

DENTAL BOARD [650]
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 147.76 and 272C.2, the Dental Board hereby gives Notice of Intended Action to amend Chapter 13, “Special Licenses,” Iowa Administrative Code.

The purpose of the proposed amendment is to establish procedural rules implementing the licensing provisions of House File 202, which has been adopted into Iowa Code Section 153.23, relating to the licensure of retired volunteer dentists and dental hygienists.

The proposed rules establish the criteria for application and qualification for such a license and establishes standards that must be met in order to retain the license.

Current rules do not permit dentists or dental hygienists the option to obtain a retired volunteer license.

Any interested person may make written comments on the proposed amendments on or before December 16th, 2015.

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 e-mail to phil.mccollum@iowa.gov.

There will be a public hearing on December 16th, 2015, at 2 p.m. in the Board office, 400 S.W. Eighth Street, Suite D, Des Moines, Iowa, 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, no impact on jobs has been found for dentists or dental hygienists.

These amendments are intended to implement Iowa Code section 153.23. The following amendments are proposed.

ITEM 1. Add subrule 650-13.4

650—13.4 (153) Retired Volunteer license. Upon application and qualification the board may issue a retired volunteer license to a dentist or dental hygienist who has retired from the practice of dentistry or dental hygiene, to enable the dentist or dental hygienist to provide volunteer dental or dental hygiene services without remuneration.

13.4(1) Applications for a retired volunteer license shall be made on forms provided by the board, which may include online applications, and must be complete. Incomplete applications will not be accepted.

13.4(2) Applications shall be filed with the board and must include:

- a. Satisfactory evidence that the applicant has retired from practice; and
- b. A statement disclosing and explaining any disciplinary actions and/or criminal charges; and
- c. Satisfactory evidence that the applicant has held an active dental or dental hygiene license within the previous 5 years; or
- d. Satisfactory evidence demonstrating that the applicant possesses sufficient knowledge and skill to practice safely and competently if the applicant has not held an active dental or dental hygiene license within the previous 5 years.

13.4(3) Persons holding a retired volunteer license shall not practice unless an Iowa licensed dentist with an active license is present at the location of practice at all times. Screenings and educational programs may be performed without the presence of an Iowa licensed dentist with an active license, provided that all other board rules governing the respective practice are met in regards to supervision requirements and permitted scope of practice.

13.4(4) A person holding a retired volunteer license shall not charge a fee or receive compensation or remuneration in any form from any person or third-party payer including but not limited to an insurance company, health plan, or state or federal benefit program.

13.4(5) An applicant who has surrendered, resigned, converted, or allowed a license to lapse or expire as the result of or in lieu of disciplinary action shall not be eligible for a retired volunteer license.

13.4(6) A retired volunteer license shall not be considered to be an active license to practice dentistry or dental hygiene and cannot be converted to any regular license type with active or inactive status.

13.4(7) Persons holding a retired volunteer license are prohibited from delegating duties to other licensees or registrants, and are prohibited from provided any level of supervision to other licensees or registrants. Licensees and registrants assisting persons with a retired volunteer license are doing so under the delegation and supervision of the Iowa licensed dentist with an active license who is required to be present at all times.

13.4(8) Persons holding a retired volunteer license are prohibited from prescribing, administering, or dispensing prescription drugs and all controlled substances.

13.4(9) A person holding a retired volunteer license is subject to all rules and regulations governing the practice of dentistry or dental hygiene except those related to the payment of fees, license renewal, and continuing education.

13.4(10) The board shall not charge an application or licensing fee for issuing a retired volunteer license.

13.4(11) A retired volunteer license is valid for twelve months from the date of issuance, at which time it expires and becomes invalid. A retired volunteer license holder whose license has become invalid is prohibited from the practice of dentistry or dental hygiene until a new retired volunteer license is issued.

13.4(12) The board may cancel a retired volunteer license if the holder has practiced outside the scope of the license or for any of the grounds for which licensure may be revoked or suspended as specified in Iowa Code chapters 147, 153, and 272C and 650—30.4(147,153,272C). When cancellation of a retired volunteer license is proposed, the board shall promptly notify the holder by sending a statement of charges and notice of hearing by certified mail to the last-known address of the holder, or by personal service. The provisions of 650—Chapter 51 shall govern a contested case proceeding following notice of intent to cancel the license.

13.4(13) The holder of a retired volunteer license shall notify the board by written correspondence or through the board's online system of any change in name or home address within seven days of the change. A copy of a certified marriage license or copy of certified court documents is required for proof of a name change.

13.4(14) Dental hygiene committee review. The dental hygiene committee shall make recommendations to the board regarding the issuance or denial of any retired volunteer license to practice dental hygiene. The board's review of the dental hygiene committee's recommendation is subject to 650—Chapter 1.

13.4(15) Denial of a retired volunteer license. The board may deny a retired volunteer license in accordance with 650—11.9(147,153) The procedure for appealing the denial is set forth in 650—11.10(147).

13.4(16) A holder of an inactive Iowa dental or dental hygiene license may also hold a retired volunteer license.