of the general public cannot be controlled.

(9) The unit shall be held without any motion during a patient examination. If the operator has difficulty in holding the unit stationary, the operator shall use a tube stand. The unit shall be operated on a tube stand whenever possible to avoid unnecessary motion and retakes.

(10) When not in use, the unit shall be stored to prevent inadvertent exposures or use by unauthorized individuals.

<u>Last Name</u>	<u>First Name</u>	<u>Rule/Subrule</u>	<u>Topic</u>	<u>Decision</u>	<u>Date of Ruling</u>	<u>Background Information</u>
Confidential	2005-1(KC)	12.4(3)	Dental Hygiene Remedial Education	Approved	10/28/2005	Patient was rejected at second examination prior to testing; therefore, she was not able to demonstrate skills at that examination prior to failure. Completed the 40 hours of remedial training after third failure. Took CRDTS for the first three examination attempts. Passed the WREB examination on 9/8/2005.
Confidential	2016 (ME)	12.4(3)	Dental Hygiene Remedial Education			Completed 40 hours of remedial in Sept 2016 following second failure. Husband passed away while preparing for second examination. Patient did not qualify at second examination. For the third examination, patient did not show up, and used a back up from another student. This patient did not tolerate scaling well. Would like a waiver of remedial education prior to fourth attempt.
Ceraso	Gregory	29.5(1)	Moderate Sedation Permit, Facility Requirements	Approved	5/8/2009	Intend to have sedation services provided by a registered CRNA and/or anesthesiologists due to hardship in meeting the other requirements.
Hussong	Ryan	29.5(1)	Moderate Sedation Permit, Facility Requirements	Approved	7/31/2014	Intend to have sedation services provided by a registered CRNA and/or anesthesiologists due to hardship in meeting the other requirements.
Ceraso	Gregory	29.5(1)	Moderate Sedation Permit, Facility Requirements	Approved	10/22/2015	Asked for permission to allow a CRNA to provide sedation services when the anesthesiologist would not be available. This is a clarification from the previous waiver, which was addressed only the issue of an anesthesiologist to provide the sedation.
Hurley, Jones, Nensel	Robert, David, N	29.5(1)	Moderate Sedation Permit, Facility Requirements	Pending	7/21/2016	Intend to have sedation services provided by a registered CRNA and/or anesthesiologists due to hardship in meeting the other requirements.
Koth	Samuel	29.5(1)	Moderate Sedation Permit, Facility Requirements			Intend to have sedation services provided by a registered CRNA and/or anesthesiologists due to hardship in meeting the other requirements.

*updated 1/11/2017