

# Jurisprudence for Dental Professionals

**Iowa Administrative Code 481—Dept. of Inspections, Appeals, & Licensing | Rules Effective April 9, 2025**

**Iowa Code Chapter 147**

**Iowa Code Chapter 153**

**Iowa Code Chapter 272C**

---

This booklet is the only resource material allowed into the testing room when taking the jurisprudence examination.

Handwritten notes are not allowed if you intend to use this booklet during the exam.



# Contents

## Iowa Administrative Code 481—Dept. of Inspections, Appeals, & Licensing

### **DIAL (Department) Rules**

- Ch. 1: Administration
- Ch. 2: Petition for Rulemaking
- Ch. 3: Declaratory Orders
- Ch. 4: Agency Procedure for Rulemaking
- Ch. 5: Public Records and Fair Information Practices
- Ch. 6: Uniform Waiver Rules
- Ch. 7: Military Service, Veteran Reciprocity, and Spouses of Active-Duty Service Members
- Ch. 8: Licensing and Child Support Noncompliance, Student Loan Repayment Non-Compliance, and Nonpayment of State Debt
- Ch. 9: Contested Cases
- Ch. 10: Rules of Procedure & Practice before the Administrative Hearings Division
- Ch. 15: Iowa Code of Administrative Judicial Conduct
- Ch. 16: Administrative Electronic Document Management System

### **Model Rules for Licensing Boards**

- Ch. 500: Model Rules for Board Administrative Processes
- Ch. 501: Model Rules for Licensure by Verification or Work Experience
- Ch. 502: Model Rules for Use of Criminal Convictions in Eligibility Determinations and Initial Licensing Decisions
- Ch. 503: Model Rules for Complaints & Investigations
- Ch. 504: Model Rules for Discipline
- Ch. 505: Model Rules for Licensee Review Committee
- Ch. 506: Model Rules for Contested Cases before Licensing Boards and Informal Settlements

## **Dental Board Rules**

- Ch. 570: Dental Board Administration
- Ch. 571: Dental Board Fees
- Ch. 572: Dental Licensure, Registration, Renewal, Reactivation and Reinstatement
- Ch. 573: Dental Continuing Education
- Ch. 574: General Requirements & Standards of Practice
- Ch. 575: Dental Assistants, Dental Radiography Qualifications, and Dental Laboratory Technicians
- Ch. 576: Dental Hygienists
- Ch. 577: Expanded Functions
- Ch. 578: Prescribing, Administering, and Dispensing Drugs
- Ch. 579: Sedation & Nitrous Oxide
- Ch. 580: Dental Board Complaints & Investigations
- Ch. 581: Dental Board Discipline

## **Iowa Code (Statute)**

- Iowa Code Chapter 147
- Iowa Code Chapter 153
- Iowa Code Chapter 272C

## INSPECTIONS AND APPEALS DEPARTMENT[481]

### CHAPTER 1 ADMINISTRATION

1.1(10A)	Organization
1.2(10A)	Definitions
1.3(10A)	Administration division
1.4(10A)	Investigations division
1.5(10A)	Health facilities division
1.6(10A)	Administrative hearings division
1.7(10A)	Administering discretion
1.8(10A)	Employment appeal board
1.9(10A,237)	Child advocacy board
1.10(10A,13B)	State public defender
1.11(10A,99D,99F)	Racing and gaming commission
1.12(10A,68B)	Consent for the sale of goods and services

### CHAPTER 2 PETITIONS FOR RULEMAKING

2.1(17A)	Petition for rulemaking
2.3(17A)	Inquiries

### CHAPTER 3 DECLARATORY ORDERS

3.1(17A)	Petition for declaratory order
3.2(17A)	Notice of petition
3.3(17A)	Intervention
3.5(17A)	Inquiries
3.6(17A)	Service and filing of petitions and other papers
3.8(17A)	Action on petition

### CHAPTER 4 AGENCY PROCEDURE FOR RULEMAKING

4.3(17A)	Public rulemaking docket
4.4(17A)	Notice of proposed rulemaking
4.5(17A)	Public participation
4.6(17A)	Regulatory analysis
4.11(17A)	Concise statement of reasons
4.13(17A)	Agency rulemaking record

### CHAPTER 5 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (Uniform Rules)

5.1(17A,22)	Definitions
5.3(17A,22)	Requests for access to records
5.6(17A,22)	Procedure by which a subject may have additions, dissents, or objections entered into the record
5.9(17A,22)	Disclosures without the consent of the subject
5.10(17A,22)	Routine use
5.11(17A,22)	Consensual disclosure of confidential records
5.12(17A,22)	Release to subject
5.13(17A,22)	Availability of records
5.14(17A,22)	Authority to release confidential records
5.15(17A,22)	Personnel files
5.16(17A,22)	Personally identifiable information

### CHAPTER 6 UNIFORM WAIVER RULES

6.1(10A,17A,ExecOrd11)	Applicability
------------------------	---------------

6.2(10A,17A,ExecOrd11)	Definitions
6.3(10A,17A,ExecOrd11)	Interpretive rules
6.4(10A,17A,ExecOrd11)	Compliance with statute
6.5(10A,17A,ExecOrd11)	Criteria for waiver
6.6(10A,17A,ExecOrd11)	Filing of petition
6.7(10A,17A,ExecOrd11)	Content of petition
6.8(10A,17A,ExecOrd11)	Additional information
6.9(10A,17A,ExecOrd11)	Notice
6.10(10A,17A,ExecOrd11)	Hearing procedures
6.11(10A,17A,ExecOrd11)	Ruling
6.12(10A,17A,ExecOrd11)	Public availability
6.13(10A,17A,ExecOrd11)	Voiding or cancellation
6.14(10A,17A,ExecOrd11)	Violations
6.15(10A,17A,ExecOrd11)	Defense
6.16(10A,17A,ExecOrd11)	Appeals
6.17(10A,17A,ExecOrd11)	Sample petition for waiver

#### CHAPTER 7

#### MILITARY SERVICE, VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE-DUTY SERVICE MEMBERS

7.1(272C)	Applicability and definitions
7.2(272C)	Military education, training, and service credit
7.3(272C)	Veteran and active-duty military spouse reciprocity

#### CHAPTER 8

#### LICENSING AND CHILD SUPPORT NONCOMPLIANCE, STUDENT LOAN REPAYMENT NONCOMPLIANCE, AND NONPAYMENT OF STATE DEBT

8.1(252J,272D)	Definitions	CHILD SUPPORT NONCOMPLIANCE
8.2(252J)	Definitions	
8.3(252J)	Child support certificates of noncompliance	STUDENT LOAN REPAYMENT NONCOMPLIANCE
8.4(272C)	Student loan repayment noncompliance	NONPAYMENT OF STATE DEBT
8.5(272D)	Definitions	
8.6(272D)	State debt certificates of noncompliance	

#### CHAPTER 9

#### CONTESTED CASES

9.1(10A,17A)	Applicability
9.2(10A,17A)	Initiation of a contested case proceeding
9.3(10A,17A)	Director review
9.4(10A,17A)	Rehearing
9.5(10A,17A)	Judicial review

#### CHAPTER 10

#### RULES OF PROCEDURE AND PRACTICE BEFORE THE ADMINISTRATIVE HEARINGS DIVISION

10.1(10A)	Definitions
10.2(10A,17A)	Time requirements
10.3(10A)	Requests for a contested case hearing
10.4(10A)	Transmission of contested cases
10.5(17A)	Notices of hearing
10.6(10A)	Waiver of procedures
10.7(10A,17A)	Telephone proceedings
10.8(10A,17A)	Scheduling
10.9(17A)	Disqualification
10.10(10A,17A)	Consolidation—severance
10.11(10A,17A)	Pleadings

10.12(17A)	Service and filing of documents
10.13(17A)	Discovery
10.14(10A,17A)	Subpoenas
10.15(10A,17A)	Motions
10.16(10A,17A)	Prehearing conference
10.17(10A)	Continuances
10.18(10A,17A)	Withdrawals
10.19(10A,17A)	Intervention
10.20(17A)	Hearing procedures
10.21(17A)	Evidence
10.22(17A)	Default
10.23(17A)	Ex parte communication
10.24(10A,17A)	Decisions
10.25	Reserved
10.26(10A,17A,272C)	Board hearings
10.27	Reserved
10.28(10A)	Recording costs

## CHAPTER 11

### PROCEDURE FOR CONTESTED CASES INVOLVING PERMITS TO CARRY WEAPONS AND ACQUIRE FIREARMS

11.1(17A,724)	Definitions
11.2(724)	Appeals
11.3(17A,724)	Notice of hearing
11.4(17A,724)	Agency record
11.5(17A)	Contested case hearing
11.6(17A,724)	Service and filing of documents
11.7(17A)	Witness lists and exhibits
11.8(17A)	Evidence
11.9(17A)	Withdrawals and dismissals
11.10(17A)	Default
11.11(10A,724)	Attorney fees, court costs, and contested case costs
11.12(724)	Probable cause
11.13(724)	Clear and convincing evidence
11.14(17A)	Rehearing

## CHAPTERS 12 to 14

Reserved

## CHAPTER 15

### IOWA CODE OF ADMINISTRATIVE JUDICIAL CONDUCT

15.1(10A)	Canon 1
15.2(10A)	Canon 2
15.3(10A)	Canon 3
15.4(10A)	Canon 4
15.5(10A)	Scope, definitions, and application

## CHAPTER 16

### ADMINISTRATIVE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

16.1(10A)	Scope
16.2(10A)	Definitions
16.3(10A)	Registration, username, and passwords
16.4(10A)	Electronic filing not mandatory
16.5(10A)	Filing of paper documents
16.6(10A)	Date and time of filing
16.7(10A)	Signatures
16.8(10A)	Redaction of electronic documents
16.9(10A)	General requirements when filing documents
16.10(10A)	Case initiation and service

## CHAPTERS 17 to 19

Reserved

*AUDITS DIVISION*

## CHAPTERS 20 and 21

Reserved

## CHAPTER 22

## HEALTH CARE FACILITY AUDITS

- 22.1(10A) Audit occurrence
- 22.2(10A) Confidentiality

## CHAPTERS 23 to 29

Reserved

*INSPECTIONS DIVISION*

## CHAPTER 30

## FOOD AND CONSUMER SAFETY

- 30.1(10A,137C,137F) Food and consumer safety bureau
- 30.2(10A,137C,137F) Definitions
- 30.3(137C,137F) Licensing and postings
- 30.4(137C,137F) License fees
- 30.5(137F) Penalty and delinquent fees
- 30.6(137C,137F) Returned checks
- 30.7(137F) Double licenses
- 30.8(137C,137F) Inspection frequency
- 30.9(22) Examination of records
- 30.10(17A,137C,137F) Denial, suspension, or revocation of a license to operate
- 30.11(10A,137C,137F) Formal hearing
- 30.12(137F) Primary servicing laboratory
- 30.13(10A,137F) Cottage food

## CHAPTER 31

FOOD ESTABLISHMENT AND FOOD  
PROCESSING PLANT INSPECTIONS

- 31.1(137F) Inspection standards for food establishments
- 31.2(137F) Inspection standards for food processing plants
- 31.3(137F) Adulterated food and disposal
- 31.4(137D,137F) False label or defacement
- 31.5(137F) Temporary food establishments and farmers market time/temperature control for safety food licensees

## CHAPTERS 32 and 33

Reserved

## CHAPTER 34

## HOME FOOD PROCESSING ESTABLISHMENTS

- 34.1(137D) Definitions
- 34.2(137D) Licensing
- 34.3(137D) Physical facilities and equipment
- 34.4(137D) Management and personnel
- 34.5(137D) Receiving, storage, and distribution
- 34.6(137D) Food preparation and protection
- 34.7(137D) Packaging and labeling requirements
- 34.8(137D) Sanitation
- 34.9(137D) Maintenance of records by licensee
- 34.10(137D) Violations and enforcement
- 34.11(137D) Denial, suspension, or revocation of license



- 34.12(137D) Inspection and access to records
- 34.13(137D) Public examination of records
- 34.14(137D) Appeals

#### CHAPTER 35 CONTRACTOR REQUIREMENTS

- 35.1(137C,137D,137F) Definitions
- 35.2(137C,137D,137F) Contracts
- 35.3(137C,137D,137F) Contractor
- 35.4(137C,137D,137F) Contractor inspection personnel
- 35.5(137C,137D,137F) Investigation
- 35.6(137C,137D,137F) Inspection standards
- 35.7(137C,137D,137F) Enforcement
- 35.8(137C,137D,137F) Licensing
- 35.9(137C,137D,137F) Records
- 35.10(137C,137D,137F) Contract rescinded

#### CHAPTER 36 Reserved

#### CHAPTER 37 HOTEL AND MOTEL INSPECTIONS

- 37.1(137C) Building and grounds
- 37.2(137C) Guest rooms
- 37.3(137C) Bedding
- 37.4(137C) Lavatory facilities
- 37.5(137C) Glasses and ice
- 37.6 Reserved
- 37.7(137C) Room rates
- 37.8(137C) Inspections
- 37.9(137C) Enforcement
- 37.10(137C) Criminal offense—conviction of license holder

#### CHAPTERS 38 to 40 Reserved

#### CHAPTER 41 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN (PMIC)

- 41.1(135H) Definitions
- 41.2(135H) Application for license
- 41.3(135H) Renewal application or change of ownership
- 41.4(135H) Licenses for distinct parts
- 41.5(135H) Waivers
- 41.6(135H) Notice to the department
- 41.7(135H) Inspection of complaints
- 41.8(135H) General requirement
- 41.9(135H) Certification of need for services
- 41.10(135H) Active treatment
- 41.11(135H) Individual plan of care
- 41.12(135H) Individual written plan of care
- 41.13(135H) Plan of care team
- 41.14(135H) Required discharge
- 41.15(135H) Criminal behavior involving children
- 41.16(22,135H) Confidential or open information
- 41.17(135H) Additional provisions concerning physical restraint

#### CHAPTERS 42 to 48 Reserved

CHAPTER 49  
AMBULATORY SURGICAL CENTERS

49.1(135R)	Definitions
49.2(135R,10A)	Application and licensing
49.3(135R,10A)	Inspections
49.4(135R)	General licensing standards
49.5(135R)	Enforcement and penalties
49.6(135R,10A)	Public and confidential information
49.7(135R,10A)	Waivers

CHAPTER 50  
HEALTH CARE FACILITIES ADMINISTRATION

50.1(10A)	Inspections
50.2(10A)	Definitions
50.3(135B,135C)	Licensing
50.4(135C)	Fines and citations
50.5(135C)	Denial, suspension or revocation
50.6(10A)	Formal hearing
50.7(10A,135C)	Additional notification
50.8(22,135B,135C)	Records
50.9(135C)	Criminal, dependent adult abuse, and child abuse record checks
50.10(135C)	Inspections, exit interviews, plans of correction, and revisits
50.11(135C)	Complaint and self-reported incident investigation procedure
50.12(135C)	Requirements for service
50.13(135C)	Inspectors' conflicts of interest

CHAPTER 51  
HOSPITALS

51.1(135B)	Definitions
51.2(135B)	Classification, compliance and license
51.3(135B)	Quality improvement program
51.4(135B)	Long-term acute care hospital located within a general hospital
51.5(135B)	Medical staff
51.6(135B)	Patient rights and responsibilities
51.7(135B)	Abuse
51.8(135B)	Organ, tissue and eye procurement
51.9(135B)	Nursing services
51.10(135B)	Records and reports
51.11(135B)	Pharmaceutical service
51.12(135B)	Verbal orders
51.13(135B)	Radiological services
51.14(135B)	Laboratory service
51.15(135B)	Food and nutrition service
51.16(135B)	Equipment for patient care
51.17(135B)	Infection control
51.18(135B)	Surgical services
51.19(135B)	Anesthesia services
51.20(135B)	Emergency services
51.21(135B)	Obstetric and neonatal services
51.22(135B)	Pediatric services
51.23(135B)	Psychiatric services
51.24(135B)	Long-term care service
51.25(135B)	Criminal, dependent adult abuse, and child abuse record checks
51.26(135B)	Minimum standards for construction
51.27(135B)	Critical access hospitals
51.28(135B)	Rural emergency hospitals
51.29(135B)	Specialized hospitals

## CHAPTER 52

## dependent adult abuse in facilities and programs

52.1(235E)	Definitions
52.2(235E)	Persons who must report dependent adult abuse and the reporting procedure for those persons
52.3(235E)	Reports and registry of dependent adult abuse
52.4	Reserved
52.5(235E)	Evaluation of report
52.6(235E)	Separation of victim and alleged abuser
52.7(235E)	Interviews, examination of evidence, and investigation of dependent adult abuse allegations
52.8(235E)	Notification to subsequent employers

## CHAPTER 53

## HOSPICE LICENSE STANDARDS

53.1(135J)	Definitions
53.2(135J)	License
53.3(135J)	Patient rights
53.4(135J)	Governing body
53.5(135J)	Quality assurance and utilization review
53.6(135J)	Attending physician services
53.7(135J)	Medical director
53.8(135J)	Interdisciplinary team (IDT)
53.9(135J)	Nursing services
53.10	Reserved
53.11(135J)	Coordinator of patient care
53.12(135J)	Social services
53.13(135J)	Counseling services
53.14(135J)	Volunteer services
53.15(135J)	Spiritual counseling
53.16(135J)	Optional services
53.17(135J)	Contracted services
53.18(135J)	Short-term hospital services
53.19(135J)	Bereavement services
53.20(135J)	Records

## CHAPTER 54

## GOVERNOR'S AWARD FOR QUALITY CARE

54.1(135C)	Purpose
54.2(135C)	Definitions
54.3(135C)	Nomination
54.4(135C)	Applicant eligibility
54.5(135C)	Nomination information
54.6(135C)	Evaluation
54.7(135C)	Selection of finalists
54.8(135C)	Certificate of recognition

## CHAPTER 55

## HEALTH CARE EMPLOYMENT AGENCIES

55.1(89GA, HF2521)	Definitions
55.2(89GA, HF2521)	Health care employment agency registration
55.3(89GA, HF2521)	General requirements
55.4(89GA, HF2521)	Prohibitions
55.5(89GA, HF2521)	Record retention and reporting
55.6(89GA, HF2521)	Complaints
55.7(89GA, HF2521)	Investigations
55.8(89GA, HF2521)	Penalties
55.9(89GA, HF2521)	Public and confidential information

CHAPTER 56  
FINING AND CITATIONS

56.1(135C)	Authority for citations
56.2(135C)	Classification of violations—classes
56.3(135C)	Fines
56.4(135C)	Time for compliance
56.5(135C)	Failure to correct a violation within the time specified—penalty
56.6(135C)	Treble and double fines
56.7(135C)	Notation of classes of violations
56.8(135C)	Notation for more than one class of violation
56.9(135C)	Factors determining selection of class of violation
56.10(135C)	Factors determining imposition of citation and fine
56.11(135C)	Class I violation not specified in the rules
56.12(135C)	Class I violation as a result of multiple lesser violations
56.13(135C)	Form of citations
56.14(135C)	Licensee's response to a citation
56.15(135C)	Informal conference
56.16(135C)	Procedure for facility after informal conference
56.17(135C)	Formal contest

CHAPTER 57  
RESIDENTIAL CARE FACILITIES

57.1(135C)	Definitions
57.2(135C,17A)	Waiver
57.3(135C)	Application for licensure
57.4(135C)	Issuance of license
57.5(135C)	Licenses for distinct parts
57.6(135C)	Special classifications
57.7(135C)	General requirements
57.8(135C)	Certified volunteer long-term care ombudsman program
57.9(135C)	Required notifications to the department
57.10(135C)	Administrator
57.11(135C)	Personnel
57.12(135C)	General policies
57.13(135C)	Admission, transfer and discharge
57.14(135C)	Involuntary discharge or transfer
57.15(135C)	Residency agreement
57.16(135C)	Medical examinations
57.17(135C)	Records
57.18(135C)	Resident care and personal services
57.19(135C)	Drugs
57.20(135C)	Dental services
57.21(135C)	Dietary
57.22(135C)	Orientation and service plan
57.23(135C)	Resident activities program
57.24(135C)	Residents' rights
57.25(135C)	Dignity preserved
57.26(135C)	Communications
57.27(135C)	Resident activities
57.28(135C)	Resident property
57.29(135C)	Financial affairs—management
57.30(135C)	Resident work
57.31(135C)	Family—shared rooms
57.32(135C)	Resident abuse prohibited
57.33(135C)	Crisis intervention
57.34(135C)	Safety
57.35(135C)	Housekeeping
57.36(135C)	Maintenance

57.37(135C)	Laundry
57.38(135C)	Garbage and waste disposal
57.39(135C)	Supplies
57.40(135C)	Buildings, furnishings, and equipment
57.41(135C)	Family and employee accommodations
57.42(135C)	Animals
57.43(135C)	Another business or activity in a facility
57.44(135C)	Respite care services

## CHAPTER 58 NURSING FACILITIES

58.1(135C)	Definitions
58.2(135C)	Waivers
58.3(135C)	Application for licensure
58.4(135C)	General requirements
58.5(135C)	Notifications required by the department
58.6	Reserved
58.7(135C)	Licenses for distinct parts
58.8(135C)	Administrator
58.9(135C)	Administration
58.10(135C)	General policies
58.11(135C)	Personnel
58.12(135C)	Admission, transfer, and discharge
58.13(135C)	Contracts
58.14(135C)	Medical services
58.15(135C)	Records
58.16(135C)	Resident care and personal services
58.17	Reserved
58.18(135C)	Nursing care
58.19(135C)	Required nursing services for residents
58.20(135C)	Duties of health service supervisor
58.21(135C)	Drugs, storage, and handling
58.22(135C)	Rehabilitative services
58.23(135C)	Dental, diagnostic, and other services
58.24(135C)	Dietary
58.25(135C)	Social services program
58.26(135C)	Resident activities program
58.27	Reserved
58.28(135C)	Safety
58.29(135C)	Resident care
58.30	Reserved
58.31(135C)	Housekeeping
58.32(135C)	Maintenance
58.33(135C)	Laundry
58.34(135C)	Garbage and waste disposal
58.35(135C)	Buildings, furnishings, and equipment
58.36(135C)	Family and employee accommodations
58.37(135C)	Animals
58.38(135C)	Supplies
58.39(135C)	Residents' rights in general
58.40(135C)	Involuntary discharge or transfer
58.41(135C)	Residents' rights
58.42(135C)	Financial affairs—management
58.43(135C)	Resident abuse prohibited
58.44(135C)	Resident records
58.45(135C)	Dignity preserved
58.46(135C)	Resident work
58.47(135C)	Communications

58.48(135C)	Resident activities
58.49(135C)	Resident property
58.50(135C)	Family visits
58.51(135C)	Choice of physician and pharmacy
58.52(135C)	Incompetent resident
58.53	Reserved
58.54(135C)	Special unit or facility dedicated to the care of persons with chronic confusion or a dementing illness (CCDI unit or facility)
58.55(135C)	Another business or activity in a facility
58.56(135C)	Respite care services
58.57(135C)	Training of inspectors

## CHAPTER 59

### TUBERCULOSIS (TB) SCREENING

59.1(135B,135C)	Purpose
59.2(135B,135C)	Definitions
59.3(135B,135C)	TB risk assessment
59.4(135B,135C)	Health care facility or hospital risk classification
59.5(135B,135C)	Baseline TB screening procedures for health care facilities and hospitals
59.6(135B,135C)	Serial TB screening procedures for health care facilities and hospitals
59.7(135B,135C)	Screening of HCWs who transfer to other health care facilities or hospitals
59.8(135B,135C)	Baseline TB screening procedures for residents of health care facilities
59.9(135B,135C)	Serial TB screening procedures for residents of health care facilities
59.10(135B,135C)	Performance of screening and testing

## CHAPTER 60

### MINIMUM PHYSICAL STANDARDS FOR RESIDENTIAL CARE FACILITIES

60.1(135C)	Definitions
60.2(135C)	General requirements
60.3(135C)	Submission of construction documents
60.4(135C)	Waivers
60.5(135C)	Additional notification requirements
60.6(135C)	Construction requirements
60.7(135C)	Typical construction
60.8(135C)	Sleeping, bathing, and medication rooms
60.9(135C)	Dining, activity, and storage rooms
60.10(135C)	Service area
60.11(135C)	Administration and staff area
60.12(135C)	Public area
60.13(135C)	Specialized unit or facility for persons with chronic confusion or a dementing illness (memory care unit or facility)
60.14(135C)	Elevator requirements

## CHAPTER 61

### MINIMUM PHYSICAL STANDARDS FOR NURSING FACILITIES

61.1(135C)	Definitions
61.2(135C)	General requirements
61.3(135C)	Submission of construction documents
61.4(135C)	Waivers
61.5(135C)	Additional notification requirements
61.6(135C)	Construction requirements
61.7(135C)	Nursing care unit
61.8(135C)	Dietetic and other service areas
61.9(135C)	Specialized unit or facility for persons with chronic confusion or a dementing illness (CCDI unit or facility)

## CHAPTER 62

### RESIDENTIAL CARE FACILITIES FOR PERSONS WITH MENTAL ILLNESS (RCFs/PMI)

62.1(135C)	Applicability
------------	---------------

62.2(135C)	Definitions
62.3(135C)	Personnel
62.4(135C)	Admission criteria
62.5(135C)	Evaluation services

### CHAPTER 63

#### RESIDENTIAL CARE FACILITY—THREE- TO FIVE-BED SPECIALIZED LICENSE

63.1(135C)	Definitions
63.2(135C,17A)	Waiver
63.3(135C)	Application for licensure
63.4(135C)	Issuance of license
63.5(135C)	General requirements
63.6(135C)	Required notifications to the department
63.7(135C)	Administrator
63.8(135C)	Personnel
63.9(135C)	General policies
63.10(135C)	Admission, transfer and discharge
63.11(135C)	Involuntary discharge or transfer
63.12(135C)	Residency agreement
63.13(135C)	Medical examinations
63.14(135C)	Records
63.15(135C)	Resident care and personal services
63.16(135C)	Drugs
63.17(135C)	Dental services
63.18(135C)	Dietary
63.19(135C)	Orientation and service plan
63.20(135C)	Resident activities program
63.21(135C)	Residents' rights
63.22(135C)	Dignity preserved
63.23(135C)	Communications
63.24(135C)	Resident property
63.25(135C)	Financial affairs—management
63.26(135C)	Resident work
63.27(135C)	Resident abuse prohibited
63.28(135C)	Crisis intervention
63.29(135C)	Safety
63.30(135C)	Housekeeping
63.31(135C)	Maintenance
63.32(135C)	Laundry
63.33(135C)	Garbage and waste disposal
63.34(135C)	Supplies
63.35(135C)	Buildings, furnishings, and equipment
63.36(135C)	Family and employee accommodations
63.37(135C)	Animals

### CHAPTER 64

#### INTERMEDIATE CARE FACILITIES FOR THE INTELLECTUALLY DISABLED

64.1	Reserved
64.2(135C)	Waivers
64.3(135C)	Application for license
64.4(135C)	General requirements
64.5(135C)	Notifications required by the department
64.6(135C)	Veteran eligibility
64.7(135C)	Licenses for distinct parts
64.8 to 64.16	Reserved

64.17(135C)	Contracts
64.18(135C)	Records
64.19 to 64.32	Reserved
64.33(135C)	Allegations of dependent adult abuse
64.34(135C)	Employee criminal record checks, child abuse checks and dependent adult abuse checks and employment of individuals who have committed a crime or have a founded abuse
64.35	Reserved
64.36(135C)	Involuntary discharge or transfer
64.37 to 64.59	Reserved
64.60(135C)	Federal regulations adopted—conditions of participation
64.61	Reserved
64.62(135C)	Another business or activity in a facility
64.63(135C)	Respite care services

**CHAPTER 65**  
**INTERMEDIATE CARE FACILITIES**  
**FOR PERSONS WITH MENTAL ILLNESS (ICF/PMI)**

65.1(135C)	Definitions
65.2(135C)	Application for license
65.3(135C)	Licenses for distinct parts
65.4(135C)	Waivers
65.5(135C)	General requirements
65.6(135C)	Notification required by the department
65.7(135C)	Administrator
65.8(135C)	Administration
65.9(135C)	Personnel
65.10(135C)	General admission policies
65.11(135C)	Evaluation services
65.12(135C)	Individual program plan (IPP)
65.13(135C)	Activity program
65.14(135C)	Crisis intervention
65.15(135C)	Restraint or seclusion
65.16(135C)	Discharge or transfer
65.17(135C)	Medication management
65.18(135C)	Resident property and personal affairs
65.19(135C)	Financial affairs
65.20(135C)	Records
65.21(135C)	Health and safety
65.22(135C)	Nutrition
65.23(135C)	Physical facilities and maintenance
65.24	Reserved
65.25(135C)	Residents' rights in general
65.26(135C)	Incompetent residents
65.27(135C)	County care facilities
65.28(135C)	Violations
65.29(135C)	Another business or activity in a facility
65.30(135C)	Respite care services

**CHAPTER 66**  
**BOARDING HOMES**

66.1(135O)	Definitions
66.2(135O)	Registration of boarding homes
66.3(135O)	Occupancy reports
66.4(135O)	Complaints and investigations
66.5	Reserved
66.6(135O)	Penalties
66.7(135O)	Public and confidential information



## CHAPTER 67

GENERAL PROVISIONS FOR ELDER GROUP HOMES, ASSISTED LIVING PROGRAMS, AND  
ADULT DAY SERVICES

67.1(231B,231C,231D)	Definitions
67.2(231B,231C,231D)	Program policies and procedures, including those for incident reports
67.3(231B,231C,231D)	Tenant rights
67.4(231B,231C,231D)	Program notification to the department
67.5(231B,231C,231D)	Medications
67.6(231B,231C,231D)	Another business or activity located in a program
67.7(231B,231C,231D)	Waiver of criteria for retention of a tenant in the program
67.8(231B,231C,231D)	All other waiver requests
67.9(231B,231C,231D)	Staffing
67.10(17A,231B,231C,231D)	Monitoring
67.11(231B,231C,231D)	Complaint and program-reported incident report investigation procedure
67.12	Reserved
67.13(17A,231B,231C,231D,85GA,HF2365)	Exit interview, final report, plan of correction
67.14(17A,231B,231C,231D,85GA,HF2365)	Response to final report
67.15(17A,231B,231C,231D)	Denial, suspension or revocation of a certificate
67.16(17A,231B,231C,231D)	Conditional certification
67.17(17A,231B,231C,231D)	Civil penalties
67.18(17A,231B,231C,231D)	Judicial review
67.19(135C,231B,231C,231D)	Criminal, dependent adult abuse, and child abuse record checks
67.20(17A,231C,231D)	Emergency removal of tenants
67.21(231C)	Nursing assistant work credit
67.22(231B,231C,231D)	Public or confidential information

## CHAPTER 68

## ELDER GROUP HOMES

68.1(231B)	Definitions
68.2(231B)	Program certification and posting requirements
68.3(231B)	Certification—application process
68.4(231B)	Certification—application content
68.5(231B)	Initial certification process
68.6(231B)	Expiration of program certification
68.7(231B)	Recertification process
68.8(231B)	Notification of recertification
68.9(231B)	Listing of all certified programs
68.10(231B)	Change of ownership—notification to the department
68.11(231B)	Cessation of program operation
68.12(231B)	Occupancy agreement
68.13(231B)	Evaluation of tenant
68.14(231B)	Criteria for admission and retention of tenants
68.15(231B)	Involuntary transfer from the program
68.16(231B)	Tenant documents
68.17(231B)	Service plans
68.18(231B)	Nurse review
68.19(231B)	Staffing
68.20(231B)	Managed risk policy and managed risk consensus agreements
68.21(231B)	Transportation
68.22(231B)	Identification of veteran's benefit eligibility
68.23(231B)	Resident advocate committees
68.24(231B)	Life safety—emergency policies and procedures and structural safety requirements
68.25(231B)	Structural standards
68.26(231B)	Landlord and tenant Act

## CHAPTER 69

## ASSISTED LIVING PROGRAMS

69.1(231C)	Definitions
------------	-------------

69.2(231C)	Program certification
69.3(231C)	Certification of a nonaccredited program—application process
69.4(231C)	Nonaccredited program—application content
69.5(231C)	Initial certification process for a nonaccredited program
69.6(231C)	Expiration of the certification of a nonaccredited program
69.7(231C)	Recertification process for a nonaccredited program
69.8(231C)	Notification of recertification for a nonaccredited program
69.9(231C)	Certification or recertification of an accredited program—application process
69.10(231C)	Certification or recertification of an accredited program—application content
69.11(231C)	Initial certification process for an accredited program
69.12(231C)	Recertification process for an accredited program
69.13(231C)	Listing of all certified programs
69.14(231C)	Recognized accrediting entity
69.15(231C)	Requirements for an accredited program
69.16(231C)	Maintenance of program accreditation
69.17(231C)	Change of ownership—notification to the department
69.18(231C)	Plan reviews of a building for a new program
69.19(231C)	Plan review prior to the remodeling of a building for a certified program
69.20(231C)	Cessation of program operation
69.21(231C)	Occupancy agreement
69.22(231C)	Evaluation of tenant
69.23(231C)	Criteria for admission and retention of tenants
69.24(231C)	Involuntary transfer from the program
69.25(231C)	Tenant documents
69.26(231C)	Service plans
69.27(231C)	Nurse review
69.28(231C)	Food service
69.29(231C)	Staffing
69.30(231C)	Dementia-specific education for program personnel
69.31(231C)	Managed risk policy and managed risk consensus agreements
69.32(231C)	Life safety—emergency policies and procedures and structural safety requirements
69.33(231C)	Transportation
69.34(231C)	Activities
69.35(231C)	Structural requirements
69.36(231C)	Dwelling units in dementia-specific programs
69.37(231C)	Landlord and tenant Act
69.38(83GA,SF203)	Identification of veteran's benefit eligibility
69.39(231C)	Respite care services

## CHAPTER 70 ADULT DAY SERVICES

70.1(231D)	Definitions
70.2(231D)	Program certification
70.3(231D)	Certification of a nonaccredited program—application process
70.4(231D)	Nonaccredited program—application content
70.5(231D)	Initial certification process for a nonaccredited program
70.6(231D)	Expiration of the certification of a nonaccredited program
70.7(231D)	Recertification process for a nonaccredited program
70.8(231D)	Notification of recertification for a nonaccredited program
70.9(231D)	Certification or recertification of an accredited program—application process
70.10(231D)	Certification or recertification of an accredited program—application content
70.11(231D)	Initial certification process for an accredited program
70.12(231D)	Recertification process for an accredited program
70.13(231D)	Listing of all certified programs
70.14(231D)	Recognized accrediting entity
70.15(231D)	Requirements for an accredited program
70.16(231D)	Maintenance of program accreditation
70.17(231D)	Change of ownership—notification to the department

70.18(231D)	Plan reviews of a building for a new program
70.19(231D)	Plan review prior to the remodeling of a building for a certified program
70.20(231D)	Cessation of program operation
70.21(231D)	Contractual agreement
70.22(231D)	Evaluation of participant
70.23(231D)	Criteria for admission and retention of participants
70.24(231D)	Involuntary discharge from the program
70.25(231D)	Participant documents
70.26(231D)	Service plans
70.27(231D)	Nurse review
70.28(231D)	Food service
70.29(231D)	Staffing
70.30(231D)	Dementia-specific education for program personnel
70.31(231D)	Managed risk policy and managed risk consensus agreements
70.32(231D)	Life safety—emergency policies and procedures and structural safety requirements
70.33(231D)	Transportation
70.34(231D)	Activities
70.35(231D)	Structural requirements
70.36(231D)	Identification of veteran's benefit eligibility

## CHAPTER 71

### SUBACUTE MENTAL HEALTH CARE FACILITIES

71.1(135G)	Purpose—subacute mental health services
71.2(135G)	Definitions
71.3(135G)	Application for licensure
71.4(135G)	Licenses for distinct parts
71.5(135G)	Waivers
71.6(135G)	Provisional license
71.7(135G)	General requirements
71.8(135G)	Required notifications to the department
71.9(135G)	Reports of dependent adult abuse
71.10(135G)	Administrator
71.11(135G)	Administration
71.12(135G)	Personnel
71.13(135G)	Admission, transfer, and discharge
71.14(135G)	Treatment plan
71.15(135G)	Crisis intervention
71.16(135G)	Seclusion and restraint
71.17(135G)	Medication management
71.18(135G)	Dietary
71.19(135G)	Buildings, furnishings, and equipment
71.20(135G)	Records
71.21(135G)	Residents' rights in general
71.22(135G)	Health and safety

## CHAPTER 72

### ECONOMIC FRAUD CONTROL BUREAU

72.1(10A)	Definitions
72.2(10A)	Economic fraud control bureau (EFCB)
72.3(10A)	Types of investigations
72.4(10A)	Referrals
72.5(10A)	Investigation procedures
72.6(10A)	EBT trafficking or misuse investigations
72.7(10A)	Findings
72.8(10A)	Confidentiality

## CHAPTER 73

### MEDICAID FRAUD CONTROL UNIT

73.1(10A)	Definitions
-----------	-------------

73.2(10A)	Investigative authority
73.3(10A)	Referrals
73.4(10A)	Investigations
73.5(10A)	Access to records
73.6(10A)	Subpoenas
73.7(10A)	Investigation results
73.8(10A)	Confidentiality

## CHAPTERS 74 to 89

Reserved

## CHAPTER 90

## PUBLIC ASSISTANCE DEBT RECOVERY UNIT

90.1(10A)	Definitions
90.2(10A)	Recovery process
90.3(10A)	Records
90.4	Reserved
90.5(10A)	Debt repayment
90.6(10A)	Further collection action
90.7(10A)	Appeal rights
90.8(10A)	Data processing systems matches
90.9(10A)	Confidentiality

## CHAPTERS 91 to 99

Reserved

*GAMES OF SKILL, CHANCE, BINGO  
AND RAFFLES*

## CHAPTER 100

## GENERAL PROVISIONS FOR SOCIAL AND CHARITABLE GAMBLING

100.1(99B)	Definitions
100.2(99B)	Licensure
100.3(99B)	License application
100.4(99B)	Additional requirements for licensure
100.5(99B)	Returned checks
100.6(99B)	Payment systems
100.7(99B)	Participation—game of skill, game of chance or raffle
100.8(99B)	Posted rules—games other than bingo and raffles
100.9(99B)	Posted rules—bingo
100.10(99B)	Rules—raffles
100.11(99B)	Prizes
100.12(99B)	Games of chance—prohibited games
100.13(99B)	Records
100.14(99B)	Reports
100.15(10A,17A,99B)	Appeal rights
100.16(99B)	Raffles
100.17(99B)	Expenses
100.18(99B)	Net receipts
100.19(99B)	Licensure of manufacturers and distributors of bingo equipment and supplies and electronic raffle systems
100.20(99B)	Bingo supplies and equipment
100.21(99B)	Electronic raffles
100.22(99B)	Social gambling

## CHAPTER 101

## AMUSEMENT CONCESSIONS

101.1(99B)	License requirements
101.2(99B)	Prizes
101.3(99B)	Conducting games

101.4(99B) Posted rules

## CHAPTER 102

Reserved

## CHAPTER 103

### BINGO

103.1(99B) Definitions  
 103.2(99B) License  
 103.3(99B) Bingo occasion  
 103.4(99B) Game of bingo  
 103.5(99B) State rules and rules established by the licensee  
 103.6(99B) Prizes  
 103.7(99B) Workers  
 103.8(99B) Expenses  
 103.9(99B) Location  
 103.10 Reserved  
 103.11(10A,725) Advertising  
 103.12(10A,99B) Equipment  
 103.13(99B) Records  
 103.14(99B) Bingo checking account  
 103.15(10A,99B) Bingo savings account and bingo change fund  
 103.16(99B) Annual gambling reports  
 103.17(10A,99B) Inspections and audits  
 103.18(99B) Electronic bingo  
 103.19(99B) Bingo at a fair or community festival

## CHAPTER 104

### GENERAL PROVISIONS FOR ALL AMUSEMENT DEVICES

104.1(10A,99B) Definitions  
 104.2(99B) Device restrictions  
 104.3(99B) Prohibited games/devices  
 104.4(99B) Prizes  
 104.5(99B) Registration  
 104.6(99B) Violations  
 104.7(99B,17A) Declaratory orders

## CHAPTER 105

### REGISTERED AMUSEMENT DEVICES

105.1(10A,99B) Definitions  
 105.2(99B) Registered amusement device restrictions  
 105.3(99B) Prohibited registered amusement devices  
 105.4(99B) Prizes  
 105.5(99B) Registration by a manufacturer, distributor, or an owner that operates for profit  
 105.6(99B) Registration of registered amusement devices  
 105.7(99B) Violations  
 105.8(10A,99B) Appeal rights  
 105.9(10A,99B) Procedure for denial, revocation, or suspension of a registration  
 105.10(99B) Annual verification of device location  
 105.11(99B) Criteria for approval or denial of a registration  
 105.12(10A,99B) Suspension or revocation of a registration

## CHAPTER 106

### CARD GAME TOURNAMENTS BY VETERANS ORGANIZATIONS

106.1(99B) Definitions  
 106.2(99B) Licensing  
 106.3(99B) Card game tournament  
 106.4(99B) Records

## CHAPTERS 107 to 499

Reserved

## MODEL RULES

## CHAPTER 500

## MODEL RULES FOR BOARD ADMINISTRATIVE PROCESSES

- 500.1(17A) Definitions
- 500.2(17A) Purpose of board
- 500.3(17A,147,272C) Organization of board and proceedings
- 500.4(17A) Name and address changes
- 500.5(147) Duplicate certificate
- 500.6(17A,147,272C) License denial
- 500.7(272C) Audit of continuing education
- 500.8(272C,83GA,SF2325) Automatic exemption
- 500.9(272C) Continuing education exemption for disability or illness
- 500.10(147,272C) Order for physical, mental, substance abuse or clinical competency examination
- 500.11(252J,272D) Noncompliance rules regarding child support and nonpayment of state debt

## CHAPTER 501

## MODEL RULES FOR LICENSURE BY VERIFICATION OR WORK EXPERIENCE

- 501.1(272C) Licensure by verification
- 501.2(272C) Applicants with work experience in jurisdictions without licensure requirements

## CHAPTER 502

## MODEL RULES FOR USE OF CRIMINAL CONVICTIONS IN ELIGIBILITY DETERMINATIONS AND INITIAL LICENSING DECISIONS

- 502.1(272C) Definitions
- 502.2(272C) License application
- 502.3(272C) Eligibility determination
- 502.4(272C) Appeal
- 502.5(272C) Future petitions or applications

## CHAPTER 503

## MODEL RULES FOR COMPLAINTS AND INVESTIGATIONS

- 503.1(272C) Complaints
- 503.2(272C) Report of malpractice claims or actions or disciplinary actions
- 503.3(272C) Report of acts or omissions
- 503.4(272C) Investigation of complaints or reports
- 503.5(17A,272C) Issuance of investigatory subpoenas
- 503.6(272C) Peer review
- 503.7(17A) Appearance

## CHAPTER 504

## MODEL RULES FOR DISCIPLINE

- 504.1(272C) Definitions
- 504.2(147,272C) Grounds for discipline
- 504.3(272C) Method of discipline
- 504.4(272C) Discretion of board

## CHAPTER 505

## MODEL RULES FOR LICENSEE REVIEW COMMITTEE

- 505.1(272C) Definitions
- 505.2(272C) Purpose
- 505.3(272C) Composition of the committee
- 505.4(272C) Eligibility
- 505.5(272C) Terms of participation in the impaired practitioner recovery program
- 505.6(272C) Confidentiality

CHAPTER 506  
MODEL RULES FOR CONTESTED CASES BEFORE LICENSING BOARDS AND INFORMAL  
SETTLEMENTS

506.1(17A)	Scope and applicability
506.2(17A)	Definitions
506.3(17A)	Time requirements
506.4(17A)	Probable cause
506.5(17A)	Statement of charges and notice of hearing
506.6(17A,272C)	Legal representation
506.7(17A,272C)	Presiding officer in a disciplinary contested case
506.8	Reserved
506.9(17A)	Presiding officer in a nondisciplinary contested case
506.10(17A)	Disqualification
506.11(17A)	Consolidation—severance
506.12(17A)	Pleadings
506.13(17A)	Service and filing
506.14(17A)	Discovery
506.15(17A,272C)	Subpoenas in a contested case
506.16(17A)	Motions
506.17(17A)	Prehearing conferences
506.18(17A)	Continuances
506.19(17A,272C)	Hearing procedures
506.20(17A)	Evidence
506.21(17A)	Default
506.22(17A)	Ex parte communication
506.23(17A)	Recording costs
506.24(17A)	Interlocutory appeals
506.25(17A)	Applications for rehearing
506.26(17A)	Stays of agency actions
506.27(17A)	No factual dispute contested cases
506.28(17A)	Emergency adjudicative proceedings
506.29(17A)	Appeal
506.30(272C)	Publication of decisions
506.31(272C)	Reinstatement
506.32(17A,272C)	License denial
506.33(17A,272C)	Informal settlement

CHAPTER 507  
PROFESSIONAL LICENSING DIVISION FEES

507.1(147,152D)	Athletic training license fees
507.2	Reserved
507.3(147,154D)	Behavioral science license fees
507.4(151)	Chiropractic license fees
507.5(147,157)	Barbering and cosmetology arts and sciences license fees
507.6(147,152A)	Dietetics license fees
507.7(147,154A)	Hearing aid specialists license fees
507.8(147)	Massage therapy license fees
507.9(147,156)	Mortuary science license fees
507.10(147,155)	Nursing home administrators license fees
507.11(147,148B)	Occupational therapy license fees
507.12(147,154)	Optometry license fees
507.13(147,148A)	Physical therapy license fees
507.14(148C)	Physician assistants license fees
507.15(147,148F,149)	Podiatry license fees
507.16(147,154B)	Psychology license fees
507.17(147,152B)	Respiratory care and polysomnography license fees
507.18(147,154E)	Sign language interpreters and transliterators license fees
507.19(147,154C)	Social work license fees

507.20(147) Speech pathology and audiology license fees

## CHAPTERS 508 to 569

Reserved

### CHAPTER 570

#### DENTAL BOARD ADMINISTRATION

570.1(153) Definitions  
 570.2(17A,147,153,272C) Purpose of the board  
 570.3(17A,147,153) Organization of the board  
 570.4(153) Organization of the dental hygiene committee  
 570.5(153) Committees of the board  
 570.6(17A,21,147,153) Meetings  
 570.7(17A,272C) Adoption of uniform and model rules

### CHAPTER 571

#### DENTAL BOARD FEES

571.1(147,153) Establishment of fees  
 571.2(153) Application fees  
 571.3(153) Renewal fees  
 571.4(153) Late renewal fees  
 571.5(147,153) Reinstatement fees  
 571.6(153) Miscellaneous fees  
 571.7(153) Contested case hearings—fees and costs  
 571.8(153) Facility inspection fee  
 571.9(22,147,153) Public records  
 571.10(22,147,153) Data or mailing lists  
 571.11(147,153) Returned checks  
 571.12(147,153,272C) Copies of the laws and rules  
 571.13(17A,147,153,272C) Waiver prohibited

### CHAPTER 572

#### DENTAL LICENSURE, REGISTRATION, RENEWAL, REACTIVATION AND REINSTATEMENT

572.1(147,153) Applicant responsibilities  
 572.2(147,153) Review of applications  
 572.3(147,153) Licensure  
 572.4(153) Graduates of foreign dental schools  
 572.5(153) Dental assistant registration  
 572.6(136C,153) Dental radiography qualification  
 572.7(272C) Licensure or registration by verification  
 572.8(153) Resident license  
 572.9(153) Dental college and dental hygiene program faculty permits  
 572.10(147,153) Requirements for issuance and renewal of a local anesthesia permit  
 572.11(153) Requirements for issuance or renewal of a moderate sedation or general anesthesia permit  
 572.12(153) Temporary permit  
 572.13(153) Retired volunteer license  
 572.14(147,153) Clinical examination required for licensure  
 572.15(147,153) Jurisprudence examination  
 572.16(147,153) Examinations for registration or qualification  
 572.17(147,153,272C) Renewal of a license, permit, registration, or qualification  
 572.18(147,153,272C) Grounds for nonrenewal  
 572.19(147,153,272C) Late renewal  
 572.20(147,153,272C) Reinstatement or reactivation of a lapsed license, permit, registration or qualification  
 572.21(136C,153) Reactivation of lapsed radiography qualification  
 572.22(147,153,272C) Grounds for action against a license, permit, registration or qualification

### CHAPTER 573

#### DENTAL CONTINUING EDUCATION



573.1(153)	Continuing education requirements
573.2(153)	Documentation of continuing education hours
573.3(153)	Acceptable programs and activities
573.4(153)	Unacceptable programs and activities
573.5(153)	Extensions and exemptions
573.6(153)	Continuing education sponsors
573.7(153)	Review of programs or sponsors
573.8(153)	Noncompliance with continuing dental education requirements
573.9(153)	Dental hygiene continuing education

#### CHAPTER 574

##### GENERAL REQUIREMENTS AND STANDARDS OF PRACTICE

574.1(153)	Licensed or registered personnel
574.2(147,153)	Display of current license, registration, permit or qualification
574.3(147,153,272C)	Change of name or address
574.4(147,153,272C)	Other requirements
574.5(153)	Use of personnel
574.6(153,272C)	Patient acceptance
574.7(153)	Emergency service
574.8(153)	Consultation and referral
574.9(153,272C)	Patient records
574.10(153)	Teledentistry
574.11(153)	Public health supervision allowed
574.12(153)	Representation of treatment and fees
574.13(153)	Retention of patient records and discontinuance of practice
574.14(153)	Unethical and unprofessional conduct
574.15(153)	Communications
574.16(153)	Advertising standards
574.17(153)	Fees
574.18(153)	Public representation
574.19(153)	Responsibility for advertisements
574.20(147,153,272C)	Mandatory reporting requirements
574.21(17A,147,153,272C)	Waiver prohibited

#### CHAPTER 575

##### DENTAL ASSISTANTS, DENTAL RADIOGRAPHY QUALIFICATIONS, AND DENTAL LABORATORY TECHNICIANS

575.1(153)	Registration required
575.2(136C,153)	Qualification required
575.3(153)	Dental assistants
575.4(153)	Scope of practice
575.5(153)	Supervision required
575.6(153)	Continuing education
575.7(153)	Students enrolled in dental assisting programs
575.8(153)	Unlawful practice
575.9(153)	Advertising and soliciting of dental services prohibited

#### CHAPTER 576

##### DENTAL HYGIENISTS

576.1(153)	Authorized practice of a dental hygienist
576.2(153)	Scope of practice and supervision requirements
576.3(153)	Unauthorized practice of a dental hygienist
576.4(153)	Students enrolled in dental hygiene programs

#### CHAPTER 577

##### EXPANDED FUNCTIONS

577.1(153)	Expanded function requirements and eligibility
577.2(153)	Expanded function categories
577.3(153)	Level 1 expanded function procedures

- 577.4(153) Level 2 expanded function procedures for dental hygienists and dental assistants  
 577.5(153) Expanded function training

#### CHAPTER 578

#### PRESCRIBING, ADMINISTERING, AND DISPENSING DRUGS

- 578.1(153) Scope of authority and prescribing requirements  
 578.2(153) Dispensing—requirements for containers and labeling  
 578.3(153) Prescription requirements  
 578.4(153) Required use of the prescription monitoring program (PMP)

#### CHAPTER 579

#### SEDATION AND NITROUS OXIDE

- 579.1(153) Nitrous oxide inhalation analgesia  
 579.2(153) Minimal sedation standards  
 579.3(153) Shared standards for moderate sedation, deep sedation and general anesthesia  
 579.4(153) Moderate sedation standards  
 579.5(153) Deep sedation or general anesthesia standards  
 579.6(153) Training and certification requirements for patient monitors  
 579.7(153) Recordkeeping requirements for nitrous oxide, sedation or anesthesia  
 579.8(153) Facility and equipment requirements for moderate sedation, deep sedation or general anesthesia  
 579.9(153) Use of another licensed sedation provider or permit holder  
 579.10(153) Advertising  
 579.11(153) Noncompliance

#### CHAPTER 580

#### DENTAL BOARD COMPLAINTS AND INVESTIGATIONS

- 580.1(147,153,272C) Complaint review  
 580.2(153) Form, content and submission of complaints  
 580.3(153) Investigation  
 580.4(17A,153,272C) Investigatory subpoenas  
 580.5(153) Board appearances  
 580.6(153) Peer review  
 580.7(272C) Duties of peer review committees  
 580.8(272C) Board review  
 580.9(272C) Confidentiality of investigative files  
 580.10(272C) Investigation of reports of judgments and settlements  
 580.11(147,272C) Immunities

#### CHAPTER 581

#### DENTAL BOARD DISCIPLINE

- 581.1(147,153,272C) Authority and methods of discipline  
 581.2(153,272C) Discretion of the board  
 581.3(147,153,272C) Grounds for discipline  
 581.4(272C) Prohibited grounds for discipline

#### CHAPTERS 582 to 699

Reserved

#### *BOARD OF PODIATRY*

#### CHAPTER 700

#### LICENSURE OF PODIATRISTS

- 700.1(149) Definitions  
 700.2(149) Requirements for licensure  
 700.3(149) Written examinations  
 700.4(149) Educational qualifications  
 700.5(149) Title designations  
 700.6(147,149) Temporary license  
 700.7(149) Licensure by endorsement  
 700.8(149) License renewal

700.9(17A,147,272C)	License reactivation
700.10(17A,147,272C)	License reinstatement

## CHAPTER 701

## LICENSURE OF ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

701.1(148F)	Definitions
701.2(148F)	Requirements for licensure
701.3(148F)	Written examinations
701.4(148F)	Educational qualifications
701.5(148F)	Licensure by endorsement
701.6(148F)	License renewal
701.7(17A,147,272C)	License reactivation
701.8(17A,147,272C)	License reinstatement

## CHAPTER 702

## CONTINUING EDUCATION FOR PODIATRISTS

702.1(149,272C)	Definitions
702.2(149,272C)	Continuing education requirements
702.3(149,272C)	Standards

## CHAPTER 703

## PRACTICE OF PODIATRY

703.1(149)	Definitions
703.2(149)	Requirements for administering conscious sedation
703.3(139A)	Preventing HIV and HBV transmission
703.4(149)	Unlicensed graduate of a podiatric college
703.5(149)	Prescribing opioids

## CHAPTER 704

## DISCIPLINE FOR PODIATRISTS, ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

704.1(148F,149,272C)	Grounds for discipline
704.2(148F,149,272C)	Indiscriminately prescribing, administering or dispensing any drug for other than a lawful purpose

## CHAPTER 705

## CONTINUING EDUCATION FOR ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

705.1(148F)	Definitions
705.2(148F,272C)	Continuing education requirements
705.3(148F,272C)	Standards
705.4(148F,272C)	Audit of continuing education report

## CHAPTER 706

## ADOPTION OF UNIFORM AND MODEL RULES

706.1(17A,272C)	Board of podiatry adoption of uniform and model rules
-----------------	---

## CHAPTERS 707 to 719

Reserved

*BOARD OF RESPIRATORY CARE AND POLYSOMNOGRAPHY*

## CHAPTER 720

## LICENSURE OF RESPIRATORY CARE PRACTITIONERS, POLYSOMNOGRAPHIC TECHNOLOGISTS, AND RESPIRATORY CARE AND POLYSOMNOGRAPHY PRACTITIONERS

720.1(148G,152B)	Definitions
720.2(148G,152B)	General requirements for licensure
720.3(152B)	Additional requirements for respiratory care practitioner licensure
720.4(148G,152B)	Additional requirements for polysomnographic technologist licensure
720.5(148G,152B)	Requirements for dual licensure

720.6(148G,152B)	License renewal
720.7(17A,147,272C)	License reactivation
720.8(17A,147,272C)	License reinstatement

## CHAPTER 721

CONTINUING EDUCATION FOR RESPIRATORY CARE PRACTITIONERS AND  
POLYSOMNOGRAPHIC TECHNOLOGISTS

721.1(148G,152B,272C)	Definitions
721.2(148G,152B,272C)	Continuing education requirements
721.3(148G,152B,272C)	Standards

## CHAPTER 722

PRACTICE OF RESPIRATORY CARE PRACTITIONERS AND  
POLYSOMNOGRAPHIC TECHNOLOGISTS

722.1(148G,152B,272C)	Definitions
722.2(148G,152B,272C)	Code of ethics
722.3(152B,272C)	Intravenous administration
722.4(152B,272C)	Setup and delivery of respiratory care equipment
722.5(152B,272C)	Respiratory care as a practice
722.6(148G,272C)	Practice of polysomnography
722.7(148G,152B,272C)	Students
722.8(148G,272C)	Location of polysomnography services

## CHAPTER 723

## ADOPTION OF UNIFORM AND MODEL RULES

723.1(17A,272C)	Board of respiratory care and polysomnography adoption of uniform and model rules
-----------------	---

## CHAPTERS 724 to 739

Reserved

*BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY*

## CHAPTER 740

## LICENSURE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS

740.1(147)	Definitions
740.2(147)	Requirements for licensure
740.3(147)	Educational qualifications
740.4(147)	Examination requirements
740.5(147)	Speech therapy and audiology compact
740.6(147)	Temporary clinical license
740.7(147)	Temporary permit
740.8(147)	Use of assistants
740.9(147)	Licensure by endorsement
740.10(147)	License renewal
740.11(17A,147,272C)	License reactivation
740.12(17A,147,272C)	License reinstatement

## CHAPTER 741

## PRACTICE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS

741.1(147)	Telehealth visits
------------	-------------------

## CHAPTER 742

CONTINUING EDUCATION FOR SPEECH PATHOLOGISTS  
AND AUDIOLOGISTS

742.1(147)	Definitions
742.2(147)	Continuing education requirements
742.3(147,272C)	Standards

## CHAPTER 743

## DISCIPLINE FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS

743.1(272C) Grounds for discipline

## CHAPTER 744

## ADOPTION OF UNIFORM AND MODEL RULES

744.1(17A,272C) Board of speech pathology and audiology adoption of uniform and model rules

## CHAPTERS 745 to 759

Reserved

*BOARD OF OPTOMETRY*

## CHAPTER 760

## LICENSURE OF OPTOMETRISTS

760.1(154) Definitions  
 760.2(154) Requirements for licensure  
 760.3(154) Licensure by endorsement  
 760.4(154) License renewal  
 760.5(17A,147,272C) License reactivation  
 760.6(17A,147,272C) License reinstatement

## CHAPTER 761

## CONTINUING EDUCATION FOR OPTOMETRISTS

761.1(154) Definitions  
 761.2(154) Continuing education requirements  
 761.3(154,272C) Standards

## CHAPTER 762

## PRACTICE OF OPTOMETRISTS

762.1(154) Code of ethics  
 762.2(154,272C) Recordkeeping  
 762.3(154) Furnishing prescriptions  
 762.4(155A) Prescription drug orders  
 762.5(154) Use of injectables  
 762.6(154) Education and training approval  
 762.7(154) Education and training

## CHAPTER 763

## DISCIPLINE FOR OPTOMETRISTS

763.1(154,272C) Grounds for discipline

## CHAPTER 764

## ADOPTION OF UNIFORM AND MODEL RULES

764.1(17A,272C) Board of optometry adoption of uniform and model rules

## CHAPTERS 765 to 779

Reserved

*BOARD OF PHYSICIAN ASSISTANTS*

## CHAPTER 780

## LICENSURE OF PHYSICIAN ASSISTANTS

780.1(148C) Definitions  
 780.2(148C) Requirements for licensure  
 780.3(148C) Temporary licensure  
 780.4(148C) Licensure by endorsement  
 780.5 Reserved  
 780.6(148C) Examination requirements  
 780.7(148C) Educational qualifications

780.8(148C)	Supervision requirements
780.9(148C)	License renewal
780.10 to 780.14	Reserved
780.15(148C,88GA,ch1020)	Use of title
780.16(148C)	Address change
780.17(148C)	Student physician assistant
780.18(148C)	Recognition of an approved program
780.19(17A,147,272C)	License reactivation
780.20(17A,147,272C)	License reinstatement

#### CHAPTER 781

##### PRACTICE OF PHYSICIAN ASSISTANTS

781.1(148C,88GA,ch1020)	Duties
781.2(148C)	Prohibition
781.3(147,88GA,ch1020)	Identification as a physician assistant
781.4(147)	Prescription requirements
781.5(147)	Supplying—requirements for containers, labeling, and records
781.6(147,148C,272C)	Standards of practice—telemedicine

#### CHAPTER 782

##### CONTINUING EDUCATION FOR PHYSICIAN ASSISTANTS

782.1(148C)	Definitions
782.2(148C)	Continuing education requirements
782.3(148C,272C)	Standards

#### CHAPTER 783

##### DISCIPLINE FOR PHYSICIAN ASSISTANTS

783.1(148C)	Definitions
783.2(147,272C)	Grounds for discipline

#### CHAPTER 784

##### ADOPTION OF UNIFORM AND MODEL RULES

784.1(17A,272C)	Board of physician assistants adoption of uniform and model rules
-----------------	---

#### CHAPTERS 785 to 799

Reserved

#### *BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY*

#### CHAPTER 800

##### LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

800.1(147)	Definitions
800.2(147)	Initial licensure
800.3(147)	Physical therapy compact
800.4(147)	Examination requirements for physical therapists and physical therapist assistants
800.5(147)	Educational qualifications
800.6(147)	License renewal
800.7(17A,147,272C)	License reactivation
800.8(17A,147,272C)	License reinstatement

#### CHAPTER 801

##### PRACTICE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

801.1(148A,272C)	Code of ethics for physical therapists and physical therapist assistants
801.2(147)	Recordkeeping
801.3(147)	Telehealth visits
801.4(147)	Delegation by a supervising physical therapist

#### CHAPTER 802

##### DISCIPLINE FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

- 802.1(148A) Definitions  
802.2(272C) Grounds for discipline

CHAPTER 803  
CONTINUING EDUCATION FOR PHYSICAL THERAPISTS  
AND PHYSICAL THERAPIST ASSISTANTS

- 803.1(272C) Definitions  
803.2(148A) Continuing education requirements  
803.3(148A,272C) Standards

CHAPTER 804  
LICENSURE OF OCCUPATIONAL THERAPISTS  
AND OCCUPATIONAL THERAPY ASSISTANTS

- 804.1(147) Definitions  
804.2(147) Initial licensure  
804.3(147) Licensure by endorsement  
804.4(147) Limited permit to practice pending licensure  
804.5(147) Examination requirements  
804.6(147) Educational qualifications  
804.7(147) License renewal  
804.8(17A,147,272C) License reactivation  
804.9(17A,147,272C) License reinstatement

CHAPTER 805  
CONTINUING EDUCATION FOR OCCUPATIONAL THERAPISTS  
AND OCCUPATIONAL THERAPY ASSISTANTS

- 805.1(148B) Definitions  
805.2(272C) Continuing education requirements  
805.3(148B,272C) Standards

CHAPTER 806  
PRACTICE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY  
ASSISTANTS

- 806.1(148B,272C) Code of ethics for occupational therapists and occupational therapy assistants  
806.2(147) Recordkeeping  
806.3(147) Telehealth visits  
806.4(147) Practice of occupational therapy limited permit holders  
806.5(148B) Supervision requirements

CHAPTER 807  
DISCIPLINE FOR OCCUPATIONAL THERAPISTS  
AND OCCUPATIONAL THERAPY ASSISTANTS

- 807.1(148B) Definitions  
807.2(272C) Grounds for discipline

CHAPTER 808  
ADOPTION OF UNIFORM AND MODEL RULES  
Board of physical and occupational therapy adoption of uniform and model rules

- 808.1(17A,272C)

CHAPTERS 809 to 820  
Reserved

*BOARD OF MASSAGE THERAPY*

CHAPTER 821  
LICENSURE OF MASSAGE THERAPISTS

- 821.1(152C) Definitions  
821.2(272C) Licensure by examination  
821.3(152C) Educational qualifications for foreign-trained massage therapists

821.4(152C)	Licensure by endorsement
821.5(152C)	Licensure by verification
821.6(152C)	Temporary license
821.7(152C)	License display
821.8(152C)	License renewal
821.9(17A,147,272C)	License reactivation
821.10(17A,147,272C)	License reinstatement

## CHAPTER 822

## MESSAGE THERAPY EDUCATION CURRICULUM

822.1(152C)	Definitions
822.2(152C)	Application for approval of message therapy education curriculum
822.3(152C)	Curriculum requirements
822.4(152C)	Student clinical practicum standards
822.5(152C)	School records retention
822.6(152C)	Message school curriculum compliance
822.7(152C)	Denial or withdrawal of approval

## CHAPTER 823

## CONTINUING EDUCATION FOR MESSAGE THERAPISTS

823.1(152C)	Definitions
823.2(152C)	Continuing education requirements
823.3(152C,272C)	Continuing education criteria

## CHAPTER 824

## DISCIPLINE FOR MESSAGE THERAPISTS

824.1(152C)	Civil penalties
-------------	-----------------

## CHAPTER 825

## ADOPTION OF UNIFORM AND MODEL RULES

825.1(17A,272C)	Board of message therapy adoption of uniform and model rules
-----------------	--

## CHAPTERS 826 to 840

Reserved

*BOARD OF CHIROPRACTIC*

## CHAPTER 841

## LICENSURE OF CHIROPRACTIC PHYSICIANS

841.1(151)	Definitions
841.2(151)	Initial licensure
841.3(151)	Examination requirements
841.4(151)	Educational qualifications
841.5(151)	Temporary certificate
841.6(151)	License renewal
841.7(17A,147,272C)	Requirements for reactivation
841.8(17A,147,272C)	License reinstatement

## CHAPTER 842

## COLLEGES FOR CHIROPRACTIC PHYSICIANS

842.1(151)	Definitions
842.2(151)	Board-approved chiropractic colleges
842.3(151)	Practice by chiropractic interns and chiropractic residents
842.4(151)	Approved chiropractic preceptorship program
842.5(151)	Approved chiropractic physician preceptors
842.6(151)	Termination of preceptorship

## CHAPTER 843

## PRACTICE OF CHIROPRACTIC PHYSICIANS

843.1(151)	Definitions
------------	-------------



843.2(147,272C)	Principles of chiropractic ethics
843.3	Reserved
843.4(151)	Chiropractic insurance consultant
843.5(151)	Acupuncture
843.6(151)	Adjunctive procedures
843.7(151)	Physical examination
843.8(151)	Recordkeeping
843.9(151)	Billing procedures
843.10(151)	Certified chiropractic assistants

#### CHAPTER 844

##### CONTINUING EDUCATION FOR CHIROPRACTIC PHYSICIANS

844.1(151)	Definitions
844.2(272C)	Continuing education requirements
844.3(151,272C)	Standards

#### CHAPTER 845

##### DISCIPLINE FOR CHIROPRACTIC PHYSICIANS

845.1(151,272C)	Grounds for discipline
-----------------	------------------------

#### CHAPTER 846

##### ADOPTION OF UNIFORM AND MODEL RULES

846.1(17A,272C)	Board of chiropractic adoption of uniform and model rules
-----------------	---

#### CHAPTERS 847 to 860

Reserved

#### *BOARD OF ATHLETIC TRAINING*

#### CHAPTER 861

##### LICENSURE OF ATHLETIC TRAINERS

861.1(152D)	Definitions
861.2(152D)	Initial licensure
861.3(152D)	Educational qualifications
861.4(152D)	Examination requirements
861.5(152D)	Documentation of physician direction
861.6(152D)	Athletic training standards of professional practice
861.7(147)	License renewal
861.8(17A,147,272C)	License reactivation
861.9(17A,147,272C)	License reinstatement

#### CHAPTER 862

##### CONTINUING EDUCATION FOR ATHLETIC TRAINERS

862.1(272C)	Definitions
862.2(152D)	Continuing education requirements
862.3(152D,272C)	Standards

#### CHAPTER 863

##### DISCIPLINE FOR ATHLETIC TRAINERS

863.1(152D)	Definitions
863.2(152D,272C)	Grounds for discipline

#### CHAPTER 864

##### ADOPTION OF UNIFORM AND MODEL RULES

864.1(17A,272C)	Board of athletic training adoption of uniform and model rules
-----------------	--

#### CHAPTERS 865 to 884

Reserved

#### *BOARD OF PSYCHOLOGY*

CHAPTER 885  
LICENSURE OF PSYCHOLOGISTS

885.1(154B)	Definitions
885.2(154B)	Requirements for initial psychology licensure
885.3(154B)	Educational qualifications
885.4(154B)	Examination requirements
885.5(154B)	Postdoctoral residency
885.6(154B)	Certified health service provider in psychology
885.7(154B)	Requirements for provisional license
885.8(147)	Licensure by endorsement
885.9(154B)	Exemption to licensure
885.10(147)	License renewal
885.11(147,272C)	License reactivation
885.12(17A,147,272C)	License reinstatement
885.13(154B,147)	Title designations
885.14(154B)	Psychologists' supervision of persons other than postdoctoral residents in a practice setting

CHAPTER 886  
CONTINUING EDUCATION FOR PSYCHOLOGISTS

886.1(272C)	Definitions
886.2(272C)	Continuing education requirements
886.3(154B,272C)	Standards

CHAPTER 887  
DISCIPLINE FOR PSYCHOLOGISTS

887.1(147,272C)	Grounds for discipline
-----------------	------------------------

CHAPTER 888  
PRACTICE OF PSYCHOLOGY

888.1(154B)	Definitions
888.2(147,154B,272C)	Purpose and scope
888.3(154B)	Access to records
888.4(154B)	Psychological testing
888.5(154B)	Judicial proceedings
888.6(154B)	Telepsychology
888.7(154B)	Records

CHAPTER 889  
PRESCRIBING PSYCHOLOGISTS

889.1(148,154B)	Definitions—joint rule
889.2(154B)	Conditional prescription certificate
889.3(148,154B)	Educational requirements for conditional prescription certificate—joint rule
889.4(148,154B)	Supervised practice as a conditional prescribing psychologist—joint rule
889.5(154B)	Prescription certificate
889.6(148,154B)	Prescribing—joint rule
889.7(148,154B)	Consultation with primary care providers—joint rule
889.8(148,154B)	Collaborative practice—joint rule
889.9(154B)	Grounds for discipline
889.10(154B)	List of psychologists
889.11(148,154B)	Complaints—joint rule
889.12(148,154B)	Joint waiver—joint rule
889.13(148,154B)	Amendment—joint rule

CHAPTER 890  
ADOPTION OF UNIFORM AND MODEL RULES

890.1(17A,272C)	Board of psychology adoption of uniform and model rules
-----------------	---

## CHAPTER 891

LICENSURE OF MARITAL AND FAMILY THERAPISTS, MENTAL HEALTH COUNSELORS,  
BEHAVIOR ANALYSTS, AND ASSISTANT BEHAVIOR ANALYSTS

891.1(154D)	Definitions
891.2(154D)	Requirements for permanent and temporary licensure as a mental health counselor or marriage and family therapist
891.3(154D)	Examination requirements for mental health counselors and marital and family therapists
891.4(147)	Professional counselor licensing compact
891.5(154D)	Educational qualifications for marital and family therapists
891.6(154D)	Educational qualifications for mental health counselors
891.7(154D)	Supervised clinical experience
891.8(154D)	Licensure by endorsement for mental health counselors and marital and family therapists
891.9(147)	Licensure of behavior analysts and assistant behavior analysts
891.10(147)	License renewal for mental health counselors and marriage and family therapists
891.11(272C)	Initial licensing, reactivation, and license renewal for behavior analysts and assistant behavior analysts
891.12(147)	Licensee recordkeeping
891.13(17A,147,272C)	License reactivation for mental health counselors and marital and family therapists
891.14(17A,147,272C)	License reinstatement
891.15(154D)	Marital and family therapy and mental health counselor services subject to regulation
891.16(154D)	Temporary licensees

## CHAPTER 892

CONTINUING EDUCATION FOR MARITAL AND  
FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

892.1(272C)	Definitions
892.2(272C)	Continuing education requirements
892.3(154D,272C)	Standards

## CHAPTER 893

DISCIPLINE FOR MARITAL AND FAMILY THERAPISTS,  
MENTAL HEALTH COUNSELORS, BEHAVIOR ANALYSTS,  
AND ASSISTANT BEHAVIOR ANALYSTS

893.1(154D,272C)	Grounds for discipline
------------------	------------------------

## CHAPTER 894

## ADOPTION OF UNIFORM AND MODEL RULES

894.1(17A,272C)	Board of behavioral science adoption of uniform and model rules
-----------------	---

*BOARD OF SOCIAL WORK*

## CHAPTER 895

## LICENSURE OF SOCIAL WORKERS

895.1(154C)	Definitions
895.2(154C)	Social work services subject to regulation
895.3(154C)	Requirements for licensure
895.4(154C)	Written examination
895.5(154C)	Educational qualifications
895.6(154C)	Supervised clinical experience
895.7(154C)	License renewal
895.8(17A,147,272C)	License reactivation
895.9(17A,147,272C)	License reinstatement

## CHAPTER 896

## CONTINUING EDUCATION FOR SOCIAL WORKERS

896.1(154C)	Definitions
896.2(154C)	Continuing education requirements
896.3(154C,272C)	Standards

CHAPTER 897  
PRACTICE OF SOCIAL WORKERS

- 897.1(154C) Definitions  
897.2(154C) Rules of conduct

CHAPTER 898  
DISCIPLINE FOR SOCIAL WORKERS

- 898.1(272C) Grounds for discipline

CHAPTER 899  
ADOPTION OF UNIFORM AND MODEL RULES  
Board of social work adoption of uniform and model rules

- 899.1(17A,272C)

*BOARD OF MORTUARY SCIENCE*

CHAPTER 900  
PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS,  
AND CREMATION ESTABLISHMENTS

- 900.1(156) Definitions  
900.2(156) Funeral director duties  
900.3(156) Permanent identification tag  
900.4(142,156) Removal and transfer of human remains  
900.5(135,144) Burial transit permits  
900.6(156) Preparation and embalming activities  
900.7(156) Arranging and directing funeral and memorial ceremonies  
900.8(142,156) Unclaimed human remains for scientific use  
900.9(144) Disinterments  
900.10(156) Cremation of human remains  
900.11(156) Records to be retained by a funeral establishment

CHAPTER 901  
LICENSURE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND  
CREMATION ESTABLISHMENTS

- 901.1(156) Definitions  
901.2(156) Requirements for licensure  
901.3(147,156) Internship and preceptorship  
901.4(156) Student practicum  
901.5(156) Funeral establishment license or cremation establishment license  
901.6(156) Renewal of funeral director license  
901.7(272C) Renewal of a funeral establishment license or a cremation establishment license  
901.8(272C) Inactive funeral establishment license or cremation establishment license  
901.9(17A,147,272C) Reinstatement of a funeral establishment license or a cremation establishment license  
901.10(17A,147,272C) License reactivation  
901.11(17A,147,272C) Reinstatement of a funeral director license  
901.12(156) Removal technician education and training requirements  
901.13(156) Removal technician supervision and requirements

CHAPTER 902  
CONTINUING EDUCATION FOR FUNERAL DIRECTORS

- 902.1(272C) Definitions  
902.2(272C) Continuing education requirements  
902.3(156,272C) Standards  
902.4(272C) Automatic exemption

CHAPTER 903  
Reserved

CHAPTER 904  
DISCIPLINARY PROCEEDINGS

904.1(156)	Definitions	
904.2(17A,147,156,272C)		Disciplinary authority
904.3(17A,147,156,272C)		Grounds for discipline against funeral directors
904.4(17A,147,156,272C)		Grounds for discipline against funeral establishments and cremation establishments
904.5(17A,147,156,272C)		Method of discipline
904.6(17A,147,156,272C)		Board discretion in imposing disciplinary sanctions
904.7	Reserved	
904.8(17A,147,156,272C)		Informal discussion

#### CHAPTER 905

##### ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

905.1(156)	Civil penalties against nonlicensees
905.2(156)	Unlawful practices
905.3(156)	Investigations
905.4(156)	Subpoenas
905.5(156)	Notice of intent to impose civil penalties
905.6(156)	Requests for hearings
905.7(156)	Factors to consider
905.8(156)	Enforcement options

#### CHAPTER 906

##### ADOPTION OF UNIFORM AND MODEL RULES

906.1(17A,272C)	Board of mortuary science adoption of uniform and model rules
-----------------	---

#### CHAPTERS 907 to 920

Reserved

#### *BOARD OF DIETETICS*

#### CHAPTER 921

##### LICENSURE OF DIETITIANS

921.1(152A)	Definitions
921.2(152A)	Nutrition care
921.3(152A)	Requirements for licensure
921.4(152A)	Educational qualifications
921.5(152A)	Supervised experience
921.6(152A)	Licensure by endorsement
921.7(152A)	License renewal
921.8(17A,147,272C)	License reactivation
921.9(17A,147,272C)	License reinstatement
921.10(152A,272C)	Telehealth visits

#### CHAPTER 922

##### CONTINUING EDUCATION FOR DIETITIANS

922.1(152A)	Definitions
922.2(152A)	Continuing education requirements
922.3(152A,272C)	Standards

#### CHAPTER 923

##### DISCIPLINE FOR DIETITIANS

923.1(152A,272C)	Grounds for discipline
------------------	------------------------

#### CHAPTER 924

##### ADOPTION OF UNIFORM AND MODEL RULES

924.1(17A,272C)	Board of dietetics adoption of uniform and model rules
-----------------	--

#### CHAPTERS 925 to 939

Reserved

*BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES*

## CHAPTER 940

LICENSURE OF BARBERS AND COSMETOLOGISTS, ELECTROLOGISTS,  
ESTHETICIANS, NAIL TECHNOLOGISTS, AND INSTRUCTORS OF BARBERING  
AND COSMETOLOGY ARTS AND SCIENCES

940.1(157)	Definitions
940.2(157)	Initial licensure
940.3(157)	Examination requirements
940.4(157)	Criteria for licensure in prescribed practice disciplines
940.5(157)	Prescribed practice training requirements
940.6(157)	Licensure restrictions relating to practice
940.7(157)	Consent form requirements
940.8(157)	License renewal
940.9(17A,147,272C)	License reactivation
940.10(17A,147,272C)	License reinstatement

## CHAPTER 941

LICENSURE OF ESTABLISHMENTS AND SCHOOLS OF BARBERING AND COSMETOLOGY  
ARTS AND SCIENCES

941.1(157)	Definitions
941.2(157)	Establishment licensing
941.3(157)	Readily movable establishment
941.4(157)	Establishment license renewal
941.5(272C)	Inactive establishment license
941.6(157)	Display requirements for establishments
941.7(147)	Duplicate certificate for establishments
941.8(157)	Licensure for schools of barbering and cosmetology arts and sciences
941.9(157)	School license renewal
941.10(272C)	Inactive school license
941.11(157)	Display requirements for schools
941.12(157)	Physical requirements for schools of barbering and cosmetology arts and sciences
941.13(157)	Minimum equipment requirements
941.14(157)	Course of study requirements
941.15(157)	Instructors
941.16(157)	Student instructors
941.17(157)	Students
941.18(157)	Attendance requirements
941.19(157)	Accelerated learning
941.20(157)	Mentoring program
941.21(157)	Graduate of a school of barbering and cosmetology arts and sciences
941.22(157)	Records requirements
941.23(157)	Classrooms used for other educational purposes

## CHAPTER 942

Reserved

## CHAPTER 943

INFECTION CONTROL FOR ESTABLISHMENTS AND SCHOOLS OF BARBERING AND  
COSMETOLOGY ARTS AND SCIENCES

943.1(157)	Definitions
943.2(157)	Infection control rules and inspection report
943.3(157)	Responsibilities of establishment owners
943.4(157)	Responsibilities of licensees
943.5(157)	Joint responsibility
943.6(157)	Building standards
943.7(157)	Establishments in residential buildings
943.8(157)	Establishments adjacent to other businesses

943.9(157)	Smoking
943.10(157)	Personal cleanliness
943.11(157)	Universal precautions
943.12(157)	Blood exposure procedures
943.13(157)	Disinfecting and sterilizing instruments and equipment
943.14(157)	Porous instruments and supplies that cannot be disinfected
943.15(157)	Infection control methods for creams, cosmetics and applicators
943.16(157)	Events and services provided outside of a licensed establishment
943.17(157)	Prohibited hazardous substances and use of products and equipment
943.18(157)	Proper protection of neck
943.19(157)	Proper laundering and storage
943.20(157)	Animals
943.21(157)	General maintenance
943.22(157)	Records
943.23(157)	Establishments and schools providing electrology or esthetics
943.24(157)	Cleaning and disinfecting circulating and noncirculating tubs, bowls, and spas
943.25(157)	Paraffin wax

#### CHAPTER 944

##### CONTINUING EDUCATION FOR BARBERING AND COSMETOLOGY ARTS AND SCIENCES

944.1(157)	Definitions
944.2(157)	Continuing education requirements
944.3(157,272C)	Standards

#### CHAPTER 945

##### DISCIPLINE FOR BARBERING AND COSMETOLOGY ARTS AND SCIENCES LICENSEES, INSTRUCTORS, ESTABLISHMENTS, AND SCHOOLS

945.1(157,272C)	Definitions
945.2(157,272C)	Grounds for discipline
945.3(157,272C)	Unlawful practices

#### CHAPTER 946

##### ADOPTION OF UNIFORM AND MODEL RULES

946.1(17A,272C)	Board of barbering and cosmetology arts and sciences adoption of uniform and model rules
-----------------	--

#### CHAPTERS 947 to 960

Reserved

#### *BOARD OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS*

#### CHAPTER 961

##### LICENSURE OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

961.1(154E)	Definitions
961.2(154E)	Requirements for licensure
961.3(154E)	Requirements for temporary license
961.4(154E)	Licensure by endorsement
961.5(154E)	License renewal
961.6(17A,147,272C)	License reactivation
961.7(17A,147,272C)	License reinstatement

#### CHAPTER 962

##### CONTINUING EDUCATION FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

962.1(154E,272C)	Definitions
962.2(154E,272C)	Continuing education requirements
962.3(154E,272C)	Standards

#### CHAPTER 963

##### DISCIPLINE FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

- 963.1(154E) Definition  
 963.2(154E,272C) Grounds for discipline

## CHAPTER 964

## ADOPTION OF UNIFORM AND MODEL RULES

- 964.1(17A,272C) Board of sign language interpreters and transliterators adoption of uniform and model rules

## CHAPTERS 965 to 979

Reserved

*BOARD OF NURSING HOME ADMINISTRATORS*

## CHAPTER 980

## LICENSURE OF NURSING HOME ADMINISTRATORS

- 980.1(155) Definitions  
 980.2(155) Requirements for licensure  
 980.3(147,155) Foreign-trained applicants  
 980.4(155) Preceptor qualifications  
 980.5(155) Provisional license  
 980.6(155) Licensure by endorsement  
 980.7(147,155) License renewal  
 980.8(17A,147,272C) License reactivation  
 980.9(17A,147,272C) License reinstatement

## CHAPTER 981

## CONTINUING EDUCATION FOR NURSING HOME ADMINISTRATION

- 981.1(272C) Definitions  
 981.2(272C) Continuing education requirements  
 981.3(155,272C) Standards  
 981.4(155,272C) Exemptions

## CHAPTER 982

## DISCIPLINE FOR NURSING HOME ADMINISTRATORS

- 982.1(155,272C) Grounds for discipline

## CHAPTER 983

## ADOPTION OF UNIFORM AND MODEL RULES

- 983.1(17A,272C) Board of nursing home administrators adoption of uniform and model rules

## CHAPTERS 984 to 2049

Reserved

## CHAPTER 2050

## APPRAISAL MANAGEMENT COMPANIES

- 2050.1(17A,543E) Definitions  
 2050.2(17A,543E) Application for registration  
 2050.3(17A,543E) Grounds for denial of a registration  
 2050.4(17A,543E) Renewal of registration  
 2050.5(17A,543E) Reinstatement of lapsed registration  
 2050.6(17A,543E) Changes in the registrant's name, location, or ownership  
 2050.7(17A,543E) Notice of significant events  
 2050.8(17A,543E) Fees  
 2050.9(17A,543E) Registrant records  
 2050.10(17A,543E) Examinations, investigations, and complaints  
 2050.11(17A,543E) Disciplinary action  
 2050.12(17A,543E) Appraisal management company national registry maintained by the appraisal subcommittee  
 2050.13(17A,543E) Preregistration



## CHAPTERS 2051 to 2059

Reserved

## CHAPTER 2060

## LICENSURE OF HEARING AID SPECIALISTS

2060.1(154A)	Definitions
2060.2(154A)	Temporary permits
2060.3(154A)	Supervision requirements
2060.4(154A)	Requirements for initial licensure
2060.5(154A)	Licensure by endorsement
2060.6(154A)	Display of license
2060.7(154A)	License renewal
2060.8(17A,147,272C)	License reactivation
2060.9(17A,147,272C)	License reinstatement

## CHAPTER 2061

## CONTINUING EDUCATION FOR HEARING AID SPECIALISTS

2061.1(154A)	Definitions
2061.2(154A)	Continuing education requirements
2061.3(154A,272C)	Standards

## CHAPTER 2062

## PRACTICE OF HEARING AID DISPENSING

2062.1(154A)	Definitions
2062.2(154A)	Requirements prior to sale of a hearing aid
2062.3(154A)	Requirements for sales receipt
2062.4(154A)	Requirements for recordkeeping
2062.5(154A)	Telehealth appointments

## CHAPTER 2063

## DISCIPLINE FOR HEARING AID SPECIALISTS

2063.1(154A,272C)	Grounds for discipline
-------------------	------------------------

## CHAPTER 2064

## ADOPTION OF UNIFORM AND MODEL RULES

2064.1(17A,272C)	Board of hearing aid specialists adoption of uniform and model rules
------------------	--

## CHAPTERS 2065 to 2201

Reserved

## CHAPTER 2202

## CERTIFICATE OF NEED PROGRAM

2202.1(10A)	Definitions
2202.2(10A)	Letter of intent
2202.3(10A)	Determination of reviewability
2202.4(10A)	Submission of application
2202.5(10A)	Organizational procedures
2202.6(10A)	Public hearing on application
2202.7(10A)	Summary review
2202.8(10A)	Extension of review time
2202.9(10A)	Rehearing of certificate of need decision
2202.10(10A)	Status reports to affected persons
2202.11(10A)	Finality
2202.12(10A)	Project progress reports
2202.13(10A)	Request for extension of certificate
2202.14(10A)	Application changes after approval
2202.15(10A)	Sanctions
2202.16(10A)	Reporting requirements

CHAPTER 2203  
STANDARDS FOR CERTIFICATE OF NEED REVIEW

2203.1	Reserved
2203.2(10A)	Cardiac catheterization and cardiovascular surgery standards
2203.3(10A)	Radiation therapy standards
2203.4(10A)	Computerized tomography standards
2203.5(10A)	Long-term care
2203.6 to 2203.11	Reserved
2203.12(10A)	Magnetic resonance imaging services standards
2203.13(10A)	Positron emission tomography services standards

CHAPTER 1  
ADMINISTRATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

MISSION STATEMENT

The department's mission is to achieve compliance through education, regulation, and due process for a safe and healthy Iowa.

**481—1.1(10A) Organization.**

**1.1(1) *Overview of the department.*** The Iowa department of inspections and appeals is established by Iowa Code sections 10A.101 to 10A.802. The chief executive officer of the department is the director of the department of inspections and appeals, who shall be appointed by the governor to serve at the pleasure of the governor subject to confirmation by the senate no less frequently than every four years.

**1.1(2) *Appointment of deputy.*** The director is assisted by a deputy director who is appointed by the director of inspections and appeals.

**1.1(3) *Organization of department.*** The department is organized into divisions which are further divided into bureaus and units.

**1.1(4) *Director's duties.*** The director has general supervision over the administration and operation of all divisions. The director also develops statewide programs in compliance with the goals of the department.

**1.1(5) *Deputy director's duties.*** The deputy director serves as the principal deputy to the director. The deputy director represents the director in various capacities as directed.

**1.1(6) *Issuance of subpoenas.*** The director, or designee of the director, shall have the authority to issue subpoenas in accordance with the provisions of Iowa Code sections 10A.104(6) and 17A.13. In connection with audits, appeals, investigations, inspections, hearings, and any other permissible matters conducted by the department, the director, or designee of the director, may, upon the written request of a department employee or on the director's own initiative:

*a.* Issue subpoena duces tecum for the production and delivery of books, papers, records and other real evidence; and

*b.* Issue subpoenas for the appearance of persons to provide statements, statements under oath and depositions.

**1.1(7) *Contents of subpoenas.*** Each subpoena shall contain the following:

*a.* The name and address of the person to whom the subpoena is directed;

*b.* The date, time and location for the appearance of the person;

*c.* A description of the books, papers, records or other real evidence requested;

*d.* The date, time and location for production, inspections, or copying of the books, papers, records or other real evidence;

*e.* The signature and address of the director or designee;

*f.* The name, address and telephone number of a department employee who can be contacted for purposes of providing clarification or assistance in compliance with the subpoena;

*g.* The date of issuance; and

*h.* A return of service.

**1.1(8) *Motions to quash or modify subpoena.*** A person who desires to challenge a subpoena directed to that person must, within ten days after service of the subpoena, or before the time specified for compliance, if such time is less than ten days, file with the director a motion to quash or modify the subpoena. Upon receipt of a timely motion to quash or modify a subpoena, the director or the director's designee may issue a decision or request an administrative law judge to issue a decision. Oral argument may be scheduled and conducted at the discretion of the director or the director's designee or the administrative law judge. The director or the director's designee or the administrative law judge may quash or modify the subpoena, deny the motion, or issue other appropriate orders. A person aggrieved by a ruling

of an administrative law judge and who desires to challenge that ruling must appeal the ruling to the director by serving the director, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge. The director's or the director's designee's decision is final for purposes of judicial review.

**1.1(9) Failure to comply with subpoena.** If the person to whom the subpoena is directed refuses or fails to obey the subpoena, the director, or the director's designee, may cause a petition to be filed in the Iowa district court seeking an order for the person's compliance. Failure to obey orders of that court shall render the person in contempt of the court and subject to penalties provided for that offense.

[ARC 8431B, IAB 12/30/09, effective 2/3/10; ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—1.2(10A) Definitions.** The definitions set forth in Iowa Code section 10A.101 are incorporated herein.

[ARC 8431B, IAB 12/30/09, effective 2/3/10; ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—1.3(10A) Administration division.** This division provides administrative support to the department, including fiscal, policy and planning, information technology, and public information. This division negotiates and provides oversight for compacts entered into between the state of Iowa and Indian tribes located in the state. The division also inspects and licenses the following:

1. Social and charitable gambling pursuant to Iowa Code chapter 99B;
2. Food establishments, including but not limited to restaurants, vending machines, mobile food units, food processing plants, and home food processing plants;
3. Hotels.

[ARC 8431B, IAB 12/30/09, effective 2/3/10; ARC 3768C, IAB 4/25/18, effective 5/30/18; ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—1.4(10A) Investigations division.** The investigations division of the department conducts criminal, civil, and administrative investigations of fraud and misconduct. The division also conducts audits of health care facilities. Staff within the division work closely with federal, state, and local partners in identifying fraud, waste, and abuse and, where appropriate, presenting cases for criminal prosecution.

**1.4(1) Units of the division.** The division is comprised of the following units.

*a. Audit unit.* The audit unit audits health and human services health care facilities to review and verify facility resident billing and personal allowance accounts and to determine whether state billings accurately reflect the health care facility census. The unit audits local department of human services offices to review and verify whether administrative expense claims and official receipts are in accordance with the criteria set forth in 2 CFR Part 200 and state law.

*b. Economic fraud control bureau (EFCB).* The economic fraud control bureau investigates recipient public assistance fraud and supplemental nutrition assistance program (SNAP) trafficking. Division staff investigate suspected fraud and assist the department of human services to determine eligibility for public assistance. Division staff may conduct investigations relative to the administration of any other state or federal benefit assistance program. Division staff may also conduct investigations relative to the internal affairs and operations of agencies and departments within the executive branch of state government, except for institutions governed by the state board of regents.

*c. Medicaid fraud control unit (MFCU).* The Medicaid fraud control unit investigates allegations of fraud committed by providers against the Medicaid program as well as fraud in the administration of the Medicaid program. MFCU also investigates abuse, neglect or other crimes committed upon residents in care facilities or related programs that receive funding from the Medicaid program.

*d. Public assistance debt recovery unit (PADRU).* The public assistance debt recovery unit investigates and initiates collections of overpayment debts owed to the department of human services.

**1.4(2) Peace officer status.** Pursuant to Iowa Code section 10A.403, investigators assigned to the division shall have the powers and authority of peace officers when acting within the scope of their responsibilities to conduct investigations as specified in Iowa Code section 10A.402(5). An investigator shall not carry a weapon to perform responsibilities as described in this subrule.

This rule is intended to implement Iowa Code sections 10A.401 to 10A.403.

[ARC 8431B, IAB 12/30/09, effective 2/3/10; ARC 3769C, IAB 4/25/18, effective 5/30/18; ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—1.5(10A) Health facilities division.** This division conducts inspections and investigations, including but not limited to the following:

1. Investigations relative to the standards and practices of hospitals, hospice programs, and health care facilities.
2. Inspections and other licensing procedures relative to hospice programs, hospitals, and health care facilities. The division shall be the sole designated licensing authority for these programs and facilities.
3. Inspections relative to hospital and health care facility construction projects.
4. Inspections of child foster care facilities and private institutions for the care of dependent, neglected, and delinquent children.
5. Inspections and certification of elder group homes, assisted living programs, and adult day services programs.
6. Registration of boarding homes.
7. Investigation of dependent adult abuse in facilities and programs.

[ARC 8431B, IAB 12/30/09, effective 2/3/10]

**481—1.6(10A) Administrative hearings division.** The division conducts contested case hearings for state agencies, departments, boards, and commissions. In addition, the division conducts contested case hearings for some counties and municipalities.

**1.6(1)** All hearings are governed by Iowa Code chapter 17A, other applicable statutes, including the transmitting agency's enabling statute and the statute authorizing the action taken, applicable agency rules, and the department's administrative rules found at 481—Chapters 9 to 11.

**1.6(2)** The administrator shall coordinate the division's conduct of all hearings.

[ARC 8431B, IAB 12/30/09, effective 2/3/10; ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—1.7(10A) Administering discretion.** Nothing in the aforesaid allocation of duties shall be interpreted to prevent flexibility in interdepartmental operations or to forbid other divisional allocations of duties in the discretion of the director.

[ARC 8431B, IAB 12/30/09, effective 2/3/10]

**481—1.8(10A) Employment appeal board.** The employment appeal board consists of three members appointed by the governor, subject to confirmation by the senate, to staggered six-year terms. One member shall be qualified by experience and affiliation to represent employers, one member shall be qualified by experience and affiliation to represent employees, and one member shall represent the general public. This board hears and decides contested cases under Iowa Code chapters 8A, subchapter IV, 80, 88, 91C, 96, and 97B in accordance with administrative rules promulgated by the employment appeal board.

[ARC 8431B, IAB 12/30/09, effective 2/3/10; ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—1.9(10A,237) Child advocacy board.** The child advocacy board consists of nine members appointed by the governor, subject to confirmation by the senate. This board administers foster care review and the court appointed special advocate programs, as defined in Iowa Code section 237.18, in accordance with administrative rules promulgated by the board.

[ARC 8431B, IAB 12/30/09, effective 2/3/10]

**481—1.10(10A,13B) State public defender.** The governor shall appoint the state public defender, who shall serve at the pleasure of the governor, subject to confirmation by the senate. The state public defender shall coordinate the provision of legal representation of all indigents under arrest or charged with a crime, seeking postconviction relief, against whom a contempt action is pending, in proceedings under Iowa Code section 811.1A or Iowa Code chapter 229A or 812, in juvenile proceedings, on appeal in criminal cases, and on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and may provide for the representation of indigents in proceedings instituted pursuant to Iowa Code chapter 908.

[ARC 8431B, IAB 12/30/09, effective 2/3/10]

**481—1.11(10A,99D,99F) Racing and gaming commission.** The Iowa racing and gaming commission regulates pari-mutuel horse racing, simulcasting, gambling structures, excursion gambling boats, racetrack enclosures, sports wagering, and fantasy sports contests in Iowa. The commission, whose five members are appointed by the governor, administers the laws and rules associated with these industries to maintain confidence in the industries and to ensure the integrity of licensed participants and operations for the state and the wagering public. In performing its duties, the commission investigates the eligibility of applicants for licensure. The commission adopts standards for the licensing of racing industry occupations, as well as standards for the operation of all race meetings and facilities. The commission also adopts standards for the operation and licensing of pari-mutuel and simulcast wagering, gambling structures, excursion gambling boats, racetrack enclosures, sports wagering, and fantasy sports contests.

[ARC 8431B, IAB 12/30/09, effective 2/3/10; ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—1.12(10A,68B) Consent for the sale of goods and services.** An official or employee of the department shall not directly or indirectly sell or lease any goods, real estate, or services to individuals, associations, or corporations subject to the regulatory authority of the official's or employee's agency except as provided by Iowa Code section 68B.4 and rule 351—6.11(68B).

[ARC 6862C, IAB 2/8/23, effective 3/15/23]

These rules are intended to implement Iowa Code chapters 10A, 13B, 68B, 99D, 99F, and 237.

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 2/6/87, Notice 10/8/86—published 2/25/87, effective 4/1/87]

[Filed without Notice 3/26/87—published 4/22/87, effective 5/27/87]

[Filed 9/18/87, Notice 7/15/87—published 10/7/87, effective 11/11/87]

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 7/1/99]

[Filed 9/1/00, Notice 7/26/00—published 9/20/00, effective 10/25/00]

[Filed 4/26/02, Notice 3/20/02—published 5/15/02, effective 6/19/02]

[Filed ARC 8431B (Notice ARC 8242B, IAB 10/21/09), IAB 12/30/09, effective 2/3/10]

[Filed ARC 3768C (Notice ARC 3650C, IAB 2/28/18), IAB 4/25/18, effective 5/30/18]

[Filed ARC 3769C (Notice ARC 3649C, IAB 2/28/18), IAB 4/25/18, effective 5/30/18]

[Filed ARC 6862C (Notice ARC 6741C, IAB 12/14/22), IAB 2/8/23, effective 3/15/23]

CHAPTER 2  
PETITIONS FOR RULEMAKING

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

The department adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to petitions for rulemaking, which are published at [www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf) on the Iowa general assembly's website. References to "the agency" within any uniform rule include the department and any division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A, unless a division, board, or commission has separate rulemaking authority and has adopted rules governing petitions for rulemaking.

[ARC 7806C, IAB 4/17/24, effective 5/22/24]

**481—2.1(17A) Petition for rulemaking.** In lieu of the words "the agency (designate office)", insert "the department or specific division, board, or commission within the department where the petition is directed, as applicable". In lieu of the words "(AGENCY NAME)", insert the department or specific division, board, or commission within the department where the petition is directed.

[ARC 7806C, IAB 4/17/24, effective 5/22/24]

**481—2.3(17A) Inquiries.** Inquiries concerning the status of a petition for rulemaking may be made to the department or applicable division, board, or commission as provided on the department's website.

[ARC 7806C, IAB 4/17/24, effective 5/22/24]

These rules are intended to implement Iowa Code section 17A.7.

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 2/6/87, Notice 10/8/86—published 2/25/87, effective 4/1/87]

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 7/1/99]

[Filed ARC 6862C (Notice ARC 6741C, IAB 12/14/22), IAB 2/8/23, effective 3/15/23]

[Filed ARC 7806C (Notice ARC 7645C, IAB 2/21/24), IAB 4/17/24, effective 5/22/24]

CHAPTER 3  
DECLARATORY ORDERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

The department of inspections, appeals, and licensing adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to declaratory orders, which are published at [www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf) on the Iowa general assembly's website. These rules are applicable to any division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A, unless a division, board, or commission has separate rulemaking authority and has adopted rules governing declaratory orders. In lieu of the words “(designate agency)” within any uniform rule, insert the name of the department or specific board or division within the department where the petition for declaratory order is directed, as applicable. In lieu of the words “(designate office)”, insert the current location of the department, board, or division within the department, as applicable.

[ARC 7807C, IAB 4/17/24, effective 5/22/24]

**481—3.1(17A) Petition for declaratory order.** In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING  
[or the specific board or division within the department where the petition is directed]

[ARC 7807C, IAB 4/17/24, effective 5/22/24]

**481—3.2(17A) Notice of petition.** In lieu of the words “ \_\_\_ days (15 or less)”, insert “15 days”.

[ARC 7807C, IAB 4/17/24, effective 5/22/24]

**481—3.3(17A) Intervention.**

**3.3(1)** In lieu of the words “within \_\_\_ days”, insert “within 15 days”. Strike the words “(after time for notice under X.2(17A))”. In lieu of the number “X.8(17A)”, insert “rule 481—3.8(17A)”.

In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING  
[or the specific board or division within the department where the petition is directed]

[ARC 7807C, IAB 4/17/24, effective 5/22/24]

**481—3.5(17A) Inquiries.** In lieu of the words “(designate official by full title and address)”, insert “to the department or applicable division, board, or commission as provided on the department’s website”.

[ARC 7807C, IAB 4/17/24, effective 5/22/24]

**481—3.6(17A) Service and filing of petitions and other papers.**

**3.6(2)** In lieu of the words “(specify office and address)”, insert the current address of the department, board, or division within the department, as applicable.

**3.6(3)** In lieu of the words “(uniform rule on contested cases X.12(17A))”, insert “rule 481—10.12(17A), except that the filing will be delivered to the department, board, or division at its current location”.

[ARC 7807C, IAB 4/17/24, effective 5/22/24]

**481—3.8(17A) Action on petition.** Replace all uniform rule text with “Action on the petition will be taken in accordance with Iowa Code section 17A.9(5).”

[ARC 7807C, IAB 4/17/24, effective 5/22/24]

These rules are intended to implement Iowa Code chapter 17A.

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 2/6/87, Notice 10/8/86—published 2/25/87, effective 4/1/87]



[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 7/1/99]  
[Filed ARC 6862C (Notice ARC 6741C, IAB 12/14/22), IAB 2/8/23, effective 3/15/23]  
[Filed ARC 7807C (Notice ARC 7646C, IAB 2/21/24), IAB 4/17/24, effective 5/22/24]

CHAPTER 4  
AGENCY PROCEDURE FOR RULEMAKING  
[481—Chapter 4 renumbered as 481—Chapter 10, effective 3/16/88.]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

The department of inspections, appeals, and licensing adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to agency procedure for rulemaking, which are published at [www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf) on the Iowa general assembly's website. References to "the agency" include the department or any division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A, unless the division, board, or commission has separate rulemaking authority and has adopted rules governing procedures for rulemaking.

[ARC 7808C, IAB 4/17/24, effective 5/22/24]

**481—4.3(17A) Public rulemaking docket.**

**4.3(2) *Anticipated rulemaking.*** In lieu of the words "(commission, board, council, director)", insert "director, board, commissioner, or the like, as applicable".

[ARC 7808C, IAB 4/17/24, effective 5/22/24]

**481—4.4(17A) Notice of proposed rulemaking.**

**4.4(3) *Notices mailed.*** In lieu of the words "(specify time period)", insert "one calendar year".

[ARC 7808C, IAB 4/17/24, effective 5/22/24]

**481—4.5(17A) Public participation.**

**4.5(1) *Written comments.*** Strike the words "(identify office and address) or".

**4.5(5) *Accessibility.*** In lieu of the words "(designate office and telephone number)", insert "the department, board, commissioner, or the like, as applicable".

[ARC 7808C, IAB 4/17/24, effective 5/22/24]

**481—4.6(17A) Regulatory analysis.**

**4.6(2) *Mailing list.*** In lieu of the words "(designate office)", insert "the department, division, board, commissioner, or the like, as applicable".

[ARC 7808C, IAB 4/17/24, effective 5/22/24]

**481—4.11(17A) Concise statement of reasons.**

**4.11(1) *General.*** In lieu of the words "(specify the office and address)", insert "the department or board, as applicable".

[ARC 7808C, IAB 4/17/24, effective 5/22/24]

**481—4.13(17A) Agency rulemaking record.**

**4.13(2) *Contents.*** Amend paragraph "c" by inserting "director, board, commissioner, or the like, as applicable" in lieu of "(agency head)".

[ARC 7808C, IAB 4/17/24, effective 5/22/24]

These rules are intended to implement Iowa Code chapter 17A and section 25B.6.

[Filed 1/22/88, Notice 12/16/87—published 2/10/88, effective 3/16/88]

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 7/1/99]

[Filed ARC 6862C (Notice ARC 6741C, IAB 12/14/22), IAB 2/8/23, effective 3/15/23]

[Filed ARC 7808C (Notice ARC 7647C, IAB 2/21/24), IAB 4/17/24, effective 5/22/24]

CHAPTER 5  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES  
[481—Chapter 5 renumbered as 481—Chapter 11, IAB 2/10/88, effective 3/16/88]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

The department of inspections and appeals adopts, with the following exceptions and amendments, rules of the Governor’s Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices, which are published on the Iowa general assembly’s website at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf).

**481—5.1(17A,22) Definitions.** As used in this chapter:

“*Agency*.” In lieu of the words “(official or body issuing these rules)”, insert “department of inspections and appeals”.

“*Custodian*” means an agency, which owns and exercises control over public records. The originating agency, if any, is the custodian of records which are used to perform work or a service for the originating agency.

“*Originating agency*” means any government agency which has requested the department to perform work or a service on its behalf. An originating agency retains custody of all records provided by the originating agency to the department.

**481—5.3(17A,22) Requests for access to records.**

**5.3(1) Location of record.** In lieu of the words “(insert agency head)”, insert “director”. In lieu of the words “(insert agency name and address)”, insert “Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319”.

**5.3(2) Office hours.** In lieu of the words “(insert customary office hours, and if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m. Monday through Friday except legal holidays.”

**5.3(7) Fees.**

*c. Supervisory fee.* In lieu of “(specify time period)” insert “one hour”.

**481—5.6(17A,22) Procedure by which a subject may have additions, dissents, or objections entered into the record.** In lieu of the words “(designate office)” insert “the originating agency, or to the director’s office”.

**481—5.9(17A,22) Disclosures without the consent of the subject.**

**5.9(1)** Open records are routinely disclosed without the consent of the subject.

**5.9(2)** To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

*a.* For a routine use as defined in rule 481—5.10(17A,22) or in the notice for a particular record system.

*b.* To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.

*c.* To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

*d.* To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last-known address of the subject.

- e. To the legislative services agency under Iowa Code section 2A.3.
- f. Disclosures in the course of employee disciplinary proceedings.
- g. In response to a court order or subpoena.

[ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—5.10(17A,22) Routine use.** “Routine use” means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

To the extent allowed by law, the following uses are considered routine uses of all agency records:

1. Disclosure to those officers, employees, and agents of the department or the originating agency who have a need for the record in the performance of their duties. The custodian of the record may, upon request of any officer or employee, or on the custodian’s own initiative, determine what constitutes legitimate need to use confidential records.
2. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.
3. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.
4. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.
5. Any disclosure specifically authorized by the statute under which the record was collected or maintained.
6. Information transferred to any originating agency when inspections and appeals department has completed the authorized audit, investigation, or inspection.

**481—5.11(17A,22) Consensual disclosure of confidential records.**

**5.11(1)** *Consent to disclosure by a subject individual.* To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 481—5.7(17A,22).

**5.11(2)** *Complaints to public officials.* A letter from a subject of a confidential record to a public official which seeks the official’s intervention on behalf of the subject in a matter that involves the agency may to the extent permitted by law be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

**5.11(3)** *Obtaining information from a third party.* The department of inspections and appeals occasionally requests personally identifiable information from third parties during the course of its authorized audits, investigations, hearings or inspections. Requests to third parties for this information involve the release of confidential identifying information and shall be made in accordance with the department’s pertinent statutory authority.

**5.11(4)** *Child support recovery unit.* Information shared by or with the child support recovery unit of the department of human services pursuant to Iowa Code chapter 252J shall only be used as set forth in Iowa Code section 252J.2(4).

[ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—5.12(17A,22) Release to subject.**

**5.12(1)** A written request to review confidential records may be filed by the subject of the record as provided in rule 481—5.6(17A,22). The department need not release the following records to the subject:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

b. Records need not be disclosed to the subject when they are the work product of an attorney, or a hearing officer’s personal notations to be used by the hearing officer and not intended for public dissemination; or they are otherwise privileged.

c. Investigative reports may be withheld from the subject, except as required by the Iowa Code. (Iowa Code section 22.7(5).)

d. Others authorized by law.

**5.12(2)** Where a record has multiple subjects with interest in the confidentiality of the record, the department may take reasonable steps to protect confidential information relating to another subject.

[ARC 6802C, IAB 1/11/23, effective 2/15/23; ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—5.13(17A,22) Availability of records.** Agency records are open for public inspection and copying unless otherwise provided by rule or law.

**5.13(1) Confidential records.** The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)

b. Tax records made available to the agency.

c. Exempt records under Iowa Code section 22.7.

d. Minutes of closed meetings of a government body. (Iowa Code section 21.5(5))

e. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1)“d.”

f. Those portions of department staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by department staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the agency. (See Iowa Code sections 17A.2, 17A.3)

g. Confidential records are also described in the rules of each division.

h. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa Rule of Civil Procedure 1.503(3), Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

i. Any other records made confidential by law.

Iowa Code sections 10A.105, 22.7, 135B.12, 135C.19, 217.30, and 272C.6 contain specific authority.

**5.13(2)** Reserved.

[ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—5.14(17A,22) Authority to release confidential records.** The department may have discretion to disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute which authorizes limited or discretionary disclosure as provided in rule 481—5.4(17A,22). If the department initially determines that it will release these records, the department may notify interested parties and withhold the records from inspection as provided in subrule 5.4(3).

[ARC 6862C, IAB 2/8/23, effective 3/15/23]

**481—5.15(17A,22) Personnel files.** The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

**481—5.16(17A,22) Personally identifiable information.** The department maintains systems of records which contain personally identifiable information.

**5.16(1) Rule making.** Rule-making records may contain information about people who make written or oral comments about proposed rules. Iowa Code section 17A.4 requires collection and retention of this information.

**5.16(2) Administrative hearings division.** Contested case records are maintained in electronic files and contain names and identifying numbers of people involved. Evidence and documents submitted as a result of a hearing are contained in the contested case file.

Records are collected by authority of Iowa Code chapter 10A. None of the information stored in a data processing system is compared with information in any other data processing system.

Records of hearings are recorded digitally or in written transcripts.

**5.16(3) Appellate defender.** By authority of Iowa Code chapter 13B, the appellate defender maintains information and records relating to criminal and postconviction relief cases that are being appealed. Records contain names and identifying numbers of persons involved in these cases, and are maintained in paper and electronic files. Case information is not stored in a data processing system and cannot be compared with information in any data processing system. By authority of Iowa Code section 915.36, the appellate defender shall not disclose the names of child victims. Presentence investigation reports in the possession of the appellate defender are confidential records pursuant to Iowa Code section 901.4.

Litigation files or records contain information regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorney's notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain material which is confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wishing copies of pleadings and other documents filed in litigation should obtain them from the clerk of the appropriate court which maintains the official copy.

**5.16(4) Investigations division.** Files are stored electronically using encrypted cloud storage and state-administered servers. Electronic records are retrievable using a name, social security number, state identification number, or other program identifier, as applicable.

All records are collected and stored by the investigations division pursuant to Iowa Code section 10A.402.

Comparisons between record systems are explained in rule 481—90.8(10A).

**5.16(5) Health facilities division.** Records of the health facilities division are collected pursuant to Iowa Code sections 10A.702, 235E.2, and other entity- and program-specific authority. Records are maintained in paper and electronic files and may contain personally identifiable information. Records may be compared with information on data processing systems, including the direct care worker registry, and may be retrievable by personal identifier. A general list of records considered confidential is available in rule 481—50.8(10A).

[ARC 6862C, IAB 2/8/23, effective 3/15/23]

These rules are intended to implement Iowa Code sections 10A.105, 22.7, 22.11, 135B.12, 135C.19, 217.30 and 272C.6.

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

[Filed emergency 11/30/95—published 12/20/95, effective 11/30/95]

[Filed ARC 6802C (Notice ARC 6609C, IAB 11/2/22), IAB 1/11/23, effective 2/15/23]

[Filed ARC 6862C (Notice ARC 6741C, IAB 12/14/22), IAB 2/8/23, effective 3/15/23]

CHAPTER 6  
UNIFORM WAIVER RULES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**481—6.1(10A,17A,ExecOrd11) Applicability.** This chapter outlines a uniform process for the granting of waivers from rules adopted by the department. The intent of this chapter is to allow persons to seek exceptions to the application of rules issued by the department.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.2(10A,17A,ExecOrd11) Definitions.**

*“Attached units”* means units attached to the department and includes the employment appeal board, child advocacy board, racing and gaming commission, and state public defender’s office.

*“Department”* means the department of inspections and appeals authorized by Iowa Code chapter 10A, which is comprised of the administrative division, administrative hearings division, audits division, health facilities division, inspections division and investigations division. Pursuant to Iowa Code section 7E.2(5), five attached units are included in the department.

*“Director”* means the director of the department of inspections and appeals or the director’s designee.

*“Director/board”* means the director, board, commission or state public defender depending on which one has the decision-making authority pursuant to Iowa Code chapter 10A or 7E.

*“Person”* means an individual, corporation, limited liability company, government or governmental subdivision or association, or any legal entity.

[ARC 5670C, IAB 6/2/21, effective 7/21/21; ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.3(10A,17A,ExecOrd11) Interpretive rules.** This chapter shall not apply to rules that merely define the meaning of a statute or other provision of law or precedent if the department does not possess delegated authority to bind the courts to any extent with its definition.

**481—6.4(10A,17A,ExecOrd11) Compliance with statute.** The department shall not grant a petition for waiver from a rule unless a statute or other provision of law has delegated authority to the department sufficient to justify that action and the waiver is consistent with the statute or other provision of law. No waiver may be granted from a requirement that is imposed by statute, unless the statute itself specifically authorizes that action. Any waiver must be consistent with statute.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.5(10A,17A,ExecOrd11) Criteria for waiver.** At the sole discretion of the director/board, the director/board may issue an order, in response to a completed petition, granting a waiver from a rule adopted by the department, in whole or in part, as applied to the circumstances of a specified person or a specific and narrowly drawn class of persons if the director/board finds based on clear and convincing evidence that:

1. The application of the rule to the petitioner would pose an undue hardship on the person or class of persons for whom the waiver is requested;
2. The waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of a rule subject to a petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.6(10A,17A,ExecOrd11) Filing of petition.** A petition for a waiver must be submitted in writing to the Department of Inspections and Appeals, Office of the Director, Lucas State Office Building, 321 East

12th Street, Des Moines, Iowa 50319. If the petition relates to a pending contested case, the petition shall also be filed in the contested case proceeding.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.7(10A,17A,ExecOrd11) Content of petition.** A petition for waiver shall include the following information where applicable and known to the requester:

1. The name, address, and telephone number of the entity or person for whom a waiver is being requested and the case number of any related contested case.
2. A description and citation of the specific rule from which a waiver is requested.
3. The specific waiver requested, including the precise scope and operative period that the waiver will extend.
4. The relevant facts that the petitioner believes would justify a waiver. This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.
5. A history of any prior contacts between the department and the petitioner relating to the regulated activity, license, appeal, hearing, audit, investigation, inspection, representation or other assigned function of the department that would be affected by the proposed waiver, including a description of each regulated activity, license, appeal, hearing, audit, investigation, inspection, representation or other assigned function of the department, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity, license, appeal, hearing, audit, investigation, inspection, representation or other assigned function of the department within the last five years.
6. Any information known to the requester regarding the department's treatment of similar cases.
7. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question or which might be affected by the granting of a waiver.
8. The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.
9. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.
10. Signed releases of information authorizing persons with knowledge regarding the request to furnish the department with information relevant to the waiver.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.8(10A,17A,ExecOrd11) Additional information.** Prior to issuing an order granting or denying a waiver, the department may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the department may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the department or department's designee.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.9(10A,17A,ExecOrd11) Notice.** The department shall acknowledge a petition upon receipt. The department shall ensure that notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law within 30 days of the receipt of the petition. In addition, the department may give notice to other persons. To accomplish this notice provision, the department may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the department attesting that notice has been provided.

**481—6.10(10A,17A,ExecOrd11) Hearing procedures.** The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to any petition for a waiver of rule filed within a contested case and shall otherwise apply to agency proceedings for a waiver only when the department so provides by rule or order or is required to do so by statute.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]



**481—6.11(10A,17A,ExecOrd11) Ruling.** An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

**6.11(1) Director/board discretion.** The decision on whether the circumstances justify the granting of a waiver shall be made at the discretion of the director upon consideration of all relevant factors, except for the below-listed programs, for which the applicable board, commission or state public defender shall make the decision, upon consideration of all relevant factors:

- a. Employment appeal board, 486—Chapter 1.
- b. Child advocacy board, 489—Chapter 1.
- c. Racing and gaming commission, 491—Chapter 1.
- d. State public defender's office, 493—Chapter 1.

**6.11(2) Burden of persuasion.** The petitioner has the burden of persuasion when a petition is filed for a waiver from a department rule. The standard of proof is clear and convincing evidence.

**6.11(3) Special waiver rules not precluded.** This chapter shall not preclude the department from granting waivers in other contexts or on the basis of other standards if a statute authorizes the department to do so and the department deems it appropriate to do so.

**6.11(4) Administrative deadlines.** When the rule from which a waiver is sought establishes administrative deadlines, the director/board shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all persons similarly situated.

**6.11(5) Conditions.** The director/board may condition the granting of the waiver on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question through alternative means and in compliance with the following provisions:

- a. Each petition for a waiver shall be evaluated by the department based on the unique, individual circumstances set out in the petition;
- b. A waiver, if granted, shall be drafted by the department so as to provide the narrowest exception possible to the provisions of the rule;
- c. The department may place on a waiver a condition that the department finds desirable to protect the public health, safety, and welfare;
- d. A waiver shall not be permanent, unless the petitioner can show that a temporary waiver would be impracticable; and
- e. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the department, a waiver may be renewed if the department finds that all of the factors set out in rule 481—6.5(10A,17A,ExecOrd11) remain valid.

**6.11(6) Time for ruling.** The director/board shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the director/board has the discretion to wait until the contested case is resolved before entering an order on the petition for waiver.

**6.11(7) When deemed denied.** Failure of the director/board to grant or deny a petition within the required time period shall be deemed a denial of that petition by the director/board.

**6.11(8) Service of order.** Within seven days of its issuance, any order issued under this chapter shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.12(10A,17A,ExecOrd11) Public availability.**

**6.12(1)** Subject to the provisions of Iowa Code section 17A.3(1)“e,” the department shall maintain a record of all orders granting or denying waivers under this chapter. All final rulings in response to requests for waivers shall be indexed and available to members of the public at the director's office.

**6.12(2)** Within 60 days of granting or denying a waiver, the department must make a submission on the Internet site established pursuant to Iowa Code section 17A.9A for the submission of waiver information.

- a. The submission shall:

- (1) Identify the rules for which a waiver has been granted or denied;
- (2) Identify the number of times a waiver was granted or denied for each rule;
- (3) Include a citation to the statutory provisions implemented by these rules; and
- (4) Include a general summary of the reasons justifying the department's actions.

b. To the extent practicable, the department shall include information detailing the extent to which the granting of a waiver has established a precedent for additional waivers and the extent to which the granting of a waiver has affected the general applicability of the rule itself.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.13(10A,17A,ExecOrd11) Voiding or cancellation.** A waiver is void if the material facts upon which the request is based are not true or if material facts have been withheld. The director/board may at any time cancel a waiver upon appropriate notice and hearing if the director/board finds that the facts as stated in the request are not true, material facts have been withheld, the alternative means of compliance provided in the waiver have failed to achieve the objectives of the statute, or the requester has failed to comply with the conditions of the order.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.14(10A,17A,ExecOrd11) Violations.** Violation of conditions in the waiver approval is the equivalent of violation of the particular rule for which the waiver is granted and is subject to the same remedies or penalties.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.15(10A,17A,ExecOrd11) Defense.** After the director/board issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.16(10A,17A,ExecOrd11) Appeals.** Any request for an appeal from a decision granting or denying a waiver shall be in accordance with the procedures provided in Iowa Code chapter 17A and rules adopted by the department. An appeal shall be taken within 30 days of the issuance of the ruling in response to the request unless a contrary time is provided by rule or statute.

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

**481—6.17(10A,17A,ExecOrd11) Sample petition for waiver.**

BEFORE THE DEPARTMENT OF INSPECTIONS AND APPEALS

---

Petition by (insert the name of petitioner)  
for the waiver of (insert rule citation)  
relating to (insert the subject matter).

}

PETITION FOR WAIVER

---

Include the following information in the petition for waiver where applicable and known:

1. Provide the petitioner's (the person that is asking for the waiver) name, address and telephone number.
2. Describe and cite the specific rule from which a waiver is requested.
3. Describe the specific waiver requested. Include the exact scope and time period that the waiver will extend.
4. Explain the important facts that the petitioner believes justify the waiver. Include in your explanation (a) why application of the rule would pose an undue hardship to the petitioner; (b) why granting the waiver would not prejudice the substantial legal rights of any person; (c) state whether the provisions of a rule subject to this petition are specifically mandated by statute or another provision of law; and (d) state whether public health, safety and welfare will be affected if the requested waiver is granted.
5. Provide history of prior contacts between the department and the petitioner relating to the regulated activity, license, audit, investigation, inspection or representation that would be affected by the waiver. In that history, include a description of each affected regulated activity, license, appeal, hearing, audit,

investigation, inspection, representation or other assigned function of the department, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity, license, appeal, hearing, audit, investigation, inspection, representation or other assigned function of the department within the last five years.

6. Provide information known to the petitioner regarding the department's treatment of similar cases.
7. Provide the name, address and telephone number of any public agency or political subdivision which also regulates the activity in question or which might be affected by the granting of a waiver.
8. Provide the name, address and telephone number of any person or entity that would be adversely affected or disadvantaged by the granting of the waiver.
9. Provide signed releases of information authorizing persons with knowledge regarding the request to furnish the department with information relevant to the waiver.

I hereby attest to the accuracy and truthfulness of the above information.

---

Petitioner's signature

---

Date

[ARC 5719C, IAB 6/16/21, effective 7/21/21]

These rules are intended to implement Iowa Code section 17A.9A and  
Executive Order Number 11

[Filed 4/12/01, Notice 1/24/01—published 5/2/01, effective 6/6/01]

[Filed ARC 5670C (Notice ARC 5551C, IAB 4/7/21), IAB 6/2/21, effective 7/21/21]

[Filed ARC 5719C (Notice ARC 5560C, IAB 4/21/21), IAB 6/16/21, effective 7/21/21]

CHAPTER 7  
MILITARY SERVICE, VETERAN RECIPROCITY, AND  
SPOUSES OF ACTIVE-DUTY SERVICE MEMBERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/3/29

**481—7.1(272C) Applicability and definitions.** These rules are applicable to any licensing authority under the administrative authority of the department pursuant to Iowa Code chapter 10A unless that licensing authority has separate rulemaking authority and has adopted governing rules. As used in this chapter:

“*Department*” means the department of inspections, appeals, and licensing.

“*License*” means a license, certification, registration, permit, approval, renewal, or other similar authorization issued by a licensing authority authorizing a person to engage in a profession, occupation, or business.

“*Licensing authority*” means a board, a commission, or any other division or entity of the department that has the authority within this state to suspend or revoke a license or deny the renewal or issuance of a license authorizing a person to engage in a business, occupation, or profession pursuant to Iowa Code chapter 272C.

“*Military service*” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c)(2021); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101(2006).

“*Military service applicant*” means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

“*Spouse*” means the spouse of an active-duty member of the military forces of the United States.

“*Veteran*” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

[ARC 8036C, IAB 5/29/24, effective 7/3/24]

**481—7.2(272C) Military education, training, and service credit.** A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for licensure in accordance with Iowa Code chapter 272C by submitting a military service application form to the licensing authority.

**7.2(1)** The application may be submitted with an application for licensure or examination, or prior to applying for licensure or to take an examination. No fee is required with submission of an application for military service credit.

**7.2(2)** The applicant shall identify the experience or educational licensure requirement to which the credit would be applied if granted. Credit will not be applied to an examination requirement.

**7.2(3)** The applicant shall provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant’s Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

**7.2(4)** Upon receipt of a completed military service application, the licensing authority will promptly determine whether the verified military education, training, or service will satisfy all or any part of the identified experience or educational qualifications for licensure.

**7.2(5)** The licensing authority will grant credit requested in the application in whole or in part if the licensing authority determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for licensure.

**7.2(6)** The licensing authority will inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for licensure or explain why no credit was granted. The applicant may request reconsideration upon submission of additional documentation or information.

**7.2(7)** An applicant who is aggrieved by the licensing authority’s decision may request a contested case hearing. A request for a contested case shall be made within 30 days of issuance of the licensing authority’s decision. Unless the licensing authority has adopted rules governing contested case hearings

under the jurisdiction of that licensing authority, the provisions of 481—Chapter 9 apply, except that no fees or costs will be assessed against the applicant in connection with a contested case conducted pursuant to this subrule.

**7.2(8)** The licensing authority will grant or deny the military service application prior to ruling on the application for licensure. The applicant will not be required to submit any fees in connection with the licensure application unless the licensing authority grants the military service application. If the licensing authority does not grant the military service application, the applicant may withdraw the licensure application or request that the application be placed in pending status for up to one year or as mutually agreed. The withdrawal of a licensure application does not preclude subsequent applications supported by additional documentation or information.

[ARC 8036C, IAB 5/29/24, effective 7/3/24]

**481—7.3(272C) Veteran and active-duty military spouse reciprocity.**

**7.3(1)** A veteran or spouse with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity in accordance with Iowa Code chapter 272C. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with the licensing authority's laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran or spouse under this subrule will be given priority and will be expedited.

**7.3(2)** Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including but not limited to completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant will use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or as a spouse.

**7.3(3)** Upon receipt of a fully completed licensure application, the licensing authority will promptly determine if the scope of practice of the jurisdiction where the veteran or spouse is licensed is substantially equivalent to the scope of practice in Iowa. The licensing authority shall make this determination based on information supplied by the applicant and such additional information as the licensing authority may acquire from the applicable jurisdiction.

**7.3(4)** The licensing authority will promptly grant a license to the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose scope of practice is substantially equivalent to the scope required in Iowa unless the applicant is ineligible for licensure based on other grounds, including, for example, the applicant's disciplinary history or criminal background.

**7.3(5)** If the licensing authority determines that the scope of practice in the jurisdiction in which the applicant is licensed is not substantially equivalent to the scope of practice in Iowa, the licensing authority will promptly inform the applicant of the additional education or training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary history or criminal background, the following will apply:

*a.* If the applicant has not passed the required examination(s) for licensure, the applicant may not be issued a temporary license but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements.

*b.* If additional education or training is required, the applicant may request that the licensing authority issue a temporary license for a specified period of time during which the applicant will successfully complete the necessary education or training. The licensing authority will issue a temporary license for a specified period of time upon such conditions as the licensing authority deems reasonably necessary to protect the health, welfare, or safety of the public unless the licensing authority determines that the deficiency is of a character by which public health, welfare, or safety will be adversely affected if a temporary license is granted.

c. If a request for a temporary license is denied, the licensing authority shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take to receive a temporary license.

d. If a temporary license is issued, the application for full licensure will be placed in pending status until the necessary education or training has been successfully completed or the temporary license expires, whichever occurs first. The licensing authority may extend a temporary license on a case-by-case basis for good cause.

**7.3(6)** An applicant who is aggrieved by the licensing authority's decision to deny an application for a reciprocal license or a temporary license or is aggrieved by the terms under which a temporary license will be granted may request a contested case hearing as set forth in subrule 7.2(7).

[ARC 8036C, IAB 5/29/24, effective 7/3/24]

These rules are intended to implement Iowa Code sections 272C.4, 272C.12, and 272C.12A.

[Filed ARC 8036C (Notice ARC 7754C, IAB 4/3/24), IAB 5/29/24, effective 7/3/24]

CHAPTER 8  
LICENSING AND CHILD SUPPORT NONCOMPLIANCE, STUDENT LOAN  
REPAYMENT NONCOMPLIANCE, AND NONPAYMENT OF STATE DEBT

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

**481—8.1(252J,272D) Definitions.** For the purpose of this chapter, the following definitions apply:

“*Applicant*” means a person seeking the issuance of a license.

“*Department*” means the department of inspections, appeals, and licensing.

“*License*” means the same as defined in Iowa Code sections 252J.1 and 272D.1.

[ARC 7809C, IAB 4/17/24, effective 5/22/24]

CHILD SUPPORT NONCOMPLIANCE

**481—8.2(252J) Definitions.** For the purpose of this division, the following definitions apply:

“*Certificate of noncompliance*” means the same as defined in Iowa Code section 252J.1.

“*Licensing authority*” means the same as defined in Iowa Code section 252J.1 and includes the department and any board, commission, or other entity of the department having authority within this state to suspend or revoke a license or deny the renewal or issuance of a license authorizing a person to engage in a business, occupation, or profession.

[ARC 7809C, IAB 4/17/24, effective 5/22/24]

**481—8.3(252J) Child support certificates of noncompliance.** The licensing authority will suspend, revoke, or deny the issuance or renewal of a license upon the receipt of a certificate of noncompliance from the child support recovery unit in accordance with Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the rules in this chapter apply.

**8.3(1)** Notice required by Iowa Code section 252J.8 will be served upon the applicant or licensee by restricted certified mail, return receipt requested; personal service in accordance with Iowa Rule of Civil Procedure 1.305; or the acceptance of service by the applicant or licensee personally or through authorized counsel.

**8.3(2)** The effective date of the denial, revocation, or suspension is 60 days following service of the notice upon the applicant or licensee.

**8.3(3)** The licensing authority is authorized to prepare and serve the notice mandated by Iowa Code section 252J.8 upon the applicant or licensee.

**8.3(4)** Applicants and licensees are responsible for keeping the licensing authority informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J, including providing the licensing authority copies, within seven days of filing or issuance, of applications filed with the district court pursuant to Iowa Code section 252J.9, court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

**8.3(5)** All licensing authority fees required for license application, renewal or reinstatement must be paid before a license will be issued, renewed or reinstated after proceedings under Iowa Code chapter 252J.

**8.3(6)** A licensee or applicant may file an application with the district court within 30 days of service of a licensing authority notice pursuant to Iowa Code sections 252J.8 and 252J.9. The filing of the application stays the licensing authority’s action until the licensing authority receives a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the denial, revocation, or suspension, the licensing authority will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**8.3(7)** The licensing authority will notify the applicant or licensee in writing within ten days of the effective date of the denial, suspension, or revocation of a license, and will similarly notify the applicant or licensee when the license is issued, renewed, or reinstated following the licensing authority’s receipt of a withdrawal of the certificate of noncompliance.

[ARC 7809C, IAB 4/17/24, effective 5/22/24]

These rules are intended to implement Iowa Code chapter 252J.

STUDENT LOAN REPAYMENT NONCOMPLIANCE

**481—8.4(272C) Student loan repayment noncompliance.** Pursuant to Iowa Code section 272C.10(4), a person who is in default or delinquent on student loan payments will not be denied a license or have a license suspended or revoked solely on the basis of such default or delinquency.

This rule is intended to implement Iowa Code section 272C.4.

[ARC 7809C, IAB 4/17/24, effective 5/22/24]

NONPAYMENT OF STATE DEBT

**481—8.5(272D) Definitions.** For the purpose of this division, the following definitions apply:

“*Certificate of noncompliance*” means the same as defined in Iowa Code section 272D.1.

“*Licensing authority*” means the same as defined in Iowa Code section 272D.1 and includes the department and any board, commission, or other entity of the department having authority within this state to suspend or revoke a license or deny the renewal or issuance of a license authorizing a person to engage in a business, occupation, or profession.

[ARC 7809C, IAB 4/17/24, effective 5/22/24]

**481—8.6(272D) State debt certificates of noncompliance.** The licensing authority will suspend, revoke, or deny the issuance or renewal of a license upon the receipt of a certificate of noncompliance from the centralized collection unit of the department of revenue in accordance with Iowa Code chapter 272D. In addition to the procedures set forth in Iowa Code chapter 272D, the rules in this chapter apply.

**8.6(1)** Notice required by Iowa Code section 272D.8 will be served upon the applicant or licensee by restricted certified mail, return receipt requested; personal service in accordance with Iowa Rule of Civil Procedure 1.305; or the acceptance of service by the applicant or licensee personally or through authorized counsel.

**8.6(2)** The effective date of the denial, revocation, or suspension is 60 days following service of the notice upon the applicant or licensee.

**8.6(3)** The licensing authority is authorized to prepare and serve the notice mandated by Iowa Code section 272D.8 upon the applicant or licensee.

**8.6(4)** Applicants and licensees are responsible for keeping the licensing authority informed of all court actions and all actions of the department of revenue taken under or in connection with Iowa Code chapter 272D, including providing the licensing authority copies, within seven days of filing or issuance, of applications filed with the district court pursuant to Iowa Code section 272D.9, court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

**8.6(5)** All licensing authority fees required for license application, renewal or reinstatement must be paid before a license will be issued, renewed or reinstated after proceedings under Iowa Code chapter 272D.

**8.6(6)** A licensee or applicant may file an application with the district court within 30 days of service of a licensing authority notice pursuant to Iowa Code sections 272D.8 and 272D.9. The filing of the application stays the licensing authority’s action until the licensing authority receives a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the denial, revocation, or suspension, the licensing authority will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**8.6(7)** The licensing authority will notify the applicant or licensee in writing within ten days of the effective date of the denial, suspension, or revocation of a license, and will similarly notify the applicant or licensee when the license is issued, renewed, or reinstated following the licensing authority’s receipt of a withdrawal of the certificate of noncompliance.

[ARC 7809C, IAB 4/17/24, effective 5/22/24]

These rules are intended to implement Iowa Code chapter 272D.

[Filed emergency 11/30/95—published 12/20/95, effective 11/30/95]



[Filed 8/4/00, Notice 6/28/00—published 8/23/00, effective 9/29/00]

[Filed ARC 5187C (Notice ARC 5106C, IAB 7/29/20), IAB 9/23/20, effective 10/28/20]

[Filed ARC 6862C (Notice ARC 6741C, IAB 12/14/22), IAB 2/8/23, effective 3/15/23]

[Filed ARC 7809C (Notice ARC 7649C, IAB 2/21/24), IAB 4/17/24, effective 5/22/24]

CHAPTER 9  
CONTESTED CASES  
[Prior to 12/20/17, see 481—Ch 10]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**481—9.1(10A,17A) Applicability.** This chapter applies to contested case proceedings conducted under the authority of the department of inspections and appeals in which the director of the department of inspections and appeals is the final decision-making authority.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—9.2(10A,17A) Initiation of a contested case proceeding.** If the department decides to initiate a contested case proceeding upon request or its own initiative, the department shall transmit the proceeding to the administrative hearings division, which shall issue a notice of hearing and assign the proceeding to an administrative law judge to serve as the presiding officer. All contested case proceedings shall be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—9.3(10A,17A) Director review.**

**9.3(1)** A request for review of a proposed decision shall be made within 15 days of issuance of the proposed decision, unless otherwise provided by statute. Requests shall be mailed or delivered by either party to the Director, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083. Failure to request review will preclude judicial review unless the department reviews on its own motion as follows. The department may review a proposed decision upon its own motion within 15 days of issuance of the proposed decision.

**9.3(2)** A review shall be based on the record and limited to issues raised in the hearing. The issues shall be specified in the party's request for review.

**9.3(3)** Each party shall have opportunity to file exceptions and present briefs. The director or a designee of the director may set a deadline for submission of briefs. When the director or the director's designee consents, oral arguments may be presented. A party wishing to make an oral argument shall specifically request it. All parties shall be notified of the scheduled time and place in advance.

**9.3(4)** The director or the director's designee shall not take any further evidence with respect to issues of fact heard in the hearing except as set forth below. Application may be filed for leave to present evidence in addition to that found in the record of the case. If it is shown to the satisfaction of the director or the director's designee that the additional evidence is material and that there were good reasons for failure to present it in the hearing, the director or the director's designee may order the additional evidence taken upon conditions determined by the director or the director's designee.

**9.3(5)** Final decisions shall be issued by the director or the director's designee.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—9.4(10A,17A) Rehearing.** Requests for rehearing shall be made to the director of the department within 20 days of issuance of a final decision. A rehearing may be granted when new legal issues are raised, new evidence is available or an obvious mistake is corrected or when the decision failed to include adequate findings or conclusions on all issues. A request for rehearing is not necessary to exhaust administrative remedies.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—9.5(10A,17A) Judicial review.** Judicial review of department final decisions may be sought in accordance with Iowa Code section 17A.19.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

These rules are intended to implement Iowa Code chapters 10A and 17A.

[Filed ARC 3523C (Notice ARC 3407C, IAB 10/25/17), IAB 12/20/17, effective 1/24/18]

CHAPTER 10  
RULES OF PROCEDURE AND PRACTICE  
BEFORE THE ADMINISTRATIVE HEARINGS DIVISION  
[Prior to 2/10/88, see Inspections and Appeals Department[481],Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**481—10.1(10A) Definitions.**

“*Administrative law judge (ALJ)*” means the person who presides over contested cases and other proceedings.

“*Agency*” means the agency as defined in Iowa Code subsection 17A.2(1) which has original subject matter jurisdiction in the contested case.

“*Appointing authority*” means the appointed or elected chief administrative head of a department, commission, board, independent agency, or statutory office or that person’s designee or in the case of gubernatorial appointees, the governor.

“*Board*” means a licensing board as defined in Iowa Code chapter 272C.

“*Department*” means the department of inspections and appeals (DIA).

“*Division*” means the division of administrative hearings in the department of inspections and appeals.

“*Ex parte*” means a communication, oral or written, to an ALJ or other decision maker in a contested case without notice and an opportunity for all parties to be heard.

“*Filing*” is defined in subrule 10.12(3) except where otherwise specifically defined by law.

“*Issuance*” means the date of mailing of a decision or order or date of delivery if service is by other means.

“*Party*” means a party as defined in Iowa Code subsection 17A.2(8).

“*Personally investigated*” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case.

“*Proposed decision*” means the administrative law judge’s recommended findings of fact, conclusions of law, and decision and order in contested cases where the agency did not preside.

[ARC 3523C, IAB 12/20/17, effective 1/24/18; ARC 3524C, IAB 12/20/17, effective 1/24/18]

**481—10.2(10A,17A) Time requirements.** Time shall be computed as provided in Iowa Code subsection 4.1(34). For good cause, the administrative law judge may extend or shorten the time to take any action, except as provided otherwise by rule or law.

This rule is intended to implement Iowa Code sections 10A.801(7) and 17A.22.

[ARC 3523C, IAB 12/20/17, effective 1/24/18; ARC 3524C, IAB 12/20/17, effective 1/24/18]

**481—10.3(10A) Requests for a contested case hearing.** Requests for a contested case hearing are made to the agency with subject matter jurisdiction. That agency shall determine whether to initiate a contested case proceeding.

This rule is intended to implement Iowa Code section 10A.801(7).

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—10.4(10A) Transmission of contested cases.**

**10.4(1)** In every proceeding filed with the division, the agency shall complete a transmittal form. The following information is required:

- a. The name of the transmitting agency;
- b. The name, address and telephone number of the contact person in the transmitting agency;
- c. The name or title of the proceeding, which may include a file number;

- d.* Any agency docket or reference number;
- e.* A citation to the jurisdictional authority of the agency regarding the matter in controversy;
- f.* Any anticipated special features or requirements which may affect the hearing;
- g.* Whether the hearing should be held in person or by telephone conference call;
- h.* Any special legal or technical expertise needed to resolve the issues in the case;
- i.* The names and addresses of all parties and their attorneys or other representatives;
- j.* The date the request for a contested case hearing was received by the agency;
- k.* A statement of the issues involved and a reference to statutes and rules involved;
- l.* Any mandatory time limits that apply to the processing of the case;
- m.* Earliest appropriate hearing date; and
- n.* Whether a petition or answer is required.

**10.4(2)** The agency and the department determine by agreement whether the agency or the department shall issue the notice of hearing.

*a.* If agreed by the agency and the department, the agency shall attach a notice of hearing to the transmittal form.

*b.* If the division by agreement issues the notice of hearing, the agency must provide the information required by Iowa Code section 17A.12(2) (except for the date, time and place of the hearing) for inclusion in the notice.

*c.* The agency, and not the division, shall prepare:

- (1) The citation to the jurisdictional authority of the agency regarding the matter in controversy;
- (2) A statement of the issues involved;
- (3) A reference to statutes and rules involved; and
- (4) The remaining information required by the transmittal form as stated in subrule 10.4(1).

**10.4(3)** The following documents shall be attached to the completed transmittal form when it is sent to the division:

- a.* A copy of the document showing the agency action in controversy; and
- b.* A copy of any document requesting a contested case hearing.

**10.4(4)** When a properly transmitted case is received, it is marked with the date of receipt by the division. An identifying number shall be assigned to each contested case upon receipt.

This rule is intended to implement Iowa Code section 10A.801(7).

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

#### **481—10.5(17A) Notices of hearing.**

**10.5(1)** Responsibility for issuance of notice of hearing and the manner of service shall be resolved by agreement between the division and the transmitting agency.

**10.5(2)** Notices of hearing shall contain the information required by Iowa Code subsection 17A.12(2) and any additional information required by statute or rule. Notices shall be served by first-class mail, unless otherwise required by statute or rule, or agreed pursuant to subrule 10.5(1).

This rule is intended to implement Iowa Code sections 17A.12(1) and 17A.12(2).

**481—10.6(10A) Waiver of procedures.** Unless otherwise precluded, the parties in a contested case may waive any provision of this chapter pursuant to Iowa Code section 17A.10.

This rule is intended to implement Iowa Code section 10A.801(7).

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—10.7(10A,17A) Telephone proceedings.** A prehearing conference or a hearing may be held by telephone conference call pursuant to a notice of hearing or an order of the ALJ. The division shall determine the location of the parties and witnesses in telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, shall be considered when location is chosen.

**481—10.8(10A,17A) Scheduling.** Contested case hearings are scheduled according to the following criteria:

**10.8(1) Agency hearings.** The division shall promptly schedule hearings. The availability of an administrative law judge and any special circumstances shall be considered.

**10.8(2) Board hearings.** Boards are requested to consult with the division prior to scheduling hearings to determine the availability of an administrative law judge. The board shall determine the time and place of hearing.

**481—10.9(17A) Disqualification.**

**10.9(1)** An administrative law judge shall withdraw from contested cases for lack of impartiality or other legally sufficient cause including, but not limited to, cases where:

*a.* The ALJ has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the case;

*b.* The ALJ has prosecuted or advocated in connection with the case, the specific controversy underlying the case, or another pending factually related contested case or pending factually related controversy that may culminate in a contested case involving the same parties;

*c.* A private party is a client or has been a client of the ALJ within the past two years;

*d.* The ALJ has a financial interest in the case or any other interest that could be substantially affected by the outcome of the case; or

*e.* The ALJ, the ALJ's spouse, or relative within the third degree of relationship:

(1) Is a party to the case or an officer, director or trustee of a party;

(2) Is a lawyer in the case;

(3) Is known by the ALJ to have an interest that could be substantially affected by the outcome of the case; or

(4) Is to the ALJ's knowledge likely to be a material witness in the case.

**10.9(2)** If an ALJ does not withdraw, the ALJ shall disclose on the record any information relevant to the grounds listed in subrule 10.9(1).

**10.9(3)** If a party asserts disqualification on any appropriate ground, including those listed in subrule 10.9(1), the party shall file an affidavit pursuant to Iowa Code subsection 17A.17(4). The affidavit must be filed with the division within 15 days of the date of the notice of hearing, or as soon as the reason alleged in the affidavit becomes known to the party, but in any case shall be filed prior to the hearing.

This rule is intended to implement Iowa Code section 17A.17.

**481—10.10(10A,17A) Consolidation—severance.**

**10.10(1) Consolidation.** The administrative law judge may, upon motion by any party or the ALJ's own motion, consolidate any or all matters at issue in two or more proceedings docketed under these rules where:

*a.* There exist common parties or common questions of fact or law;

*b.* Consolidation would expedite and simplify consideration of the issues; and

*c.* Consolidation would not adversely affect the rights of parties engaged in otherwise separate proceedings.

At any time prior to the hearing, any party may on motion request that the matters not be consolidated, and the motion shall be granted for good cause shown.

**10.10(2) Severance.** The administrative law judge may, upon motion by any party or upon the ALJ's own motion, for good cause shown, order any proceeding or portion thereof severed.

This rule is intended to implement Iowa Code sections 10A.801(7) and 17A.22.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—10.11(10A,17A) Pleadings.** Pleadings may be required by the notice of hearing or by order of the administrative law judge. If pleadings are required, they shall be filed as follows:

**10.11(1) Petition.** When an action of the agency is appealed and pleadings are required under this rule, the aggrieved party shall file the petition.

*a.* Any required petition shall be filed within 20 days of delivery of the notice of hearing, unless otherwise ordered.

*b.* The petition shall state in separately numbered paragraphs the following:

- (1) The relief demanded and the facts and law relied upon for relief;
- (2) The particular provisions of the statutes and rules involved;
- (3) On whose behalf the petition is filed; and
- (4) The name, address and telephone number of the petitioner and the petitioner's attorney, if any.

**10.11(2) Answer.** If pleadings are required, the answer shall be filed within 20 days of service of the petition or notice of hearing, unless otherwise ordered.

- a. Any party may move to dismiss or apply for a more definite, detailed statement when appropriate.
- b. The answer shall show on whose behalf it is filed and specifically admit, deny or otherwise answer all material allegations of the pleading to which it responds. It shall state any facts deemed to show an affirmative defense and may contain as many defenses as the pleader may claim.
- c. The answer shall state the name, address and telephone number of the person filing the answer and of the attorney representing that person, if any.
- d. Any allegation in the petition not denied in the answer is considered admitted. Any defense not raised which could have been raised on the basis of facts known when the answer was written may be waived unless manifest injustice would result.

**10.11(3) Amendment.** Any petition, notice of hearing or other charging document may be amended before a responsive pleading has been filed. Amendments to pleadings after a responsive pleading has been filed may be allowed at the discretion of the ALJ or board if applicable. The presiding ALJ or board may impose terms or grant a continuance without terms, as a condition of allowing late amendments.

This rule is intended to implement Iowa Code sections 10A.801(7) and 17A.12(6) "a."

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

#### **481—10.12(17A) Service and filing of documents.**

**10.12(1) When service is required.** Except where otherwise specifically authorized by law, every pleading, motion, or other document filed in the contested case proceeding and every document relating to discovery in the proceeding shall be served upon each of the parties to the proceeding, including the originating agency. Except for the notice of the hearing and an application for rehearing as provided in Iowa Code subsection 17A.16(2), the party filing a document is responsible for service on all parties.

**10.12(2) Methods of performing service.** Service upon a party represented in the contested case proceeding by an attorney shall be made upon the attorney unless otherwise ordered. Service is made by delivering, mailing, or transmitting by facsimile (fax) or by electronic mail (email) a copy to the party or attorney at the party's or attorney's last-known mailing address, fax number, or email address. Service by first-class mail is complete upon mailing, except where otherwise specifically provided by statute, rule or order. Service by fax or electronic mail is complete upon transmission unless the party making service learns that the attempted service did not reach the person to be served.

**10.12(3) Filing with the division.** After a matter has been assigned to the division, and until a proposed decision is issued, every pleading, motion, or other document shall be filed with the division, rather than the originating agency. All documents that are required to be served upon a party shall be filed simultaneously with the division.

a. Except where otherwise provided by law, a document is deemed filed with the division at the time it is:

- (1) Delivered to the division at the Wallace State Office Building, Third Floor, 502 East Ninth Street, Des Moines, Iowa, and date-stamped received;
- (2) Delivered to an established courier service for immediate delivery to the division;
- (3) Mailed to the division by first-class mail or by state interoffice mail so long as there is adequate proof of mailing; or
- (4) Transmitted by facsimile (fax) to (515)281-4477, by electronic mail (email) to [adminhearings@dia.iowa.gov](mailto:adminhearings@dia.iowa.gov), or by other electronic means approved by the division, as provided in subrule 10.12(3), paragraph "b."

b. All documents filed with the division pursuant to these rules, except a person's request or demand for a contested case proceeding (see Iowa Code subsection 17A.12(9)), may be filed by facsimile (fax), electronic mail (email), or other electronic means approved by the division. A document filed by fax, email, or other approved electronic means is presumed to be an accurate reproduction of the original. If a

document filed by fax, email, or other approved electronic means is illegible, a legible copy may be substituted and the date of filing shall be the date the illegible copy was received. The date of filing by fax, email, or other approved electronic means shall be the date the document is received by the division. The division will not provide a mailed file-stamped copy of documents filed by fax, email, or other approved electronic means.

**10.12(4) Proof of mailing.** Adequate proof of mailing includes the following:

- a. A legible United States postal service postmark on the envelope;
- b. A certificate of service;
- c. A notarized affidavit; or
- d. A certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the Department of Inspections and Appeals, Administrative Hearings Division, Wallace State Office Building, Third Floor, 502 East Ninth Street, Des Moines, Iowa 50319, and to the names and addresses of the parties listed below by depositing the same in (a United States post office mailbox with correct postage properly affixed) or (state interoffice mail).

(date)

(signature)

[ARC 1993C, IAB 5/27/15, effective 7/1/15]

**481—10.13(17A) Discovery.**

**10.13(1)** Pursuant to Iowa Code section 17A.13, discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by rules of the agency or by a ruling by the ALJ, time periods for compliance with discovery shall be as provided in the Iowa Rules of Civil Procedure.

**10.13(2)** Any motion relating to discovery shall allege that the moving party has made a good faith attempt to resolve the issues raised by the motion with the opposing party. Motions in regard to discovery shall be ruled on by the ALJ. Opposing parties shall be afforded the opportunity to respond within ten days of the filing of the motion unless the time is shortened as provided in subrule 10.13(1). The ALJ may rule on the basis of the written motion and any response or may order argument on the motion.

This rule is intended to implement Iowa Code section 17A.13.

**481—10.14(10A,17A) Subpoenas.**

**10.14(1) Issuance.**

a. Pursuant to Iowa Code subsection 17A.13(1), the division shall issue an agency subpoena to a party on request unless otherwise excluded pursuant to this rule. A request for a subpoena shall be in writing. The request may be made in person or by mail, facsimile (fax), electronic mail (email), or other electronic means approved by the division. The request shall include the names of the parties, the case number, the name and address of the requested witness, and a description or list of any documents or other items requested. The request shall also note the nature of the proceeding at which the witness is requested to testify (e.g., deposition, telephone hearing, or in-person hearing), the date and time of the proceeding, whether the witness is requested to appear in person or by telephone, the location of the proceeding if it is being conducted in a location other than the Wallace State Office Building, and the method of recording any deposition. A request for a subpoena shall be received by the division at least seven calendar days before the scheduled hearing. The request shall include the name, address, email address, and telephone number of the requesting party.

b. The division shall provide the subpoena to the requesting party by regular mail, fax, email, or other electronic means or allow for pickup during the department's regular business hours.

c. When authorized by law, an administrative law judge (ALJ) may issue a subpoena on the ALJ's own motion.

d. When there is reasonable ground to believe a subpoena is requested for the purpose of harassment, or that the subpoena requests irrelevant evidence or is untimely, the division may refuse to issue the subpoena. If the division refuses to issue a subpoena, the division shall provide a written statement of the

ground for refusal. A party to whom a refusal is issued may obtain a prompt hearing before an ALJ regarding the refusal by filing with the division and serving on all parties a written request for a hearing, including a statement of testimony, documents, or other items expected to be elicited from the subpoenaed witness and a showing of relevancy to the proceeding.

*e.* The issuance of a subpoena by the division does not constitute a ruling by the ALJ that the subpoenaed witness may testify at the hearing or that a subpoenaed document may be admitted into evidence. A party seeking to call a subpoenaed witness to testify or seeking to introduce a subpoenaed document at a hearing must comply with any applicable requirement in statute, administrative rule, or ALJ order regarding the submission of witness or exhibit lists and the disclosure of proposed exhibits to opposing parties.

**10.14(2) Form and contents.**

*a. Requirements.* Any subpoena issued after the commencement of a contested case or other proceeding conducted by the division shall be issued on a form approved by the division and must:

(1) State that the subpoena is issued by the administrative hearings division of the department of inspections and appeals;

(2) State the title of the proceeding and its case number;

(3) Command each person to whom it is directed to do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or tangible things in that person's possession, custody or control; or permit the inspection of premises; and

(4) Include a guidance document for subpoenaed persons that has been approved by the division and that shall include the text of subrules 10.14(4) and 10.14(5).

*b. Command to attend a deposition; notice of the recording method.* A subpoena commanding attendance at a deposition must state the method for recording the testimony.

*c. Combining or separating a command to produce or to permit inspection; specifying the form for electronically stored information.* A command to produce documents, electronically stored information, or tangible things or to permit the inspection of premises may be included in a subpoena commanding attendance at a deposition, hearing, or trial or may be set out in a separate subpoena. A subpoena may specify the form or forms in which electronically stored information is to be produced.

*d. Command to produce; included obligations.* A command in a subpoena to produce documents, electronically stored information, or tangible things requires the responding party to permit inspection, copying, testing, or sampling of the materials.

**10.14(3) Service of subpoenas.**

*a.* The requesting party is responsible for arranging service of a subpoena prior to the hearing or deposition at which the testimony is commanded or the time at which the requested documents must be produced. The party is responsible for any cost associated with serving a subpoena and for the payment of witness fees and mileage expenses. If requested, pursuant to Iowa Code section 622.69, the witness fee is \$10 for a full day's attendance and is \$5 for attendance less than a full day, and mileage shall be paid for each mile actually traveled to participate in an in-person hearing or deposition at the rate established by the supreme court for witnesses in court proceedings, except that:

(1) No peace officer who receives a regular salary, or any other public official shall in any case receive fees as a witness for testifying in regard to any matter coming to the officer's or official's knowledge in the discharge of the officer's or official's official duties in a telephone hearing or an in-person hearing held in the county of the officer's or official's residence, except police officers who are called as witnesses when not on duty. An officer is on duty when paid by the officer's employing agency regardless whether the officer would regularly be on duty at the time of the hearing.

(2) A volunteer fire fighter, as defined in Iowa Code section 85.61, who is subpoenaed to appear as a witness in connection with a matter regarding an event or transaction which the fire fighter perceived or investigated in the course of duty as a volunteer fire fighter shall receive a fee only as provided for under Iowa Code section 622.71A.

*b.* Any person who is at least 18 years old and not a party may serve a subpoena. Serving a subpoena requires delivering a copy to the named person and, if the subpoena requires that person's attendance and, if demanded, tendering the fees for one day's attendance and traveling fees to and from the proceeding. If



the subpoena commands the production of documents, electronically stored information, or tangible things, then before it is served, a notice must be served on each party. For purposes of this rule, an employee of a state or local governmental agency is not a party merely because the agency is a party and may serve a subpoena unless the employee is also a named party in the proceeding or otherwise ineligible to serve a subpoena.

c. Permissible place of service. A subpoena may be served any place within the state of Iowa.

d. Proof of service. Proving service, when necessary, requires filing with the division a statement showing the date and manner of service and the names of persons served. The server must certify the statement in accordance with Iowa Code section 622.1.

**10.14(4)** *Protecting a person subject to a subpoena.*

a. *Avoiding undue burden or expense; sanctions.* A party or attorney responsible for serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The administrative law judge must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

b. *Command to produce materials or permit inspection.*

(1) Appearance not required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition or hearing.

(2) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

1. At any time, on notice to the commanded person, the serving party may move for an order compelling production or inspection.

2. These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

c. *Attendance.* Any party shall be permitted to attend at the same time and place and for the same purposes specified in the subpoena. No prior notice of intent to attend is required.

d. *Quashing or modifying a subpoena.*

(1) When required. On timely motion, the administrative law judge must quash or modify a subpoena that:

1. Fails to allow a reasonable time to comply;

2. Requires a person who is neither a party nor a party's officer to travel more than 50 miles from where that person resides, is employed, or regularly transacts business in person, except that a person may be ordered to attend a hearing anywhere within the state in which the person is served with a subpoena;

3. Requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

4. Subjects a person to undue burden.

(2) When permitted. To protect a person subject to or affected by a subpoena, the administrative law judge may, on motion, quash or modify the subpoena if it requires:

1. Disclosing a trade secret or other confidential research, development, or commercial information;

2. Disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

3. A person who is neither a party nor a party's officer to incur substantial expense to travel more than 50 miles to attend a hearing.

(3) Specifying conditions as an alternative. In the circumstances described in subparagraph 10.14(4)"d"(2), the administrative law judge, instead of quashing or modifying a subpoena, may order appearance or production under specified conditions if the serving party:

1. Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

2. Ensures that the subpoenaed person will be reasonably compensated.

(4) A motion to quash or modify a subpoena shall be filed with the division and served on all parties of record pursuant to rule 481—10.12(17A), except that a motion filed by or on behalf of a person who is neither a party nor a party's officer may be filed with the division and served only on the agency with a request for the division to provide a copy of the motion to all non-agency parties. The division may require a person requesting the division to provide the motion to a non-agency party to provide an additional paper copy of the motion and any attached exhibits for the division to provide to the non-agency party.

(5) The motion may be set for argument at the discretion of the administrative law judge. The administrative law judge may limit the participation of a person who is not a party, or the representative of such a person, to the extent necessary to protect any confidential information related to the proceeding.

**10.14(5) Duties in responding to a subpoena.**

*a. Producing documents or electronically stored information.* These procedures apply to producing documents or electronically stored information:

(1) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(2) Form for producing electronically stored information not specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(3) Electronically stored information produced in only one form. The person responding need not produce the same electronically stored information in more than one form.

(4) Inaccessible electronically stored information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the administrative law judge may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Iowa Rule of Civil Procedure 1.504(1)(b). The administrative law judge may specify conditions for the discovery.

*b. Claiming privilege or protection.*

(1) Information withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

1. Expressly make the claim; and
2. Describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(2) Information produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

This rule is intended to implement Iowa Code sections 10A.104(6) and 17A.13.

[ARC 9616B, IAB 7/13/11, effective 8/17/11; ARC 2404C, IAB 2/17/16, effective 3/23/16]

**481—10.15(10A,17A) Motions.**

**10.15(1)** No technical form is required for motions. Prehearing motions, however, must be written, state the grounds for relief and state the relief sought. Any motion for summary judgment shall be filed in compliance with the requirements of Iowa Rules of Civil Procedure.

**10.15(2)** Any party may file a written resistance or response to a motion within 14 days after the motion is served, unless the time period is extended or shortened by rules of the agency or the administrative law judge. The ALJ may consider a failure to respond within the required time period in ruling on a motion.

**10.15(3)** The administrative law judge may schedule oral argument on any motion on the request of any party or the ALJ's own motion.

**10.15(4)** Except for good cause, all motions pertaining to the hearing must be filed and served at least ten days prior to the hearing date unless the time period is shortened or lengthened by rules of the agency or the administrative law judge.

**481—10.16(10A,17A) Prehearing conference.**

**10.16(1)** *Set by division.* The division may commence a contested case proceeding by issuing a notice of hearing that sets a prehearing conference to provide parties an opportunity to be heard on the selection of a date and time for the hearing on the merits and any other matters set forth in the notice or raised by the parties.

**10.16(2)** *Requested by party.* Any party may request a prehearing conference by filing and serving a written motion at least ten days prior to the date of the hearing. The motion must state any matters that the party seeks to address at the prehearing conference. If the administrative law judge grants the motion, the administrative law judge shall issue an order providing notice of the date and time of the prehearing conference to all parties.

**10.16(3)** *Ordered by administrative law judge.* The administrative law judge may order a prehearing conference if the administrative law judge determines on the administrative law judge's own motion that a prehearing conference should be held.

**10.16(4)** *Default.* If a party fails to appear or participate in a prehearing conference after proper service of notice, the administrative law judge may enter a default decision or proceed with the prehearing conference in the absence of the party.

This rule is intended to implement Iowa Code sections 10A.801(7) and 17A.12.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—10.17(10A) Continuances.** Unless otherwise provided, application for continuance shall be made to the ALJ or to the division if an ALJ has not been assigned.

**10.17(1)** A written application for continuance shall:

- a. Be made before the hearing;
- b. State the specific reasons for the request; and
- c. Be signed by the requesting party or their representative.

**10.17(2)** If the ALJ waives the requirement for a written motion, an oral application for continuance may be made. A written application shall be submitted no later than five days after the oral request. The ALJ may waive this requirement. No application for continuance will be made or granted ex parte without notice except in an emergency where notice is not feasible. The agency may waive notice of requests for a case or a class of cases.

**10.17(3)** Except where otherwise provided, a continuance may be granted at the discretion of the ALJ. The administrative law judge shall consider, in addition to the grounds stated in the motion:

- a. Any prior continuances;
- b. The interests of all parties;
- c. The likelihood of informal settlement;
- d. Existence of emergency;
- e. Objection to the continuance;
- f. Any applicable state or federal statutes or regulations;
- g. The existence of a conflict in the schedules of counsel or parties or witnesses; and
- h. The timeliness of the request.

The ALJ may require documentation of any ground for continuance.

This rule is intended to implement Iowa Code section 10A.801(7).

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—10.18(10A,17A) Withdrawals.** The party which requested an evidentiary hearing regarding agency action may withdraw prior to the hearing only in accordance with agency rules. Requests for withdrawal

may be oral or written. If oral, the ALJ may require the party to submit a written request after the oral request. Unless otherwise provided, a withdrawal shall be with prejudice.

This rule is intended to implement Iowa Code sections 10A.801(7) and 17A.22.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

#### **481—10.19(10A,17A) Intervention.**

**10.19(1) Motion.** A motion for leave to intervene shall be served on all parties and shall state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of intervention on the proceeding. A proposed answer or petition in intervention shall be attached to the motion. Any party may file a response within ten days of service of the motion to intervene unless the time period is extended or shortened by the ALJ.

**10.19(2) When filed.** Motion for leave to intervene shall be filed as early in the proceeding as possible to avoid adverse impact on existing parties or the disposition of the proceeding. Unless otherwise ordered, a motion for leave to intervene shall be filed before the prehearing conference, if one is held, or at least 20 days before the date scheduled for hearing. Any later motion must contain a statement of good cause for the failure to file in a timely manner. The intervenor shall be bound by any agreement, arrangement or other matter previously raised in the case. Requests by untimely intervenors for continuances which would delay the hearing will be denied.

**10.19(3) Grounds for intervention.** The movant shall demonstrate that:

- a. Intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties;
- b. The movant will be aggrieved or adversely affected by a final order; and
- c. The interests of the movant are not being adequately represented by existing parties; or that it is otherwise entitled to intervene.

**10.19(4) Effect of intervention.** If appropriate, the ALJ may order consolidation of petitions and briefs and limit the number of representatives allowed to participate in the proceedings. A person granted leave to intervene is a party to the proceeding. The order granting intervention may restrict the issues to be raised or otherwise condition the intervenor's participation in the proceeding.

This rule is intended to implement Iowa Code sections 10A.801(7) and 17A.22.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

#### **481—10.20(17A) Hearing procedures.**

**10.20(1)** When an ALJ has been appointed as the presiding officer in a contested case, the ALJ may:

- a. Rule on motions;
- b. Preside at the hearing;
- c. Require the parties to submit briefs;
- d. Issue a proposed decision; and
- e. Issue orders and rulings to ensure the orderly conduct of the proceedings.

**10.20(2)** All objections to procedures, admission of evidence or any other matter shall be timely made and stated on the record.

**10.20(3)** Parties in a contested case have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Partnerships, corporations or associations may be represented by any member, officer, director or duly authorized agent. Any party may be represented by an attorney or as otherwise authorized by law.

**10.20(4)** Parties in a contested case have the right to introduce evidence on points at issue, to cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, to present evidence in rebuttal and to submit briefs.

**10.20(5)** The ALJ shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly or disruptive.

**10.20(6)** Witnesses may be sequestered during the hearing.

**10.20(7)** The ALJ shall conduct the hearing in the following manner:

- a. The ALJ shall give an opening statement briefly describing the nature of the proceeding;
- b. The parties shall be given an opportunity to present opening statements;

- c. Parties shall present their cases in the sequence determined by the ALJ;
- d. Each witness shall be sworn or affirmed by the ALJ or the court reporter, and be subject to examination. The ALJ may limit questioning consistent with Iowa Code section 17A.14;
- e. The ALJ has the authority to fully and fairly develop the record and may inquire into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material; and
- f. When all parties and witnesses have been heard, parties shall be given the opportunity to present final arguments.

This rule is intended to implement Iowa Code sections 17A.11 to 17A.14.

#### **481—10.21(17A) Evidence.**

**10.21(1)** The ALJ shall rule on admissibility of evidence in accordance with Iowa Code section 17A.14 and may take official notice of facts pursuant to Iowa Code subsection 17A.14(4).

**10.21(2)** Stipulation of facts is encouraged. The ALJ may make a decision based on stipulated facts.

**10.21(3)** Evidence shall be confined to the issues on which there has been fair notice prior to the hearing. The ALJ may take testimony on a new issue if the parties waive the right to notice and no other objection is made. If there is objection, the ALJ may refuse to hear the new issue and may make a decision on the original issue in the notice, or may grant a continuance to allow the parties adequate time to amend pleadings and prepare their cases on the additional issue.

**10.21(4)** The party seeking admission of an exhibit must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents should be provided to opposing parties.

All exhibits admitted into evidence shall be appropriately marked and be made part of the record.

**10.21(5)** Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. The party objecting shall briefly state the grounds for the objection. The objection, the ruling on the objection and the reasons for the ruling shall be noted in the record. The ALJ may rule on the objection at the time it is made or may reserve a ruling until the written decision.

**10.21(6)** Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony. If the evidence excluded consists of a document or exhibits, it shall be marked as part of an offer of proof and inserted in the record.

This rule is intended to implement Iowa Code sections 17A.11 to 17A.14.

#### **481—10.22(17A) Default.**

**10.22(1)** If a party fails to appear in a contested case proceeding after proper service of notice, the ALJ may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the party.

**10.22(2)** Where appropriate and not contrary to law, any party may move for default against a party who has requested an evidentiary hearing to contest adverse agency action which has already occurred, but has failed to file a required pleading or has failed to appear after proper service.

**10.22(3)** Where authorized by law, an ALJ may issue a default order.

#### **481—10.23(17A) Ex parte communication.**

**10.23(1)** Ex parte communication is prohibited as provided in Iowa Code section 17A.17. Parties or their representatives and ALJs shall not communicate directly or indirectly in connection with any issue of fact or law in a contested case except upon notice and an opportunity for all parties to participate. The ALJ may communicate with persons who are not parties as provided in subrule 10.23(2).

**10.23(2)** However, the ALJ may communicate with members of the agency and may have the aid and advice of persons other than those with a personal interest in, or those prosecuting or advocating in the case under consideration or a factually related case involving the same parties.

**10.23(3)** Any party or ALJ who receives prohibited communication shall submit the written communication or a summary of the oral communication for inclusion in the record. Copies shall be sent to all parties. There shall be opportunity to respond.

**10.23(4)** Prohibited communications may result in sanctions as provided in agency rule. In addition, the department, through the ALJ, may censure the person or may prohibit further appearance before the department.

This rule is intended to implement Iowa Code sections 17A.14 and 17A.17.

**481—10.24(10A,17A) Decisions.**

**10.24(1)** *Proposed decisions.* The ALJ shall issue a proposed decision which includes findings of fact and conclusions of law stated separately. The decision shall be based on the record of the contested case.

The record in a contested case shall include all materials specified in Iowa Code subsection 17A.12(6). This shall include any request for a contested case hearing and other relevant procedural documents regardless of their form.

A ruling dismissing all of a party's claims or a voluntary dismissal is a proposed decision under Iowa Code section 17A.15.

**10.24(2)** *Review of proposed decisions.* Request for review of a proposed decision shall be made to the agency in which the contested case originated in the manner and within the time specified by that agency's rules. In contested cases in which the director of the department of inspections and appeals has final decision-making authority, request for review shall be made as provided in rule 481—9.3(10A,17A).

**10.24(3)** *Final decisions.* If there is no appeal from or review of the proposed decision, the ALJ's proposed decision becomes the final decision of the agency.

**10.24(4)** *Agency reports.* The agency shall send a copy of any request for review of a proposed decision to the division. The agency shall notify the division of the results of the review, the final decision and any judicial decision issued.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—10.25(10A,17A) DIA appeals.** Rescinded ARC 3523C, IAB 12/20/17, effective 1/24/18.

**481—10.26(10A,17A,272C) Board hearings.** In scheduling hearings, boards should consult with the division to determine the availability of an ALJ. The board shall determine the time and place of hearing. At the request of the board, an ALJ shall assist in the conduct of a contested case.

**10.26(1)** The ALJ may rule on preliminary matters, including motions, and conduct prehearing conferences referred by the board.

**10.26(2)** The ALJ may conduct the hearing for the board, and may, when delegated by the board, perform duties including, but not limited to, the following:

- a. Open the record and receive appearances;
- b. Administer oaths and issue subpoenas;
- c. Enter the notice of hearing into the record;
- d. Enter the statement of charges into the record;
- e. Receive testimony and exhibits presented by the parties;
- f. Rule on objections and motions;
- g. Close the hearing; and
- h. Prepare findings of fact, conclusions of law and decision and order.

This rule is intended to implement Iowa Code sections 10A.202, 17A.11 and 272C.6.

**481—10.27(10A) Transportation hearing fees.** Rescinded ARC 3523C, IAB 12/20/17, effective 1/24/18.

**481—10.28(10A) Recording costs.** The division may provide a copy of the audio recording of the hearing or a printed transcript of the hearing when a record of the hearing is requested. The cost of providing the recording or preparing the transcript shall be paid by the requesting party.

Parties who request that a hearing be recorded by certified shorthand reporters shall bear the cost, unless otherwise provided by law.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—10.29(10A) Code of administrative judicial conduct.** Rescinded ARC 3524C, IAB 12/20/17, effective 1/24/18. See 481—Chapter 15.

These rules are intended to implement Iowa Code sections 10A.104, 10A.202, 17A.10 to 17A.17, 17A.19, 17A.22, 272C.1 and 272C.6.

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 2/6/87, Notice 10/8/86—published 2/25/87, effective 4/1/87]

[Filed without Notice 3/26/87—published 4/22/87, effective 5/27/87]

[Filed 1/22/88, Notice 12/16/87—published 2/10/88, effective 3/16/88]

[Filed 4/26/90, Notice 1/24/90—published 5/16/90, effective 6/20/90]<sup>1</sup>

[Filed emergency 8/1/90—published 8/22/90, effective 8/1/90]

[Filed emergency 9/27/96—published 10/23/96, effective 9/27/96]

[Filed emergency 2/6/98—published 2/25/98, effective 2/6/98]

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 7/1/99]

[Filed 12/6/01, Notice 10/31/01—published 12/26/01, effective 1/30/02]

[Filed ARC 9616B (Notice ARC 9514B, IAB 5/18/11), IAB 7/13/11, effective 8/17/11]

[Filed ARC 1993C (Notice ARC 1934C, IAB 4/1/15), IAB 5/27/15, effective 7/1/15]

[Filed ARC 2404C (Notice ARC 2321C, IAB 12/23/15), IAB 2/17/16, effective 3/23/16]

[Filed ARC 3523C (Notice ARC 3407C, IAB 10/25/17), IAB 12/20/17, effective 1/24/18]

[Filed ARC 3524C (Notice ARC 3408C, IAB 10/25/17), IAB 12/20/17, effective 1/24/18]

<sup>1</sup> Effective date of first unnumbered paragraph of Ch 10, Scope and applicability, delayed 70 days by the Administrative Rules Review Committee at its 6/13/90 meeting; this paragraph rescinded IAB 8/22/90, effective 8/1/90.

CHAPTER 15  
IOWA CODE OF ADMINISTRATIVE JUDICIAL CONDUCT  
[Prior to 12/20/17, see rule 481—10.29(10A)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**481—15.1(10A) Canon 1.** A presiding officer shall uphold and promote the independence, integrity, and impartiality of the administrative judiciary and shall avoid impropriety and the appearance of impropriety.

**15.1(1) *Compliance with the law.*** A presiding officer shall comply with the law, including the Iowa Code of Administrative Judicial Conduct, hereafter referred to as “this Code.”

**15.1(2) *Promoting confidence in the administrative judiciary.*** A presiding officer shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the administrative judiciary and shall avoid impropriety and the appearance of impropriety.

**15.1(3) *Avoiding abuse of the prestige of an administrative judicial position.*** A presiding officer shall not abuse the prestige of the administrative judicial position to advance the personal or economic interests of the presiding officer or others, or allow others to do so.

[ARC 3524C, IAB 12/20/17, effective 1/24/18]

**481—15.2(10A) Canon 2.** A presiding officer shall perform administrative judicial duties impartially, competently, and diligently.

**15.2(1) *Giving precedence to administrative judicial duties.*** The administrative judicial duties, as prescribed by law, shall take precedence over all of a presiding officer’s personal and extrajudicial activities.

**15.2(2) *Impartiality and fairness.*** A presiding officer shall uphold and apply the law, and shall perform all administrative judicial duties fairly and impartially.

**15.2(3) *Bias, prejudice, and harassment.***

*a.* A presiding officer shall perform all administrative judicial and other duties without bias or prejudice.

*b.* A presiding officer shall not, in the performance of administrative judicial duties, by words or conduct manifest bias or prejudice or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit others subject to the presiding officer’s direction and control to do so.

*c.* A presiding officer shall require lawyers and party representatives in proceedings before the presiding officer to refrain from manifesting bias or prejudice or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, party representatives, or others.

*d.* The restrictions of paragraphs 15.2(3) “*b*” and “*c*” do not preclude presiding officers, lawyers, or party representatives from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

**15.2(4) *External influences on administrative judicial conduct.***

*a.* A presiding officer shall not be swayed by public clamor or fear of criticism.

*b.* A presiding officer shall not permit family, social, political, financial, or other interests or relationships to influence the presiding officer’s administrative judicial conduct or judgment.

*c.* A presiding officer shall not convey or permit others to convey the impression that any person or organization is in a position to influence the presiding officer.

**15.2(5) *Competence, diligence, and cooperation.***

*a.* A presiding officer shall perform administrative judicial and other duties competently and diligently.

*b.* A presiding officer shall cooperate with other presiding officers and other executive branch employees in the administration of agency business.



**15.2(6)** *Ensuring the right to be heard.*

a. A presiding officer shall accord to every person who has a legal interest in a proceeding, or that person's lawyer or authorized representative, the right to be heard according to law.

b. A presiding officer may encourage parties to a proceeding and their lawyers or authorized representatives to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

**15.2(7)** *Responsibility to decide.* A presiding officer shall hear and decide matters assigned to the presiding officer, except when disqualification is required by subrule 15.2(11) or other law.

**15.2(8)** *Decorum and demeanor.*

a. A presiding officer shall require order and decorum in proceedings before the presiding officer.

b. A presiding officer shall be patient, dignified, and courteous to parties, board members, witnesses, lawyers, party representatives, agency staff, agency officials, and others with whom the presiding officer deals in an official capacity, and shall require similar conduct of lawyers, party representatives, and others subject to the presiding officer's direction and control.

**15.2(9)** *Ex parte communications.*

a. A presiding officer shall not initiate, permit, or consider ex parte communications, or consider other communications made to the presiding officer outside the presence of the parties or their lawyers, concerning a pending matter or impending matter, except as permitted by Iowa Code section 17A.17.

b. A presiding officer shall not investigate facts in a matter independently and shall consider only the evidence presented and any facts that may be officially noticed pursuant to Iowa Code section 17A.14.

**15.2(10)** *Statements on pending and impending cases.*

a. A presiding officer shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a pending matter or impending matter before the presiding officer or another presiding officer in the same agency, or make any nonpublic statement that might substantially interfere with a fair hearing.

b. A presiding officer shall not, in connection with cases, controversies, or issues that are likely to come before the presiding officer, make pledges, promises, or commitments that are inconsistent with the impartial performance of the presiding officer's adjudicative duties.

c. A presiding officer shall require others subject to the presiding officer's direction and control to refrain from making statements that the presiding officer would be prohibited from making by paragraphs 15.2(10) "a" and "b."

d. Notwithstanding the restrictions in paragraph 15.2(10) "a," a presiding officer may explain agency procedures and may comment on any proceeding in which the presiding officer is a party in a personal capacity.

e. Subject to the requirements of paragraph 15.2(10) "a," a presiding officer may respond directly or through a third party to allegations in the media or elsewhere concerning the presiding officer's conduct in a matter.

**15.2(11)** *Disqualification.*

a. A presiding officer shall disqualify himself or herself in any proceeding in which the presiding officer's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The presiding officer has a personal bias or prejudice concerning a party or a party's lawyer or other representative, or has personal knowledge of facts that are in dispute in the proceeding.

(2) The presiding officer knows that the presiding officer, the presiding officer's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is:

1. A party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

2. Acting as a lawyer or party representative in the proceeding;

3. A person who has more than a de minimis interest that could be substantially affected by the proceeding; or

4. Likely to be a material witness in the proceeding.

(3) The presiding officer knows that he or she, individually or as a fiduciary, or the presiding officer's spouse, domestic partner, parent, or child, or any other member of the presiding officer's family residing in the presiding officer's household, has an economic interest in the subject matter in controversy or in a party to the proceeding.

(4) The presiding officer, while a presiding officer, has made a public statement, other than in an agency proceeding, decision, opinion, or order, that commits or appears to commit the presiding officer to reach a particular result or rule in a particular way in the proceeding or controversy.

(5) The presiding officer:

1. Served as a lawyer in the matter in controversy or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

2. Served in governmental employment and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy; or

3. Was a material witness concerning the matter.

(6) The presiding officer personally investigated, prosecuted, or advocated in connection with the matter, the specific controversy underlying the matter, or another pending factually related matter, or pending factually related controversy that may culminate in a contested case, involving the same parties, or is subject to the authority, direction, or discretion of any person who has personally investigated, prosecuted, or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy, involving the same parties. But the presiding officer is not required to disqualify himself or herself solely because the presiding officer determined there was probable cause to initiate the proceeding.

b. A presiding officer shall keep informed about the presiding officer's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the presiding officer's spouse or domestic partner and minor children residing in the presiding officer's household.

c. A presiding officer subject to disqualification under this rule, other than for bias or prejudice under subparagraph 15.2(11)"a"(1), may disclose on the record the basis of the presiding officer's disqualification and may ask the parties and their lawyers or representatives to consider, outside the presence of the presiding officer, whether to waive disqualification. If, following the disclosure, the parties and lawyers or party representatives agree, without participation by the presiding officer, that the presiding officer should not be disqualified, the presiding officer may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

**15.2(12) Supervisory duties.**

a. A presiding officer shall require others subject to the presiding officer's direction and control to act in a manner consistent with the presiding officer's obligations under this Code.

b. A presiding officer with supervisory authority for the performance of other presiding officers shall take reasonable measures to ensure that those presiding officers properly discharge their administrative judicial responsibilities, including the prompt disposition of matters before them.

**15.2(13) Reserved.**

**15.2(14) Disability and impairment.** A presiding officer having a reasonable belief that the performance of a lawyer, party representative, or another presiding officer is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or employee assistance program.

**15.2(15) Responding to administrative judicial and lawyer misconduct.**

a. A presiding officer having knowledge that another presiding officer has committed a violation of this Code that raises a substantial question regarding the presiding officer's honesty, trustworthiness, or fitness as a presiding officer in other respects shall inform the appropriate authority.

b. A presiding officer having knowledge that a lawyer has committed a violation of the Iowa Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.

c. A presiding officer who receives information indicating a substantial likelihood that another presiding officer has committed a violation of this Code shall take appropriate action.

d. A presiding officer who receives information indicating a substantial likelihood a lawyer has committed a violation of the Iowa Rules of Professional Conduct shall take appropriate action.

e. This rule does not require disclosure of information gained by a presiding officer while participating in an approved lawyers assistance program.

**15.2(16) Cooperation with disciplinary authorities.**

a. A presiding officer shall cooperate and be candid and honest with a lawyer disciplinary agency or other appropriate authority investigating a violation of this Code or the Iowa Rules of Professional Conduct.

b. A presiding officer shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a presiding officer or a lawyer.

[ARC 3524C, IAB 12/20/17, effective 1/24/18]

**481—15.3(10A) Canon 3.** An administrative law judge shall conduct the administrative law judge's personal and extrajudicial activities to minimize the risk of conflict with administrative judicial obligations.

**15.3(1) Extrajudicial activities in general.** An administrative law judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, an administrative law judge shall not:

a. Participate in activities that will interfere with the proper performance of the administrative law judge's administrative judicial duties;

b. Participate in activities that will lead to frequent disqualification of the administrative law judge;

c. Participate in activities that would appear to a reasonable person to undermine the administrative law judge's independence, integrity, or impartiality;

d. Engage in conduct that would appear to a reasonable person to be coercive; or

e. Make use of agency premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, the provision of legal services, or the administration of justice, or unless such additional use is permitted by law.

**15.3(2) Reserved.**

**15.3(3) Testifying as a character witness.** An administrative law judge shall not testify as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly subpoenaed.

**15.3(4) Appointments to governmental positions.** An administrative law judge shall not accept appointment to a governmental committee, board, commission, or other governmental position that would appear to a reasonable person to undermine the administrative law judge's independence, integrity, or impartiality or would lead to frequent disqualification of the administrative law judge.

**15.3(5) Use of nonpublic information.** An administrative law judge shall not intentionally disclose or use nonpublic information acquired in an administrative judicial capacity for any purpose unrelated to the administrative law judge's administrative judicial or other duties.

**15.3(6) Affiliation with discriminatory organizations.**

a. An administrative law judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation. An administrative law judge's membership in a religious organization as a lawful exercise of the freedom of religion is not prohibited.

b. An administrative law judge shall not use the benefits or facilities of an organization if the administrative law judge knows or should know that the organization practices invidious discrimination on one or more of the bases identified in paragraph 15.3(6) "a." An administrative law judge's attendance at an event in a facility of an organization that the administrative law judge is not permitted to join is not a violation of this rule when the administrative law judge's attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization's practices.

**15.3(7) Participation in educational, religious, charitable, fraternal, or civic organizations and activities.**

a. Subject to the requirements of subrule 15.3(1), an administrative law judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, the provision of legal services, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) Assisting such an organization or entity in planning related to fund-raising, volunteering goods or services at fund-raising events, and participating in the management and investment of the organization's or entity's funds;

(2) Soliciting contributions for such an organization or entity, but only from members of the administrative law judge's family, or from other administrative law judges or coworkers in the administrative law judge's immediate office over whom the administrative law judge does not exercise supervisory authority;

(3) Appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the administrative law judge may participate only if the event concerns the law, the legal system, the provision of legal services, or the administration of justice;

(4) Making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, the provision of legal services, or the administration of justice; and

(5) Serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

1. Will be engaged in proceedings that would ordinarily come before the administrative law judge; or

2. Will frequently be engaged in adversary proceedings before the agency in which the administrative law judge serves.

b. An administrative law judge may encourage lawyers to provide pro bono publico legal services.

c. Subject to the requirements of subrule 15.3(1), an administrative law judge may:

(1) Provide leadership in identifying and addressing issues involving equal access to the justice system; developing public education programs; engaging in activities to promote the fair administration of justice and convening, participating or assisting in advisory committees and community collaborations devoted to the improvement of the law, the legal system, the provision of legal services, or the administration of justice.

(2) Endorse projects and programs directly related to the law, the legal system, the provision of legal services, and the administration of justice to those coming before the courts or the administrative judiciary.

(3) Participate in programs concerning the law or which promote the administration of justice.

**15.3(8)** *Appointments to fiduciary positions.*

a. An administrative law judge shall not accept appointment to serve in a fiduciary position, such as executor, administrator, trustee, guardian, attorney in fact, or other personal representative, except for the estate, trust, or person of a member of the administrative law judge's family, and then only if such service will not interfere with the proper performance of administrative judicial duties.

b. An administrative law judge shall not serve in a fiduciary position if the administrative law judge as fiduciary will likely be engaged in proceedings that would ordinarily come before the administrative law judge, or if the estate, trust, or ward becomes involved in adversary proceedings before the agency in which the administrative law judge serves.

c. An administrative law judge acting in a fiduciary capacity shall be subject to the same restrictions on engaging in financial activities that apply to an administrative law judge personally.

d. If a person who is serving in a fiduciary position becomes an administrative law judge, he or she must comply with this subrule as soon as reasonably practicable, but in no event later than six months after becoming an administrative law judge.

**15.3(9)** *Services as arbitrator or mediator.* An administrative law judge shall not act as an arbitrator or a mediator or perform other judicial functions apart from the administrative law judge's official duties unless expressly authorized by law.

**15.3(10) *Practice of law.*** An administrative law judge shall not engage in the private practice of law. An administrative law judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the administrative law judge's family, but is prohibited from serving as the family member's lawyer before the agency in which the administrative law judge serves. An administrative law judge serving in the administrative hearings division of the department of inspections and appeals is prohibited from serving as the family member's lawyer in any proceeding in which another administrative law judge serving in the division is the presiding officer, regardless of whether the proceeding is being conducted on behalf of the department of inspections and appeals or another state agency.

**15.3(11) *Financial, business, or remunerative activities.***

*a.* An administrative law judge may hold and manage investments of the administrative law judge and members of the administrative law judge's family.

*b.* An administrative law judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that an administrative law judge may manage or participate in:

(1) A business closely held by the administrative law judge or members of the administrative law judge's family; or

(2) A business entity primarily engaged in investment of the financial resources of the administrative law judge or members of the administrative law judge's family.

*c.* An administrative law judge shall not engage in financial activities permitted under paragraphs 15.3(11) "a" and "b" if they will:

(1) Interfere with the proper performance of administrative judicial duties;

(2) Lead to frequent disqualification of the administrative law judge;

(3) Involve the administrative law judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the agency in which the administrative law judge serves; or

(4) Result in violation of other provisions of this Code.

**15.3(12) *Compensation for extrajudicial activities.*** An administrative law judge may accept reasonable compensation for extrajudicial activities permitted by this Code and other law unless such acceptance would appear to a reasonable person to undermine the administrative law judge's independence, integrity, or impartiality.

**15.3(13) *Acceptance of gifts, loans, bequests, benefits, or other things of value.*** An administrative law judge, an administrative law judge's spouse, and an administrative law judge's dependent child shall not accept or receive any gift, loan, bequest, benefit, or other thing of value, if acceptance or receipt is prohibited by Iowa Code chapter 68B or any other law or if acceptance or receipt would appear to a reasonable person to undermine the administrative law judge's independence, integrity, or impartiality.

**15.3(14) *Reimbursement of expenses and waivers of fees or charges.***

*a.* Unless otherwise prohibited by subrules 15.3(1) and 15.3(13), Iowa Code chapter 68B, or other law, an administrative law judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the administrative law judge's employing entity, if the expenses or charges are associated with the administrative law judge's participation in extrajudicial activities permitted by this Code.

*b.* Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the administrative law judge and, when appropriate to the occasion, by the administrative law judge's spouse, domestic partner, or guest.

[ARC 3524C, IAB 12/20/17, effective 1/24/18]

**481—15.4(10A) Canon 4.** An administrative law judge shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the administrative judiciary.

**15.4(1) *Political and campaign activities of administrative law judges.***

*a.* Except as permitted by law, an administrative law judge shall not:

(1) Act as a leader in, or hold an office in, a political organization;

- (2) Make speeches on behalf of a political organization;
- (3) Publicly endorse or oppose a candidate for any public office;
- (4) Solicit funds for, pay an assessment to, or make a contribution to a political organization, a candidate for judicial retention, or a candidate for public office;
- (5) Attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office; or

(6) Participate in a precinct caucus, except as provided for in paragraph 15.4(1)“b.”

b. Paragraph 15.4(1)“a” does not prohibit an administrative law judge from participating in a precinct caucus merely to vote for, or support in the delegate selection process, a candidate for the office of President of the United States, provided that the administrative law judge does not speak publicly on behalf of or against a candidate, encourage other caucus participants to support or oppose a candidate, or otherwise engage in conduct that is inconsistent with the independence, integrity, or impartiality of the administrative judiciary.

c. An administrative law judge shall take reasonable measures to ensure that other persons do not undertake, on behalf of the administrative law judge, any activities prohibited under paragraph 15.4(1)“a.”

**15.4(2) to 15.4(4)** Reserved.

**15.4(5)** *Activities of administrative law judges who become candidates for nonjudicial office.*

a. Upon becoming a candidate for nonjudicial elective office, an administrative law judge shall resign from the administrative law judge position unless permitted by law to continue to hold the administrative law judge position.

b. Upon becoming a candidate for nonjudicial appointive office, an administrative law judge is not required to resign from the administrative law judge position, provided that the administrative law judge complies with the other provisions of this Code.

[ARC 3524C, IAB 12/20/17, effective 1/24/18]

#### **481—15.5(10A) Scope, definitions, and application.**

##### **15.5(1)** *Scope.*

a. The Iowa Code of Administrative Judicial Conduct consists of four canons, each of which is codified as the introductory paragraph of an administrative rule, and numbered rules under each canon, which are codified as subrules. Subrule 15.5(3) establishes when the various rules apply to a presiding officer or an administrative law judge.

b. The canons state overarching principles of judicial ethics that all administrative law judges and presiding officers, as applicable, must observe. Although an administrative law judge or presiding officer may be disciplined only for violating an applicable rule, the canons provide important guidance in interpreting the rules. Where a rule contains a permissive term, such as “may” or “should,” the conduct being addressed is committed to the personal and professional discretion of the administrative law judge or presiding officer in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion.

c. Consistent with the requirement of Iowa Code section 10A.801(7)(d), this Code is similar in function and substantially equivalent to the Iowa Code of Judicial Conduct adopted by the Iowa Supreme Court and contained in Chapter 51 of the Iowa Court Rules. The Iowa Code of Judicial Conduct includes accompanying comments to the rules that may provide useful guidance regarding the purpose, meaning, and proper application of the corresponding rule in this Code. The comments contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. The comments may also identify aspirational goals for administrative law judges and presiding officers. To implement fully the principles of this Code as articulated in the canons, administrative law judges and presiding officers should strive to exceed the standards of conduct established by the rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the administrative judicial position.

d. The rules of this Code are rules of reason that should be applied consistent with constitutional requirements, statutes, administrative rules, and decisional law, and with due regard for all relevant circumstances. The rules should not be interpreted to impinge upon the essential independence of administrative law judges and presiding officers in making administrative judicial decisions.

e. Although the black letter of the rules is binding and enforceable, it is not contemplated that every transgression will result in the imposition of discipline. Whether discipline should be imposed should be determined by the presiding officer's appointing authority through a reasonable and reasoned application of the rules, and should depend upon factors such as the seriousness of the transgression, the facts and circumstances that existed at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the administrative judicial system or others.

f. This Code is not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for parties to seek collateral remedies against each other or to obtain tactical advantages in proceedings before a presiding officer.

**15.5(2) Definitions.** For purposes of this chapter, the following definitions apply:

*"Administrative law judge"* means a person who acts as a presiding officer under the authority of Iowa Code section 17A.11(1) who is not an agency head or a member of a multimembered agency head. This includes, but is not limited to, administrative law judges employed by the administrative hearings division of the department of inspections and appeals, the unemployment insurance appeals bureau of Iowa workforce development, the public employment relations board, and the board of parole, as well as deputy workers' compensation commissioners in the division of workers' compensation of Iowa workforce development.

*"Affiliate"* and *"affiliated"* mean any person, domestic or foreign, that controls, is controlled by, or is under common control with any other person.

*"Appropriate authority"* means the authority having responsibility for the initiation of disciplinary process in connection with the violation to be reported.

*"Associate"* and *"associated"* means any person who employs, is employed by, or is under common employment with another person; any person who acts in cooperation, consultation, or concert with, or at the request of, another person; and any spouse, domestic partner, or person within the third degree of relationship of any of the foregoing.

*"Contribution"* means both financial and in-kind contributions, such as goods, professional or volunteer services, advertising, and other types of assistance which, if obtained by the recipient otherwise, would require a financial expenditure.

*"Control"* and *"controlled"* each refers to the power of one person to exercise, directly or indirectly or through one or more persons, a dominating, governing, or controlling influence over another person, whether by contractual relationship (including without limitation a debtor-creditor relationship), by family relationship, by ownership, dominion over, or power to vote any category or voting interest (including without limitation shares of common stock, shares of voting preferred stock, and partnership interests), or by exercising (or wielding the power to exercise) in any manner dominion over a majority of directors, partners, trustees, or other persons performing similar functions. See definition of "affiliate" and "affiliated."

*"De minimis,"* in the context of interests pertaining to disqualification of an administrative law judge, means an insignificant interest that could not raise a reasonable question regarding the administrative law judge's impartiality.

*"Domestic partner"* means a person with whom another person maintains a household and an intimate relationship, other than a person to whom he or she is legally married.

*"Economic interest"* means ownership of more than a de minimis legal or equitable interest. Except for situations in which the presiding officer participates in the management of such a legal or equitable interest, or the interest could be substantially affected by the outcome of a proceeding before a presiding officer, it does not include:

1. An interest in the individual holdings within a mutual or common investment fund;
2. An interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the presiding officer or the presiding officer's spouse, domestic partner, parent, or child serves as a director, an officer, an advisor, or other participant;
3. A deposit in a financial institution or deposits or proprietary interests the presiding officer may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or

4. An interest in the issuer of government securities held by the presiding officer.

*"Fiduciary"* includes relationships such as executor, administrator, trustee, or guardian.

*"Impartial," "impartiality,"* and *"impartially"* mean absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a presiding officer or administrative law judge.

*"Impending matter"* is a matter that is imminent or expected to occur in the near future.

*"Impropriety"* includes conduct that violates the law, court rules, or provisions of the Iowa Code of Administrative Judicial Conduct, and conduct that undermines a presiding officer's or administrative law judge's independence, integrity, or impartiality.

*"Independence"* means a presiding officer's or administrative law judge's freedom from influence or controls other than those established by law.

*"Integrity"* means probity, fairness, honesty, uprightness, and soundness of character.

*"Knowingly," "knowledge," "known,"* and *"knows"* mean actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

*"Law"* encompasses administrative rules and regulations, court rules, ordinances, statutes, constitutional provisions, and decisional law.

*"Member of the administrative law judge's family"* means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the administrative law judge maintains a close familial relationship.

*"Member of the presiding officer's family"* means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the presiding officer maintains a close familial relationship.

*"Member of a presiding officer's family residing in the presiding officer's household"* means any relative of a presiding officer by blood or marriage, or a person treated by a presiding officer as a member of the presiding officer's family, who resides in the presiding officer's household.

*"Nonpublic information"* means information that is not available to the public. "Nonpublic information" may include, but is not limited to, information that is confidential or sealed by statute or court or administrative order or impounded or communicated in camera.

*"Pending matter"* is a matter that has commenced. A matter continues to be pending through any appellate process, including director review and judicial review, until final disposition.

*"Person"* means any natural or juridical person, including without limitation any corporation, limited liability company, partnership, trust, union, or other labor organization; any branch, division, department, or local unit of any of the foregoing; any political committee, party, or organization; or any other organization or group of persons.

*"Political organization"* means a political party or other group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office.

*"Presiding officer"* means a person who acts as a presiding officer of a contested case proceeding under the authority of Iowa Code section 17A.11(1).

*"Third degree of relationship"* includes the following persons: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece.

**15.5(3) Application.**

a. The provisions of the Iowa Code of Administrative Judicial Conduct apply to all persons who act as presiding officers under the authority of Iowa Code section 17A.11(1), except as specified in paragraph 15.5(3) "b" for agency heads or members of multimembered agency heads. Canons and rules that apply to all presiding officers use the terminology "presiding officer" in their text. This Code only applies to an agency head or a member of a multimembered agency head who actually acts as a presiding officer and does not apply merely because the agency head or member of a multimembered agency head is authorized to serve as the presiding officer when another person serves as the presiding officer.

b. The provisions of rules 481—15.3(10A) and 481—15.4(10A) of this Code do not apply to agency heads or members of multimembered agency heads. These provisions apply only to administrative law judges and thus the terminology "administrative law judge" is used in their text.



c. This Code does not apply to persons who participate only in the making of a final decision in a contested case without serving as a presiding officer pursuant to Iowa Code section 17A.11(1) in that contested case unless a statute or administrative rule requires such a person to abide by this Code or a particular provision of this Code. This Code may nevertheless provide useful ethical guidance for a person participating in the making of a final decision in a contested case.

[ARC 3524C, IAB 12/20/17, effective 1/24/18]

These rules are intended to implement Iowa Code section 10A.801.

[Filed ARC 3524C (Notice ARC 3408C, IAB 10/25/17), IAB 12/20/17, effective 1/24/18]

CHAPTER 16  
ADMINISTRATIVE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**481—16.1(10A) Scope.** This chapter governs the filing of documents through the division of administrative hearings' administrative electronic document management system (AEDMS). To the extent the rules in this chapter are inconsistent with any other administrative rule of the division, the rules in this chapter shall govern. Pursuant to Iowa Code section 10A.802, these rules shall prevail over any other law, including Iowa Code chapter 17A, or agency rule that specifies the method, manner, or format for sending, receiving, serving, retaining, or creating paper records or other documents related to a contested case proceeding, including but not limited to a request or demand for a contested case proceeding, a notice of hearing, and a proposed or final decision.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

**481—16.2(10A) Definitions.**

*"AEDMS"* means the administrative electronic document management system, the division's electronic filing and case management system.

*"Agency record"* means for all cases the electronic files maintained in AEDMS, filings the division maintains in paper form, and exhibits and other materials filed with or delivered in relation to a contested case hearing.

*"Confidential"* means agency files, documents, or information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

*"Division"* means the division of administrative hearings in the department of inspections and appeals.

*"Electronic filing"* means the receipt of a document submitted to AEDMS for filing, as confirmed by the transmission of the notice of electronic filing.

*"Electronic record"* means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

*"Electronic service"* means the AEDMS electronic transmission of a link where registered users of AEDMS who are entitled to receive notice of the filing may view and download filed documents.

*"File stamp"* means the date and time that is affixed at the top of the first page of a document when it is filed in AEDMS.

*"Nonelectronic filing"* means a process by which a paper document or other nonelectronic item is filed with the division.

*"Notice of electronic filing"* means a document generated by AEDMS when a document is electronically filed.

*"PDF"* means an electronic document filed in a portable document format which is readable by the free Adobe® Acrobat® Reader.

*"Protected information"* means personal information, the nature of which warrants protection from unlimited public access, including but not limited to:

1. Social security numbers.
2. Financial account numbers.
3. Dates of birth.
4. Names of minor children.
5. Individual taxpayer identification numbers.
6. Personal identification numbers.
7. Other unique identifying numbers.
8. Confidential information.

*"Public"* refers to agency files, documents, or information that is not confidential or protected.

*"Registered user"* means an individual who has registered for an electronic filing account through AEDMS. A registered user can electronically file documents and electronically view and download files through the use of a username and password.

“Signature” means the following:

1. For a registered user electronically filing a document in AEDMS, “signature” means the registered user’s username and password accompanied by one of the following approved signature representations:

- “Digitized signature” means an electronically embeddable image of a person’s handwritten signature;

- “Electronic signature” means an electronic symbol (“/s/” or “/registered user’s name/”) executed or adopted by a person with the intent to sign the document; or

- “Nonelectronic signature” means a handwritten signature applied to an original document that is then scanned and electronically filed.

2. For a party signing a document that another registered user will electronically file, “signature” means the signatory’s name affixed to the document as a digitized or nonelectronic signature.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

#### **481—16.3(10A) Registration, username, and passwords.**

##### **16.3(1) Registration.**

a. *Registration.* Every individual filing documents or viewing or downloading filed documents in the AEDMS must register as a registered user of AEDMS.

b. *Changes in registered user’s contact information.* If a registered user’s email address, mailing address, or telephone number changes, the user must promptly make the necessary changes to the registered user’s information contained in AEDMS. The registered user shall promptly give notice of changes in contact information to any nonregistered party in every active proceeding in which the registered user is a party.

c. *Duties of registered user.* Each registered user shall ensure that the user’s email account information is current, that the account is monitored regularly, and that email notices sent to the account are timely opened.

d. *Division-initiated registration.* The division may complete the registration process on behalf of an individual in certain instances and email the username and password to the user. When the division completes the registration process, the user is required to promptly log in and change the password. Following initial notification regarding account registration, the user is required to promptly update and maintain accurate contact information for the AEDMS account.

**16.3(2) Use of username and password.** A registered user is responsible for all documents filed with the user’s username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

**16.3(3) Username and password security.** If a username or password is lost, misappropriated, misused, or compromised, the registered user of that username/password shall notify the division promptly.

**16.3(4) Denial of access.** The agency may refuse to allow an individual to electronically file or download information in AEDMS due to misuse, fraud, or other good cause.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

#### **481—16.4(10A) Electronic filing not mandatory.**

**16.4(1) Electronic filing not mandatory.** Registration and filing through AEDMS, although encouraged, is not mandatory, and the division shall still accept the traditional filing of paper or other electronic documents as set forth in 481—paragraph 10.12(3)“a.”

**16.4(2) What constitutes filing.** The electronic transmission of a document to AEDMS consistent with the procedures specified in these rules, together with the production and transmission of a notice of electronic filing, constitutes filing of the document.

**16.4(3) Electronic file stamp.** Documents filed through AEDMS are officially filed when affixed with an electronic file stamp. Filings so endorsed shall have the same force and effect as documents time-stamped in a nonelectronic manner.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

**481—16.5(10A) Filing of paper documents.**

**16.5(1)** *Conversion of paper or other electronic documents filed.* When a party files a document other than through AEDMS, the division will convert the filed documents to an electronic format viewable to registered users of AEDMS. The original of converted documents need not be retained by the division.

**16.5(2)** *Form of paper documents.* Each document must be printed on only one side and be delivered to the division with no tabs, staples, or permanent clips but may be organized with paperclips, clamps, or some other type of temporary fastener or may be delivered to the division in an appropriate file folder.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

**481—16.6(10A) Date and time of filing.**

**16.6(1)** *Date of filing.* An electronic filing may be made any day of the week, including holidays and weekends, and any time of the day AEDMS is available.

**16.6(2)** *Time of filing.* A document is timely filed if it is filed before midnight on the date the filing is due.

**16.6(3)** *Rejected filing.* The division may reject electronic filings that do not meet the requirements of this chapter. A rejected electronic filing is not filed. When an electronic filing is rejected, the filer will be electronically notified of the rejection and the reason for the rejection. In such instances, the date and time of filing will be when the filer submits a corrected document and it is approved.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

**481—16.7(10A) Signatures.**

**16.7(1)** *Registered user.* A username and password accompanied by a digitized, electronic, or nonelectronic signature shall serve as the registered user's signature on all electronically filed documents.

**16.7(2)** *Format.* Any AEDMS filing requiring a signature must be signed with either a nonelectronic signature, an electronic signature, or a digitized signature. The following information about the person shall be included under the person's signature:

- a. Name;
- b. Name of firm or governmental agency;
- c. Mailing address;
- d. Telephone number; and
- e. Email address.

**16.7(3)** *Multiple signatures.* By filing a document containing multiple signatures, the registered user confirms that the content of the document is acceptable to all persons signing the document and that all such persons consent to having their signatures appear on the document.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

**481—16.8(10A) Redaction of electronic documents.**

**16.8(1)** *Responsibilities of filers generally.*

a. It is the responsibility of the filer to ensure that a confidential document is certified as confidential.

b. It is the responsibility of the filer to ensure that protected information is omitted or redacted from documents before the documents are filed. This responsibility exists even when the filer did not create the document.

c. The division will not review filings to determine whether appropriate omissions or redactions have been made or whether a document has been properly certified as confidential.

**16.8(2)** *Omission and redaction requirements.*

a. *Protected information that is not material to the proceedings.* A filer may redact protected information from documents filed with the division when the information is not material to the proceedings.

b. *Protected information that is material to the proceedings.* When protected information is material to the proceedings, a filer must certify the document as confidential when submitting the filing to the division.

c. *Protected information in a confidential document.* Parties are not required to redact protected information from documents that are certified as confidential.

**16.8(3)** *Information that may be redacted.* A filer may redact the following information from documents available to the public unless the information is material to the proceedings:

- a. Driver's license numbers.
- b. Information concerning medical treatment or diagnosis.
- c. Employment history.
- d. Personal financial information.
- e. Proprietary or trade secret information.
- f. Information concerning crime victims.
- g. Sensitive security information.
- h. Home addresses.

**16.8(4)** *Improperly included protected information.* A party may ask the division to restrict access to improperly included protected information from a filed document. The division may order a properly redacted document to be filed.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

#### **481—16.9(10A) General requirements when filing documents.**

**16.9(1)** *Format.* All documents must be converted to a PDF before they are filed in AEDMS. Documents submitted must be properly scanned, which includes having the pages in the correct order and orientation and having the scanned content of the document be legible.

**16.9(2)** *Separating documents.* Each document must be separated and uploaded with the correct document type selection on the document upload page. Any attachments to a document shall be uploaded as such and linked to the correct document prior to submission.

**16.9(3)** *Selecting document types.* For each electronically filed document, a filer must choose an accurate document type from the options listed on the document upload page. Once a document is submitted into AEDMS, only the division may make corrections to the document type the filer has chosen.

**16.9(4)** *Correcting errors.* If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the division as soon as possible. If the division discovers an error in the filing or docketing of a document, the division may notify the filer of the error and advise the filer of what further action the filer must take, if any, to address the error.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

#### **481—16.10(10A) Case initiation and service.**

**16.10(1)** *Case initiation.* A case may be initiated by an agency or governmental entity via AEDMS by the electronic filing of a transmittal form pursuant to rule 481—10.4(10A).

**16.10(2)** *Filings by registered user.* To the extent another party to the case is not a registered user, the registered user shall serve those filings upon the nonregistered user pursuant to the applicable rules of contested case procedure and any other controlling law.

**16.10(3)** *Electronic service and distribution of electronic filings.*

a. When a document is electronically filed, that document will be served automatically through AEDMS to all parties to the proceeding who are registered users. No other service to those registered users is required unless ordered by the division or unless the registered user has filed a document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

b. Notices of electronic filing will continue to be sent to registered users appearing or intervening in a proceeding until they have filed a withdrawal of appearance or document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

**16.10(4)** *Division-generated documents.* All documents issued by the division shall be electronically filed and served upon registered users. Division-generated documents shall be served upon nonregistered users pursuant to the applicable rules of contested case procedure and any other controlling law.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

These rules are intended to implement Iowa Code section 10A.802.

[Filed ARC 6294C (Notice ARC 6176C, IAB 2/9/22), IAB 4/20/22, effective 5/25/22]

## MODEL RULES

## CHAPTER 500

## MODEL RULES FOR BOARD ADMINISTRATIVE PROCESSES

[Prior to 9/18/24, see Professional Licensure Division[645] Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/31/29

**481—500.1(17A) Definitions.**

“*License*” means a license to practice the specific practice governed by one of the boards defined in this chapter.

“*Licensee*” means a person licensed to practice the specific practice governed by one of the boards defined in this chapter.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.2(17A) Purpose of board.** The purpose of each professional licensing board is to administer and enforce the provisions of Iowa Code chapters 17A, 21, 147, and 272C and the practice-specific provisions in Iowa Code chapters 148A, 148B, 148C, 149, 151, 152A, 152B, 152C, 152D, 154, 154A, 154B, 154C, 154D, 154E, 155, 156, and 157 applicable to each board. The mission of each professional licensing board is to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and rules of each board. Responsibilities of each professional licensing board include, but are not limited to:

**500.2(1)** Licensing qualified applicants by examination, renewal, endorsement, and reciprocity.

**500.2(2)** Developing and administering a program of continuing education to ensure the continued competency of individuals licensed by the board.

**500.2(3)** Imposing discipline on licensees as provided by statute or rule.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.3(17A,147,272C) Organization of board and proceedings.**

**500.3(1)** Each professional licensing board is composed of members appointed by the governor and confirmed by the senate as defined in Iowa Code chapter 147.

**500.3(2)** Each board elects a chairperson and vice chairperson from its membership at the first meeting after April 30 of each year.

**500.3(3)** A majority of the members of each board constitutes a quorum.

**500.3(4)** Board meetings are governed in accordance with Iowa Code chapter 21.

**500.3(5)** Each professional licensing board has the authority to:

*a.* Develop and implement continuing education rules to ensure the continued competency of individuals licensed by the board.

*b.* Establish fees.

*c.* Establish committees of the board.

*d.* Hold a closed session if the board votes to do so in a public roll-call vote with an affirmative vote of at least two-thirds if the total board is present or a unanimous vote if fewer are present. The board shall keep minutes of all discussion, persons present, and action occurring at a closed session. The records shall be stored securely in the board office.

*e.* Investigate alleged violations of statutes or rules that relate to the practice of licensees upon receipt of a complaint or upon the board’s own initiation.

*f.* Initiate and impose licensee discipline.

*g.* Monitor licenses that are restricted by a board order.

*h.* Establish and register peer reviewers.

*i.* Refer complaints to one or more registered peer reviewers for investigation and review. The peer reviewers will review cases and recommend appropriate action.

*j.* Perform any other functions authorized by a provision of law.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.4(17A) Name and address changes.**

**500.4(1)** Notice of change of address. Each licensee shall notify the board of a change of the licensee's current mailing address within 30 days after the change of address occurs.

**500.4(2)** Notice of change of name. Each licensee shall notify the board in writing of a change of name within 30 days after changing the name.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.5(147) Duplicate certificate.** A duplicate certificate is required if the current certificate is lost, stolen or destroyed. Duplicate certificates may be purchased online.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.6(17A,147,272C) License denial.**

**500.6(1)** When the board denies an applicant licensure, the board shall notify the applicant of the denial in writing and cite the reasons for which the application was denied.

**500.6(2)** An applicant who has been denied licensure by the board may appeal the denial and request a hearing by submitting a request in writing within 30 days following the date of mailing of the notification of licensure denial to the applicant. The request for hearing shall specifically describe the facts to be contested and determined at the hearing. The hearing and subsequent procedures will be held pursuant to the process outlined in Iowa Code chapters 17A and 272C and 481—Chapter 506.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.7(272C) Audit of continuing education.** The board may select licensees for audit following license renewal.

**500.7(1)** If selected for audit, the licensee will provide certificates of completion of continuing education within 30 days of notice. The documents will contain the course date, title, contact hours, sponsor and licensee's name. An extension of time may be granted on an individual basis.

**500.7(2)** All licensees must retain continuing education certificates for two years after the renewal.

**500.7(3)** If the submitted certificates are incomplete or unsatisfactory, the licensee may submit make-up credit to cover the deficit. The deadline for make-up credit is 90 days from the date of the notice of deficit.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.8(272C,83GA,SF2325) Automatic exemption.** A licensee is exempt from the continuing education requirement during the license biennium when the licensee:

1. Served on active duty in the military service; or
2. Resided in another state or district having continuing education requirements; or
3. Was a government employee working in the licensee's specialty and assigned to duty outside the United States.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.9(272C) Continuing education exemption for disability or illness.** A licensee who has had a physical or mental disability or illness during the license period may apply for an exemption providing an extension of time or exemption from some or all of the continuing education requirements. An applicant shall submit a completed application form approved by the board for an exemption. If the application is from a licensee who is the primary caregiver for a relative who is ill or disabled and needs care from that primary caregiver, the physician shall verify the licensee's status as the primary caregiver. A licensee who applies for an exemption shall be notified of the decision regarding the application.

**500.9(1)** The board may grant an extension of time to fulfill the continuing education requirement.

**500.9(2)** The board may grant an exemption from the continuing education requirement for any period of time not to exceed two calendar years. If the physical or mental disability or illness for which an extension or exemption was granted continues beyond the period initially approved by the board, the licensee must reapply for a continuance of the extension or exemption.

**500.9(3)** The board may, as a condition of any extension or exemption granted, require the licensee to make up a portion of the continuing education requirement in the manner determined by the board.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.10(147,272C) Order for physical, mental, substance abuse or clinical competency examination.** If the board has probable cause, a licensee may be required to submit to a physical, mental, substance abuse or clinical competency examination at the licensee's expense.

**500.10(1) Content of order.** A board order for a physical, mental, substance abuse or clinical competency examination shall include the following items:

- a. A description of the type of examination.
- b. The amount of time the licensee has to complete the examination.
- c. A statement indicating that the licensee is to sign necessary releases for the board to communicate with the examiner of the evaluation or treatment facility.
- d. A statement that the licensee is to communicate with the board regarding the status of the examination.
- e. A statement that the licensee will have the examiner provide the examination results directly to the board within a specified period of time.

**500.10(2) Alternatives.** Following issuance of the examination order, the licensee may request additional time to schedule or complete the examination or may request that the board approve an alternative examiner or treatment facility. The board in its discretion shall determine whether to grant the request.

**500.10(3) Objection to order.** A licensee who is the subject of a board order and who objects to the order may file a request for hearing. The request for hearing must be filed within 30 days of the date of the examination order, and the request for hearing shall specifically identify the factual and legal issues upon which the licensee bases the objection. A licensee who fails to timely file a request for hearing to object to an examination order waives any future objection to the examination order in the event formal disciplinary charges are filed for failure to comply with the examination order or on any other grounds. The hearing shall be considered a contested case proceeding and shall be governed by the provisions of 481—Chapter 506. On judicial review of a board decision in a contested case involving an objection to an examination order, the case will be captioned to maintain the licensee's confidentiality.

**500.10(4) Closed hearing.** Any hearing on an objection to the examination order shall be closed pursuant to Iowa Code section 272C.6(1).

**500.10(5) Order and reports confidential.** An examination order and any subsequent examination reports issued in the course of a board investigation are confidential investigative information pursuant to Iowa Code section 272C.6(4). However, all investigative information regarding the examination order shall be provided to the licensee in the event the licensee files an objection, under subrule 500.15(3), in order to allow the licensee an opportunity to prepare for hearing.

**500.10(6) Admissibility.** In the event the licensee submits to evaluation and subsequent proceedings are held before the board, all objections shall be waived as to the admissibility of the examining physicians' or health care providers' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board.

**500.10(7) Failure to submit.** Failure of a licensee to submit to a board-ordered physical, mental, substance abuse or clinical competency examination constitutes a violation of the rules of the board and is grounds for disciplinary action.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—500.11(252J,272D) Noncompliance rules regarding child support and nonpayment of state debt.** The board hereby adopts by reference 481—Chapter 8.

[ARC 8077C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

These rules are intended to implement Iowa Code chapters 17A, 21, 147, 252J, 272C and 272D.

[Filed 3/19/08, Notice 11/21/07—published 4/9/08, effective 5/14/08]

[Filed ARC 7586B (Notice ARC 7165B, IAB 9/24/08), IAB 2/25/09, effective 4/1/09]

[Filed ARC 8706B (Notice ARC 8334B, IAB 12/2/09), IAB 4/21/10, effective 5/26/10]

[Filed ARC 9171B (Notice ARC 8784B, IAB 6/2/10), IAB 11/3/10, effective 12/8/10]



[Filed ARC 9239B (Notice ARC 8927B, IAB 7/14/10), IAB 11/17/10, effective 12/22/10]  
[Filed ARC 9768B (Notice ARC 9459B, IAB 4/20/11), IAB 10/5/11, effective 11/9/11]  
[Filed ARC 2151C (Notice ARC 2044C, IAB 6/24/15), IAB 9/16/15, effective 10/21/15]  
[Filed ARC 5189C (Notice ARC 4963C, IAB 3/11/20), IAB 9/23/20, effective 10/28/20]  
[Filed ARC 5751C (Notice ARC 5367C, IAB 12/30/20), IAB 7/14/21, effective 8/18/21]  
[Filed ARC 8077C (Notice ARC 7297C, IAB 1/24/24), IAB 6/26/24, effective 7/31/24]  
[Editorial change: IAC Supplement 9/18/24]

CHAPTER 501  
MODEL RULES FOR LICENSURE BY VERIFICATION OR WORK EXPERIENCE  
[Prior to 9/18/24, see Professional Licensure Division[645] Ch 19]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/31/29

**481—501.1(272C) Licensure by verification.** Licensure by verification is available in accordance with the following:

**501.1(1) Eligibility.** A person may seek licensure by verification if the person is licensed in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa.

**501.1(2) Board application.** The applicant must submit the following:

a. A completed application.  
b. Payment of the application fee.  
c. Completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check, if required for initial licensure by the board.

d. An attestation that the applicant's license in that jurisdiction complies with the requirements of Iowa Code section 272C.12.

e. A copy of the complete criminal record if the applicant has a criminal history.

f. A copy of the relevant disciplinary documents if another jurisdiction has taken disciplinary action against the applicant.

g. A written statement from the applicant detailing the scope of practice in the other state.

h. Copies of relevant laws setting forth the scope of practice in the other state.

**501.1(3) Applicants with prior discipline.** If another jurisdiction has taken disciplinary action against an applicant, the board will determine whether the cause for the disciplinary action has been corrected and the matter has been resolved. If the board determines the disciplinary matter has not been resolved, the board will neither issue a license nor deny the application for licensure until the matter is resolved. A person who has had a license revoked, or who has voluntarily surrendered a license, in another jurisdiction is ineligible for licensure by verification.

**501.1(4) Applicants with pending licensing complaints or investigations.** If an applicant is currently the subject of a complaint, allegation, or investigation relating to unprofessional conduct pending before any regulating entity in another jurisdiction, the board will neither issue a license nor deny the application for licensure until the complaint, allegation, or investigation is resolved.

**501.1(5) Compact privileges.** A person who has a privilege to practice in Iowa by virtue of an interstate licensure compact is ineligible for licensure by verification. Licenses issued pursuant to this rule do not grant privileges to practice in any other jurisdiction pursuant to any interstate licensure compact.

[ARC 8083C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—501.2(272C) Applicants with work experience in jurisdictions without licensure requirements.**

**501.2(1) Work experience.** An applicant for initial licensure who has relocated to Iowa from another jurisdiction that did not require a professional license to practice in the profession may be considered to have met any educational and training requirements if the person has at least three years of work experience with a scope of practice substantially similar to that of the profession for which a license in Iowa is sought. The three years of work experience must be within the four years preceding the date of application for initial licensure. The applicant must satisfy all other requirements, including passing any required examinations, to receive a license.

**501.2(2) Required documentation.** An applicant who wishes to substitute work experience in lieu of satisfying applicable education or training requirements shall carry the burden of proving all of the following by submitting relevant documents as part of a completed license application:

a. Proof of Iowa residency.

b. Proof of three or more years of work experience within the four years preceding the application for licensure.

c. Proof that the work experience was in a practice with a scope of practice substantially similar to that for which the license is sought in Iowa.

[ARC 8083C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

These rules are intended to implement Iowa Code chapter 272C.

[Filed ARC 5751C (Notice ARC 5367C, IAB 12/30/20), IAB 7/14/21, effective 8/18/21]

[Filed ARC 7013C (Notice ARC 6943C, IAB 3/8/23), IAB 5/17/23, effective 6/21/23]

[Filed ARC 8083C (Notice ARC 7310C, IAB 1/24/24), IAB 6/26/24, effective 7/31/24]

[Editorial change: IAC Supplement 9/18/24]

CHAPTER 502  
MODEL RULES FOR USE OF CRIMINAL CONVICTIONS IN ELIGIBILITY  
DETERMINATIONS AND INITIAL  
LICENSING DECISIONS

[Prior to 9/18/24, see Professional Licensure Division[645] Ch 14]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/31/29

**481—502.1(272C) Definitions.**

“*Complete criminal record*” includes the complaint and judgment of conviction for each offense of which the applicant has been convicted, regardless of whether the offense is classified as a felony or a misdemeanor, and regardless of the jurisdiction in which the offense occurred.

“*Conviction*” means a finding, plea, or verdict of guilt made or returned in a criminal proceeding, even if the adjudication of guilt is deferred, withheld, or not entered. “Conviction” includes Alford pleas and pleas of nolo contendere.

“*Disqualifying offense*” means a conviction directly related to the duties and responsibilities of the profession pursuant to Iowa Code section 272C.1(8).

“*License*” means any license, registration, or permit issued by the board.

[ARC 8082C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—502.2(272C) License application.** Unless an applicant for licensure petitions the board for an eligibility determination pursuant to rule 481—502.3(272C), the applicant’s convictions will be reviewed when the board receives a completed license application.

**502.2(1)** An applicant must disclose all convictions on a license application. Failure to disclose all convictions is grounds for license denial or disciplinary action following license issuance.

**502.2(2)** An applicant with one or more convictions shall submit the complete criminal record for each conviction and a personal statement regarding whether each conviction directly relates to the practice of the profession in order for the license application to be considered complete.

**502.2(3)** An applicant must submit all evidence of rehabilitation that the applicant wishes to be considered by the board.

**502.2(4)** The board may deny a license if the applicant has a disqualifying offense unless the applicant demonstrates by clear and convincing evidence that the applicant is rehabilitated pursuant to Iowa Code section 272C.15.

**502.2(5)** An applicant with one or more disqualifying offenses who has been found rehabilitated must still satisfy all other requirements for licensure.

**502.2(6)** Any application fees paid will not be refunded if the license is denied.

[ARC 8082C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—502.3(272C) Eligibility determination.**

**502.3(1)** An individual who has not yet submitted a completed license application may petition the board for a determination of whether one or more of the individual’s convictions are disqualifying offenses that would render the individual ineligible for licensure.

**502.3(2)** To petition the board for an eligibility determination of whether one or more of the petitioner’s convictions are disqualifying offenses, a petitioner shall submit all of the following:

- a. A completed petition for eligibility determination form;
- b. The complete criminal record for each of the petitioner’s convictions;
- c. A personal statement regarding whether each conviction directly relates to the duties and responsibilities of the profession and why the board should find the petitioner rehabilitated;
- d. All evidence of rehabilitation that the petitioner wishes to be considered by the board; and
- e. Payment of a nonrefundable fee of \$25.

[ARC 8082C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—502.4(272C) Appeal.** A petitioner deemed ineligible or an applicant denied a license due to a disqualifying offense may appeal the decision in the manner and time frame set forth in the board's written decision. A timely appeal will initiate a nondisciplinary contested case proceeding. The board's rules governing contested case proceedings will apply unless otherwise specified in this rule. If the petitioner or applicant fails to timely appeal, the board's written decision will become a final order.

**502.4(1)** An administrative law judge will serve as the presiding officer of the nondisciplinary contested case proceeding, unless the board elects to serve as the presiding officer. When an administrative law judge serves as the presiding officer, the decision rendered shall be a proposed decision.

**502.4(2)** The contested case hearing shall be closed to the public, and the board's review of a proposed decision shall occur in closed session.

**502.4(3)** The office of the attorney general shall represent the board's initial ineligibility determination or license denial and shall have the burden of proof to establish that the petitioner or applicant's convictions include at least one disqualifying offense. Upon satisfaction of this burden by a preponderance of the evidence by the office of the attorney general, the burden of proof shall shift to the petitioner or applicant to establish rehabilitation by clear and convincing evidence.

**502.4(4)** A petitioner or applicant must appeal an ineligibility determination or license denial in order to exhaust administrative remedies. A petitioner or applicant may only seek judicial review of an ineligibility determination or license denial after the issuance of a final order following a contested case proceeding. Judicial review of the final order following a contested case proceeding shall be in accordance with Iowa Code chapter 17A.

[ARC 8082C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—502.5(272C) Future petitions or applications.** If a final order determines a petitioner is ineligible, the petitioner may not submit a subsequent petition for eligibility determination or a license application prior to the date specified in the final order. If a final order denies a license application, the applicant may not submit a subsequent license application or a petition for eligibility determination prior to the date specified in the final order.

[ARC 8082C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

These rules are intended to implement Iowa Code chapter 272C.

[Filed ARC 5751C (Notice ARC 5367C, IAB 12/30/20), IAB 7/14/21, effective 8/18/21]

[Filed ARC 8082C (Notice ARC 7311C, IAB 1/24/24), IAB 6/26/24, effective 7/31/24]

[Editorial change: IAC Supplement 9/18/24]

CHAPTER 503  
MODEL RULES FOR COMPLAINTS AND INVESTIGATIONS  
[Prior to 9/18/24, see Professional Licensure Division[645] Ch 9]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/31/29

**481—503.1(272C) Complaints.**

**503.1(1)** Complaints can be submitted online, in writing, or verbally and are to include the name and contact information of the complainant, the name of the licensee, and a concise statement of the allegations against the licensee. A complaint may also be initiated by the board.

**503.1(2)** A person is not civilly liable for filing a complaint in good faith or for cooperating with a board investigation.

[ARC 8079C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—503.2(272C) Report of malpractice claims or actions or disciplinary actions.** The licensee will submit any judgment or settlement in a malpractice claim or any disciplinary action taken by another licensing authority in another state or jurisdiction to the board within 30 days of the date of occurrence.

[ARC 8079C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—503.3(272C) Report of acts or omissions.** A licensee who has knowledge of rule violations committed by another licensee will file a report to the board. The report will include the name and contact information of the licensee and the date, time, and place of the incident.

[ARC 8079C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—503.4(272C) Investigation of complaints or reports.** Board staff may request additional information, solicit a response from the licensee, subpoena records, conduct interviews, gather evidence, and perform other investigatory duties to sufficiently inform the board.

[ARC 8079C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—503.5(17A,272C) Issuance of investigatory subpoenas.**

**503.5(1)** The board administrator or designee may, upon the written request of a board investigator or on the administrator's own initiative, subpoena books, papers, records, and other real evidence that is necessary for the board to decide whether to institute a contested case proceeding. In the case of a subpoena for mental health records, each of the following conditions shall be satisfied prior to the issuance of the subpoena:

- a. The nature of the complaint reasonably justifies the issuance of a subpoena;
- b. Adequate safeguards have been established to prevent unauthorized disclosure;
- c. An express statutory mandate, articulated public policy, or other recognizable public interest favors access; and
- d. An attempt was made to notify the patient and to secure an authorization from the patient for release of the records at issue.

**503.5(2)** Each subpoena will contain:

- a. The name and address of the person to whom the subpoena is directed;
- b. A description of the books, papers, records or other real evidence requested;
- c. The date, time and location for production, or inspection and copying;
- d. The deadline for a motion to quash or modify the subpoena to be filed;
- e. The signature, address and telephone number of the board administrator or designee;
- f. The date of issuance;
- g. A return of service.

**503.5(3)** A person can challenge the subpoena by filing a motion to quash describing the legal justification for the motion accompanied by a legal brief or factual affidavits, within 14 days after service of the subpoena.

**503.5(4)** Upon receipt of a timely motion to quash or modify a subpoena, an administrative law judge will issue a decision. The administrative law judge may quash or modify the subpoena, deny the motion, or issue an appropriate protective order.

**503.5(5)** A person aggrieved by a ruling of an administrative law judge who desires to challenge that ruling must appeal the ruling to the board by serving on the board administrator, either in person, via email, or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge.

**503.5(6)** If the person contesting the subpoena is not the person under investigation, the board's decision is final for purposes of judicial review. If the person contesting the subpoena is the person under investigation, the board's decision is not final for purposes of judicial review until either (1) the person is notified the investigation has been concluded with no formal action, or (2) there is a final decision in the contested case.

[ARC 8079C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—503.6(272C) Peer review.**

**503.6(1)** A complaint may be assigned to a peer reviewer for review and report to the board.

**503.6(2)** The board determines what complaints or other matters are referred to a peer reviewer.

**503.6(3)** Peer reviewers are not to be liable for acts, omissions, or decisions made in connection with service made in good faith.

**503.6(4)** The peer reviewer will observe the requirements of confidentiality imposed by Iowa Code section 272C.6.

[ARC 8079C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—503.7(17A) Appearance.** The board may request that a licensee appear before a committee of the board to discuss a pending investigation. By electing to participate in the committee appearance, the licensee waives any objection to a board member both participating in the appearance and later participating as a decision maker in a contested case proceeding. By electing to participate in the committee appearance, the licensee further waives any objection to the board administrator assisting the board in the contested case proceeding.

[ARC 8079C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

These rules are intended to implement Iowa Code chapters 17A and 272C.

[Filed 5/14/99, Notice 3/24/99—published 6/2/99, effective 7/7/99]

[Filed ARC 8079C (Notice ARC 7303C, IAB 1/24/24), IAB 6/26/24, effective 7/31/24]

[Editorial change: IAC Supplement 9/18/24]

CHAPTER 504  
MODEL RULES FOR DISCIPLINE  
[Prior to 9/18/24, see Professional Licensure Division[645] Ch 13]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/31/29

**481—504.1(272C) Definitions.**

“*Board*” means a professional licensing board established pursuant to Iowa Code chapter 147.

“*Licensee*” means a person licensed under Iowa Code chapter 147.

“*Licensee discipline*” means the same as defined in Iowa Code section 272C.1.

[ARC 8081C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—504.2(147,272C) Grounds for discipline.** A board may impose any of the disciplinary sanctions provided in Iowa Code section 272C.3 when the board determines that the licensee is guilty of any of the following acts or offenses or those listed in Iowa Code section 147.55:

**504.2(1)** Fraud in procuring a license. Fraud in procuring a license includes but is not limited to an intentional perversion of the truth in making application for a license to practice in this state, which includes the following:

*a.* False representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state; or

*b.* Attempting to file or filing with the board or the department of inspections, appeals, and licensing any false or forged diploma, certificate, affidavit, identification or qualification in making an application for a license in this state.

**504.2(2)** Professional incompetence. Professional incompetence includes but is not limited to:

*a.* A substantial lack of knowledge or ability to perform professional obligations within the scope of practice.

*b.* A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other licensees in the state of Iowa acting in the same or similar circumstances.

*c.* A failure to exercise the degree of care that is ordinarily exercised by the average licensee acting in the same or similar circumstances.

*d.* Failure to conform to the minimal standard of acceptable and prevailing practice of a licensee in this state.

*e.* Mental or physical inability reasonably related to and adversely affecting the licensee’s ability to practice in a safe and competent manner.

*f.* Being adjudged mentally incompetent by a court of competent jurisdiction.

**504.2(3)** Practice outside the scope of the profession.

**504.2(4)** Habitual intoxication or addiction to the use of drugs, including:

*a.* The inability of a licensee to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

*b.* The excessive use of drugs that may impair a licensee’s ability to practice with reasonable skill or safety.

**504.2(5)** Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

**504.2(6)** Falsification, alteration or destruction of client or patient records with the intent to deceive.

**504.2(7)** Acceptance of any fee by fraud or misrepresentation.

**504.2(8)** Negligence by the licensee in the practice of the profession, which includes a failure to exercise due care, including negligent delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions that impair the ability to safely and skillfully practice the profession.

**504.2(9)** Being convicted of an offense that directly relates to the duties and responsibilities of the profession. A conviction includes a guilty plea, including Alford and nolo contendere pleas, or a finding or



verdict of guilt, even if the adjudication of guilt is deferred, withheld, or not entered. A copy of the guilty plea or order of conviction constitutes conclusive evidence of conviction. An offense directly relates to the duties and responsibilities of the profession if the actions taken in furtherance of the offense are actions customarily performed within the scope of practice of the profession or the circumstances under which the offense was committed are circumstances customary to the profession.

**504.2(10)** Violation of a regulation, rule, or law of this state, another state, or the United States that relates to the practice of the profession.

**504.2(11)** Revocation, suspension, or other disciplinary action taken by a licensing authority of this state or another state, territory or country; or failure of the licensee to report such action within 30 days of the final action by such licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, such report shall be expunged from the records of the board.

**504.2(12)** Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual's practice in another state, district, territory or country.

**504.2(13)** Failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.

**504.2(14)** Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

**504.2(15)** Engaging in any conduct that subverts or attempts to subvert a board investigation.

**504.2(16)** Failure to comply with a subpoena issued by the board or failure to cooperate with an investigation of the board.

**504.2(17)** Failure to respond within 30 days of receipt of communication from the board that was sent by registered or certified mail.

**504.2(18)** Failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

**504.2(19)** Failure to pay costs assessed in any disciplinary action.

**504.2(20)** Submission of a false report of continuing education or failure to submit the biennial report of continuing education.

**504.2(21)** Failure to report another licensee to the board for any violations listed in these rules, pursuant to Iowa Code section 272C.9.

**504.2(22)** Knowingly aiding, assisting, or advising a person to unlawfully practice the profession.

**504.2(23)** Failure to report a change of name or address within 30 days after it occurs.

**504.2(24)** Representing oneself as a licensee when one's license has been suspended or revoked, or when one's license is on inactive status.

**504.2(25)** Permitting another person to use the licensee's license for any purpose.

**504.2(26)** Permitting an unlicensed employee or person under the licensee's control to perform activities that require a license to practice the profession.

**504.2(27)** Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) that constitutes unethical conduct may include but is not limited to the following:

*a.* Verbally or physically abusing a patient or client.

*b.* Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a patient, client or coworker.

*c.* Betrayal of a professional confidence.

*d.* Engaging in a professional conflict of interest.

**504.2(28)** Repeated failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

**504.2(29)** Violation of the terms of an initial agreement with the Iowa professional health committee or violation of the terms of an impaired practitioner recovery contract with the Iowa professional health committee.

**481—504.3(272C) Method of discipline.** The board has the authority to impose the following disciplinary sanctions as defined in Iowa Code section 272C.3 and as follows:

1. Order a physical or mental evaluation or order alcohol and drug screening within a time specified by the board.
2. Such other sanctions allowed by law.

[ARC 8081C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—504.4(272C) Discretion of board.** The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative serious nature of the violation as it relates to ensuring the citizens of this state a high standard of professional care.
2. The facts of the particular violation.
3. Any extenuating facts or other countervailing considerations.
4. The number of prior violations or complaints.
5. The seriousness of prior violations or complaints.
6. Whether remedial action has been taken.
7. Such other factors as may reflect upon the competency, ethical standards, and professional conduct of the licensee.

[ARC 8081C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

These rules are intended to implement Iowa Code sections 21.7, 272C.4, 272C.5, and 272C.6.

[Filed 5/14/99, Notice 3/24/99—published 6/2/99, effective 7/7/99]

[Filed ARC 8081C (Notice ARC 7305C, IAB 1/24/24), IAB 6/26/24, effective 7/31/24]

[Editorial change: IAC Supplement 9/18/24]

CHAPTER 505  
MODEL RULES FOR LICENSEE REVIEW COMMITTEE  
[Prior to 7/10/24, see Public Health Department[641] Ch 193]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/8/29

**481—505.1(272C) Definitions.** For the purpose of these rules, the following definitions apply:

“*Committee*” means the licensee review committee established by a licensing board pursuant to the authority of Iowa Code section 272C.3(1) “k.”

“*Contract*” means the written document establishing the terms for participation in the program.

“*Impairment*” means a condition identified in Iowa Code section 272C.3(1) “k” that renders or, if left untreated, is reasonably likely to render a licensee unable to practice the licensee’s profession with reasonable skill and safety.

“*Initial agreement*” means the written document establishing the initial terms for participation in the program.

“*Licensing board*” or “*board*” means the same as defined in Iowa Code section 272C.1(6).

“*Licensee*” means a person licensed by a licensing board.

“*Self-report*” means written notification provided by the licensee to the program that the licensee has had, has, or may have an impairment. A self-report can be made even if the applicable licensing board has received a complaint or a third party has alleged the same.

[ARC 7753C, IAB 4/3/24, effective 5/8/24; Editorial change: IAC Supplement 7/10/24]

**481—505.2(272C) Purpose.** The committee assists and monitors the recovery or rehabilitation of practitioners who self-report potential impairments or who are referred by the board. The program is both an advocate for participant health and a means to protect the health and safety of the public.

[ARC 7753C, IAB 4/3/24, effective 5/8/24; Editorial change: IAC Supplement 7/10/24]

**481—505.3(272C) Composition of the committee.** The division of licensing appoints the members of the committee.

**505.3(1) Membership.** The committee may be composed of but not limited to members with the following qualifications:

- a. A health care professional who has expertise in the area of substance use and addiction treatment.
- b. A health care professional who has expertise in the diagnosis and treatment of mental health conditions.
- c. A psychiatrist who holds a current, active Iowa license as defined in rule 653—9.1(147,148,150,150A).
- d. A licensee who has maintained recovery for a period of no less than two years since successfully completing a recovery program, a board-ordered probation for substance use, or a comparable monitoring program.
- e. A licensed physician, physician assistant or advanced registered nurse licensee whose specialty area is family practice, internal medicine, or emergency medicine or who has expertise in substance use disorders, mental health conditions or both.
- f. A licensed psychiatric pharmacist.
- g. A public member.
- h. Non-voting members, which may include the board’s executive director, the bureau chief or designee, the bureau chief of monitoring, and, if requested to join the committee for consultation during a participant review, an executive officer or board member under which a participant is regulated.

**505.3(2) Officers.** At the last meeting of each calendar year, the committee elects co-chairpersons to serve a one-year term beginning January 1.

**505.3(3) Terms.** Committee members are appointed for a three-year term, for a maximum of three terms. Each term expires on December 31 of the third year of the term. Initial terms are for a period of one to three years as designated by the division to provide continuity to the committee.

[ARC 7753C, IAB 4/3/24, effective 5/8/24; Editorial change: IAC Supplement 7/10/24]

**481—505.4(272C) Eligibility.**

**505.4(1) Eligibility.** To be eligible for participation in the program, a prospective participant must self-report or be referred by the board for an impairment or potential impairment. The committee will determine for each self-report or referral whether the prospective participant is an appropriate candidate for participation in the program. A prospective participant is ineligible if the committee finds sufficient evidence that the prospective participant:

- a. Diverted medication for distribution to third parties or for personal profit;
- b. Adulterated, misbranded, or otherwise tampered with medication intended for a patient;
- c. Provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the committee; or
- d. Caused injury or harm to a patient or client.

**505.4(2) Board referral.** The board may refer a licensee to the program privately, in a public disciplinary order, or other public order if a complaint or investigation reveals an impairment or potential impairment or the board determines that the licensee is an appropriate candidate for review by the committee.

**505.4(3) Discretion.** Eligibility for participation in the program is at the sole discretion of the committee. No person is entitled to participate in the program.

**505.4(4) Limitations.** The committee establishes the terms and monitors a participant's compliance with the program specified in the contract. The committee is not responsible for participants who fail to comply with the terms of the program or successfully complete the program. Participation in the program shall not relieve the participant's board of any duties nor divest the board of any authority or jurisdiction otherwise provided. Any violation of the statutes or rules governing the practice of the participant's profession and unrelated to their impairment will be referred to the board for appropriate action.

[ARC 7753C, IAB 4/3/24, effective 5/8/24; Editorial change: IAC Supplement 7/10/24]

**481—505.5(272C) Terms of participation in the impaired practitioner recovery program.** A participant is responsible for complying with the terms of participation established in the initial agreement and the contract, and for all expenses incurred to comply with the terms imposed by the program. Terms of participation specified in the contract shall include, but not be limited to:

**505.5(1) Duration.** Length of participation in the program may vary depending upon the review of all relevant information and the nature of the impairment.

**505.5(2) Noncompliance.** Participants are responsible for notifying the committee of any instance of noncompliance. Notification of noncompliance made to the committee by the participant, a monitoring provider, or another party may result in notice to the board for its consideration of disciplinary action.

a. *First instance.* After a first instance of significant noncompliance, including a relapse, the committee may give notice to the board identifying the participant by number, describing the relevant terms of the participant's contract and the noncompliance, and including the committee's recommendation for continued participation in the program.

b. *Second instance.* After a second instance of significant noncompliance, including a relapse, the committee may refer the case and the participant's identity to the board. In its referral, the committee may make recommendations as to continued participation in the program.

c. *Referral at any time.* The committee may make a referral to the board for noncompliance that identifies the participant by name at any time the circumstances warrant such a referral.

**505.5(3) Practice limitations.** The committee may impose limitations on a participant's practice as a term of the contract until such time as the committee receives a report from an approved evaluator that the licensee is capable of practicing with reasonable safety and skill. Participation in the program is conditioned upon participants agreeing to limit practice as requested by the committee and established in accordance with the terms specified in the contract. If a participant refuses to agree to or comply with the limitations established in the initial agreement or contract, the committee will refer the licensee to the board for appropriate action.

**505.5(4) Staff discretion.** Staff, in consultation with legal counsel, may provide guidance and direction to participants between regularly scheduled committee meetings, including program descriptions, interim limitations on practice, and negotiation and execution of initial agreements and contracts on behalf

of the committee. The committee retains authority to review all interim decisions at its discretion. Staff may consult with the committee chairperson or medical director if needed.

[ARC 7753C, IAB 4/3/24, effective 5/8/24; Editorial change: IAC Supplement 7/10/24]

**481—505.6(272C) Confidentiality.** Information in the possession of the board or the committee is subject to the confidentiality requirements of Iowa Code section 272C.6.

**505.6(1)** Participants must report their participation to the applicable monitoring program or licensing authority in any state in which the participant is currently licensed or in which the participant seeks licensure.

**505.6(2)** The committee is authorized to communicate information about a participant to any person assisting in the participant's treatment, recovery, rehabilitation, monitoring, or maintenance for the duration of the initial agreement or contract.

**505.6(3)** The committee is authorized to communicate information about a participant to the board if a participant does not comply with the terms of the contract as set forth in rule 641—193.5(272C).

**505.6(4)** The committee is authorized to communicate information about a current or former participant to the board if reliable information held by the committee reasonably indicates that a significant risk to the public exists.

**505.6(5)** If the board initiates disciplinary or other action against a participant or former participant as a result of communication from the committee, the board may include information from the program file in the public documents.

[ARC 7753C, IAB 4/3/24, effective 5/8/24; Editorial change: IAC Supplement 7/10/24]

These rules are intended to implement Iowa Code chapter 272C.

[Filed emergency 6/27/96 after Notice 4/10/96—published 7/17/96, effective 6/27/96]

[Filed ARC 8799B (Notice ARC 8634B, IAB 3/24/10), IAB 6/2/10, effective 7/7/10]

[Filed ARC 7753C (Notice ARC 7287C, IAB 1/10/24), IAB 4/3/24, effective 5/8/24]

[Editorial change: IAC Supplement 7/10/24]

CHAPTER 506  
MODEL RULES FOR CONTESTED CASES BEFORE LICENSING BOARDS AND INFORMAL  
SETTLEMENTS

[Prior to 9/18/24, see Professional Licensure Division[645] Ch 11]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/31/29

**481—506.1(17A) Scope and applicability.** This chapter applies to contested case proceedings conducted by the board of \_\_\_\_\_ examiners.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.2(17A) Definitions.** Except where otherwise specifically defined by law:

“*Contested case*” means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under Iowa Code section 17A.10A.

“*Issuance*” means the date of mailing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

“*Party*” means the state of Iowa as represented by the assistant attorney general assigned to prosecute the case on behalf of the public interest, the respondent, or an intervenor.

“*Presiding officer*” means the board of \_\_\_\_\_ examiners.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.3(17A) Time requirements.**

**506.3(1)** Time will be computed as provided in Iowa Code section 4.1(34).

**506.3(2)** For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute or by rule. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer will afford all parties an opportunity to be heard or to file written arguments.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.4(17A) Probable cause.** If the board finds there is probable cause for taking disciplinary action against a licensee following investigation, the board will order that a contested case hearing be commenced by the filing of a statement of charges and notice of hearing.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.5(17A) Statement of charges and notice of hearing.**

**506.5(1)** *Legal review.* Every statement of charges and notice of hearing prepared by the board will be reviewed by the office of the attorney general prior to filing.

**506.5(2)** *Delivery.* Delivery of the statement of charges and notice of hearing constitutes the commencement of the contested case proceeding. Delivery may be executed by:

- a. Personal service as provided in the Iowa Rules of Civil Procedure; or
- b. Restricted certified mail, return receipt requested; or
- c. Publication, as provided in the Iowa Rules of Civil Procedure.

**506.5(3)** *Contents.* The statement of charges and notice of hearing will contain the following information:

- a. A statement by the board showing that there is probable cause to file the statement of charges;
- b. A statement of the time, place, and nature of the hearing;
- c. A statement of the legal authority and jurisdiction under which the hearing is to be held;
- d. A reference to the particular sections of the statutes and rules involved;
- e. A short and plain statement of the matters asserted containing sufficient detail to give the respondent fair notice of the allegations so that the respondent may adequately respond to the charges, and to give the public notice of the matters at issue;
- f. Identification of all parties including the name, address and telephone number of the assistant attorney general designated as prosecutor for the state and the parties’ counsel, if known;

- g. Reference to the procedural rules governing conduct of the contested case proceeding;
- h. Reference to the procedural rules governing informal settlement;
- i. Identification of the board as the presiding officer; and
- j. Notification of the time period in which a party may request, when applicable, and pursuant to Iowa Code section 17A.11 and rules 481—506.8(17A,272C) and 481—506.9(17A,272C), that the presiding officer be an administrative law judge.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.6(17A,272C) Legal representation.** Following the filing of the statement of charges and notice of hearing, the office of the attorney general will be responsible for the legal representation of the public interest in all proceedings before the board. The assistant attorney general assigned to prosecute a contested case before the board will not represent the board in that case but will represent the public interest. All other parties to a proceeding before the board will be entitled to have counsel at their own expense.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.7(17A,272C) Presiding officer in a disciplinary contested case.** The presiding officer in a disciplinary contested case will be the board. The board may request that an administrative law judge assist the board with initial rulings on prehearing matters. Decisions of the administrative law judge serving in this capacity are subject to the interlocutory appeal provisions of rule 481—506.24(17A). An administrative law judge may assist and advise the board at the contested case hearing.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.8** Reserved.

**481—506.9(17A) Presiding officer in a nondisciplinary contested case.**

**506.9(1)** Any party in a nondisciplinary contested case who wishes to request that the presiding officer assigned to render a proposed decision be an administrative law judge employed by the department of inspections, appeals, and licensing must file a written request within 20 days after service of a notice of hearing that identifies or describes the presiding officer as the board.

**506.9(2)** The board may deny the request only upon a finding that one or more of the following apply:

- a. There is a compelling need to expedite issuance of a final decision in order to protect the public health, safety, or welfare.
- b. An administrative law judge with the qualifications identified in subrule 506.9(4) is unavailable to hear the case within a reasonable time.
- c. The case involves significant policy issues of first impression that are inextricably intertwined with the factual issues presented.
- d. The demeanor of the witnesses is likely to be dispositive in resolving the disputed factual issues.
- e. Funds are unavailable to pay the costs of an administrative law judge and an interagency appeal.
- f. The request was not timely filed.
- g. The request is not consistent with a specified statute.

**506.9(3)** The board will issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed. If the ruling is contingent upon the availability of an administrative law judge with the qualifications identified in subrule 506.9(4), the parties shall be notified at least ten days prior to hearing if a qualified administrative law judge will not be available.

**506.9(4)** An administrative law judge assigned to act as presiding officer in a nondisciplinary contested case shall have a J.D. degree unless waived by the agency.

**506.9(5)** Except as provided otherwise by another provision of law, all rulings by an administrative law judge acting as presiding officer in a nondisciplinary contested case are subject to appeal to the board. A party must seek appeal to the board in order to exhaust adequate administrative remedies. Such appeals must be filed within ten days of the date of the issuance of the challenged ruling, but no later than the time for compliance with the order or the date of hearing, whichever is first.

**506.9(6)** Unless otherwise provided by law, when reviewing a proposed decision of an administrative law judge in a nondisciplinary contested case upon appeal, the board will have the powers of and will comply with the provisions of this chapter which apply to presiding officers.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.10(17A) Disqualification.**

**506.10(1)** A presiding officer or other person will withdraw from participation in the making of any proposed or final decision in a contested case if that person:

- a. Has a personal bias or prejudice concerning a party or a representative of a party;
- b. Has personally investigated, prosecuted or advocated, in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;
- c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;
- d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;
- e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;
- f. Has a spouse or relative within the third degree of relationship that:
  - (1) Is a party to the case, or an officer, director or trustee of a party;
  - (2) Is a lawyer in the case;
  - (3) Is known to have an interest that could be substantially affected by the outcome of the case; or
  - (4) is likely to be a material witness in the case; or
- g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

**506.10(2)** The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include:

- a. General direction and supervision of assigned investigators;
- b. Unsolicited receipt of information that is relayed to assigned investigators;
- c. Review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding; or
- d. Exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter that culminates in a contested case.

**506.10(3)** Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case will be disclosed if required by Iowa Code section 17A.17(3) and subrules 506.10(3) and 506.22(9).

**506.10(4)** In a situation where a presiding officer or other person knows of information that might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, that person will submit the relevant information for the record by affidavit including a statement of the reasons for the determination that withdrawal is unnecessary.

**506.10(5)** If a party asserts disqualification on any appropriate ground, including those listed in subrule 506.10(1), the party will file a motion supported by an affidavit pursuant to Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party. The board will determine the matter as part of the record in the case.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.11(17A) Consolidation—severance.**

**506.11(1)** *Consolidation.* The presiding officer may consolidate any or all matters at issue in two or more contested case proceedings where:

- a. The matters at issue involve common parties or common questions of fact or law;
- b. Consolidation would expedite and simplify consideration of the issues involved; and



c. Consolidation would not adversely affect the rights of any of the parties to those proceedings.

**506.11(2) Severance.** The presiding officer may, for good cause shown, order any contested case proceedings or portions thereof severed.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.12(17A) Pleadings.**

**506.12(1) Pleadings.** Pleadings may be required by rule, by the statement of charges, or by order of the presiding officer.

**506.12(2) Answer.** An answer will be filed within 20 days of service of the statement of charges and notice of hearing.

a. An answer will:

- (1) Identify on whose behalf it is filed;
- (2) Set forth the name, address and telephone number of the person filing the answer, the person on whose behalf it is filed, and the attorney, if any, representing that person;
- (3) Specifically admit, deny, or otherwise answer all material allegations of the statement of charges; and
- (4) Set forth any facts deemed necessary to show an affirmative defense and contain as many additional defenses as the respondent may claim.

b. The presiding officer may refuse to consider any defense not raised in the answer that could have been raised on the basis of facts known when the answer was filed if any party would be prejudiced.

**506.12(3) Amendments.** Any notice of hearing or statement of charges may be amended before a responsive pleading has been filed. Otherwise, a party may amend a pleading only with the consent of the other parties or at the discretion of the presiding officer who may impose terms or grant a continuance.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.13(17A) Service and filing.**

**506.13(1) Service—when required.** Except where otherwise provided by law, every document filed in a contested case proceeding will be served upon each of the parties of record to the proceeding, including the person designated as prosecutor for the state, simultaneously with its filing. Except for the original statement of charges and notice of hearing and an application for rehearing as provided in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

**506.13(2) Service—how made.** Service upon a party represented by an attorney will be made upon the attorney unless otherwise ordered. Service is made by delivery or by mailing a copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

**506.13(3) Filing—when required.** After the notice of hearing, all documents in a contested case proceeding will be filed with the board. All documents that are required to be served upon a party will be filed simultaneously with the board.

**506.13(4) Filing—when made.** Except where otherwise provided by law, a document is deemed filed at the time it is delivered to the Iowa Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321-1270; delivered to an established courier service for immediate delivery to that office; or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

**506.13(5) Proof of mailing.** Proof of mailing includes:

- a. A legible United States Postal Service postmark on the envelope, or
- b. A certificate of service, or
- c. A notarized affidavit, or
- d. A certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the \_\_\_\_\_ Board, and to the names and addresses of the parties listed below by depositing the same in (a United States Post Office mailbox with correct postage properly affixed or state interoffice mail).

(Date)

(Signature)

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.14(17A) Discovery.**

**506.14(1)** Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules, by order of the presiding officer, or by agreement of the parties, time periods for compliance with discovery will be as provided in the Iowa Rules of Civil Procedure.

**506.14(2)** Any motion relating to discovery will allege that the moving party has previously made a good-faith attempt to resolve the discovery issues involved with the opposing party. Motions in regard to discovery will be ruled upon by the presiding officer. Opposing parties will be afforded the opportunity to respond within ten days of the filing of the motion unless the time is shortened as provided in subrule 506.14(1). The presiding officer may rule on the basis of the written motion and any response, or may order argument on the motion.

**506.14(3)** Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible in that proceeding.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.15(17A,272C) Subpoenas in a contested case.**

**506.15(1)** Subpoenas issued in a contested case may compel the attendance of witnesses at a deposition or hearing, and may compel the production of books, papers, records, and other real evidence. A command to produce evidence or to permit inspection may be joined with a command to appear at a deposition or hearing, or may be issued separately. Subpoenas shall be issued by the board administrator or designee upon written request. A request for a subpoena of mental health records must confirm the conditions described in 481—subrule 503.5(1) prior to the issuance of the subpoena.

**506.15(2)** A request for a subpoena will include the following information, as applicable, unless the subpoena is requested to compel testimony or documents for rebuttal or impeachment purposes:

- a. The name, address and telephone number of the person requesting the subpoena;
- b. The name and address of the person to whom the subpoena shall be directed;
- c. The date, time, and location at which the person shall be commanded to attend and give testimony;
- d. Whether the testimony is requested in connection with a deposition or hearing;
- e. A description of the books, papers, records or other real evidence requested;
- f. The date, time and location for production, or inspection and copying; and
- g. In the case of a subpoena request for mental health records, confirmation that the conditions described in 481—subrule 503.5(1) have been satisfied.

**506.15(3)** Each subpoena will contain, as applicable:

- a. The caption of the case;
- b. The name, address and telephone number of the person who requested the subpoena;
- c. The name and address of the person to whom the subpoena is directed;
- d. The date, time, and location at which the person is commanded to appear;
- e. Whether the testimony is commanded in connection with a deposition or hearing;
- f. A description of the books, papers, records or other real evidence the person is commanded to produce;
- g. The date, time and location for production, or inspection and copying;
- h. The time within which a motion to quash or modify the subpoena must be filed;
- i. The signature, address and telephone number of the board administrator or designee;
- j. The date of issuance; and
- k. A return of service.

**506.15(4)** Unless a subpoena is requested to compel testimony or documents for rebuttal or impeachment purposes, the board administrator or designee will mail the subpoena to the requesting party, with a copy to the opposing party. The person who requested the subpoena is responsible for serving the subpoena upon the subject of the subpoena.

**506.15(5)** Any person who is aggrieved or adversely affected by compliance with the subpoena, or any party to the contested case who desires to challenge the subpoena, must, within 14 days after service of the subpoena, or before the time specified for compliance if such time is less than 14 days, file with the board a motion to quash or modify the subpoena describing the legal reasons why the subpoena should be quashed or modified, and the motion may be accompanied by legal briefs or factual affidavits.

**506.15(6)** Upon receipt of a timely motion to quash or modify a subpoena, the board may request an administrative law judge to issue a decision, or the board may issue a decision. Oral argument may be scheduled at the discretion of the board or the administrative law judge. The administrative law judge or the board may quash or modify the subpoena, deny the motion, or issue an appropriate protective order.

**506.15(7)** A person aggrieved by a ruling of an administrative law judge who desires to challenge that ruling must appeal the ruling to the board by serving on the board administrator, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge.

**506.15(8)** If the person contesting the subpoena is not a party to the contested case, the board's decision is final for purposes of judicial review. If the person contesting the subpoena is a party to the contested case, the board's decision is not final for purposes of judicial review until there is a final decision in the contested case.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

#### **481—506.16(17A) Motions.**

**506.16(1)** Prehearing motions must be in writing, state the grounds for relief, and state the relief sought.

**506.16(2)** Any party may file a written response to a motion within ten days after the motion is served, unless the time period is extended or shortened by the presiding officer. The presiding officer may consider a failure to respond within the required time period in ruling on a motion.

**506.16(3)** The presiding officer may schedule oral argument on any motion.

**506.16(4)** Motions pertaining to the hearing must be filed and served at least ten days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by rule of the agency or an order of the presiding officer.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

#### **481—506.17(17A) Prehearing conferences.**

**506.17(1)** Any party may request a prehearing conference. Prehearing conferences will be conducted by the board administrator, who may request the assistance of an administrative law judge. A written request for prehearing conference or an order for prehearing conference on the board administrator's own motion will be filed prior to the contested case hearing, but no later than 20 days prior to the hearing date. Written notice of the prehearing conference will be given by the board administrator to all parties. For good cause the board administrator may permit variances from this rule.

**506.17(2)** The parties at a prehearing conference will be prepared to discuss the following subjects, and the board administrator or administrative law judge may issue appropriate orders concerning:

- a.* The possibility of settlement.
- b.* The entry of a scheduling order to include deadlines for completion of discovery.
- c.* Stipulations of law or fact.
- d.* Stipulations on the admissibility of exhibits.
- e.* Submission of expert and other witness lists. Witness lists may be amended subsequent to the prehearing conference within the time limits established by the board administrator or administrative law judge at the prehearing conference. Any such amendments must be served on all parties. Witnesses not listed on the final witness list may be excluded from testifying unless there was good cause for the failure to include their names.
- f.* Submission of exhibit lists. Exhibit lists may be amended subsequent to the prehearing conference within the time limits established by the board administrator or administrative law judge at the prehearing conference. Exhibits other than rebuttal exhibits that are not listed on the final exhibit list may be excluded from admission into evidence unless there was good cause for the failure to include them.

- g.* Stipulations for waiver of any provision of law.
- h.* Identification of matters that the parties intend to request be officially noticed.
- i.* Consideration of any additional matters that will expedite the hearing.

**506.17(3)** Prehearing conferences may be conducted by telephone unless otherwise ordered.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.18(17A) Continuances.**

**506.18(1)** Applications for continuances will be filed with the board. If the application for continuance is not contested, the board administrator will issue the appropriate order. If the application for continuance is contested, the matter will be heard by the board or may be delegated by the board to an administrative law judge.

**506.18(2)** A written application for a continuance will:

- a.* Be made at the earliest possible time and no less than five working days before the hearing. Within five working days of the date set for hearing, no continuances shall be granted except for extraordinary, extenuating, or emergency circumstances;
- b.* State the specific reasons for the request; and
- c.* Be signed by the requesting party or the party's representative.

**506.18(3)** The presiding officer may require documentation of any grounds for continuance. In determining whether to grant a continuance, the presiding officer may consider:

- a.* Prior continuances;
- b.* The interests of all parties;
- c.* The public interest;
- d.* The likelihood of informal settlement;
- e.* The existence of an emergency;
- f.* Any objection;
- g.* Any applicable time requirements;
- h.* The existence of a conflict in the schedules of counsel, parties, or witnesses;
- i.* The timeliness of the request; and
- j.* Other relevant factors.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.19(17A,272C) Hearing procedures.**

**506.19(1)** The presiding officer will have the authority to administer oaths, to admit or exclude testimony or other evidence, and to rule on all motions and objections. The presiding officer may request that an administrative law judge perform any of these functions and may be assisted and advised by an administrative law judge.

**506.19(2)** All objections will be timely made and stated on the record.

**506.19(3)** Parties have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Any party may be represented by an attorney at the party's own expense.

**506.19(4)** Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

**506.19(5)** The presiding officer will maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

**506.19(6)** Witnesses may be sequestered during the hearing.

**506.19(7)** The presiding officer will have authority to grant immunity from disciplinary action to a witness as provided by Iowa Code section 272C.6(3).

**506.19(8)** The presiding officer will conduct the hearing in the following manner:

- a.* The presiding officer will give an opening statement briefly describing the nature of the proceedings;
- b.* The parties will be given an opportunity to present opening statements;
- c.* The parties will present their cases in the sequence determined by the presiding officer;

*d.* Each witness will be sworn or affirmed by the presiding officer or the court reporter and be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

*e.* When all parties and witnesses have been heard, the parties may be given the opportunity to present final arguments.

**506.19(9)** The board members and the administrative law judge have the right to question a witness. Examination of witnesses is subject to properly raised objections.

**506.19(10)** The hearing will be open to the public unless the licensee requests that the hearing be closed.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

#### **481—506.20(17A) Evidence.**

**506.20(1)** The presiding officer will rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with all applicable requirements of law.

**506.20(2)** Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

**506.20(3)** Evidence in the proceeding will be confined to the issues as to which the parties received notice prior to the hearing unless a party waives the party's right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence on issues outside the scope of the notice over the objection of a party who did not have actual notice of those issues, that party, upon timely request, will receive a continuance sufficient to amend pleadings and to prepare on the additional issue.

**506.20(4)** The party seeking admission of an exhibit must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents should normally be provided to opposing parties. All exhibits admitted into evidence will be appropriately marked and be made part of the record.

**506.20(5)** Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. Such an objection will be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

**506.20(6)** Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it will be marked as part of an offer of proof and inserted in the record.

**506.20(7)** Irrelevant, immaterial and unduly repetitious evidence should be excluded. A finding will be based upon the kind of evidence upon which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based on hearsay or other types of evidence that may or would be inadmissible in a jury trial.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

#### **481—506.21(17A) Default.**

**506.21(1)** If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

**506.21(2)** Where appropriate and not contrary to law, any party may move for default against a party who has failed to appear after proper service.

**506.21(3)** Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final agency action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated. A motion to vacate must state all facts relied upon by the moving party that establish that good cause existed for that party's failure to appear or participate at the

contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) must be attached to the motion.

**506.21(4)** The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

**506.21(5)** Properly substantiated and timely filed motions to vacate will be granted only for good cause shown. The burden of proof as to good cause is on the moving party. Adverse parties will have ten days to respond to a motion to vacate. Adverse parties will be allowed to conduct discovery as to the issue of good cause and to present evidence on the issue prior to a decision on the motion, if a request to do so is included in that party's response.

**506.21(6)** "Good cause" for purposes of this rule shall have the same meaning as "good cause" for setting aside a default judgment under the Iowa Rules of Civil Procedure.

**506.21(7)** A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 481—506.24(17A).

**506.21(8)** If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer will issue another notice of hearing and the contested case will proceed accordingly.

**506.21(9)** A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 481—506.26(17A).

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

#### **481—506.22(17A) Ex parte communication.**

**506.22(1)** Prohibited communications. Unless required for the disposition of ex parte matters specifically authorized by statute, following issuance of the statement of charges and notice of hearing, there will be no communication, directly or indirectly, between the presiding officer and any party or representative of any party or any other person with a direct or indirect interest in such case in connection with any issue of fact or law in the case except upon notice and opportunity for all parties to participate. Nothing in this provision is intended to preclude board members from communicating with other board members or members of the board staff, other than those with a personal interest in, or those engaged in personally investigating, prosecuting, or advocating in, either the case under consideration or a pending factually related case involving the same parties, as long as those persons do not directly or indirectly communicate to the presiding officer any ex parte communications they have received of a type that the presiding officer would be prohibited from receiving or that furnish, augment, diminish, or modify the evidence in the record.

**506.22(2)** Prohibitions on ex parte communications commence with the issuance of the statement of charges and notice of hearing in a contested case and continue for as long as the case is pending before the board.

**506.22(3)** Written, oral or other forms of communication are ex parte if made without notice and opportunity for all parties to participate.

**506.22(4)** To avoid prohibited ex parte communications, notice must be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications will be provided in compliance with rule 481—506.6(17A) and may be supplemented by telephone, facsimile, electronic mail or other means of notification. Where permitted, oral communications may be initiated through conference telephone call including all parties or their representatives.

**506.22(5)** Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

**506.22(6)** The board administrator or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a final decision under any provision of law and they comply with this rule.

**506.22(7)** Communications with the presiding officer involving uncontested scheduling or procedural matters do not require notice or opportunity for parties to participate. Parties should notify other parties

prior to initiating such contact with the presiding officer when feasible, and will notify other parties when seeking to continue hearings or other deadlines.

**506.22(8)** A presiding officer who receives a prohibited ex parte communication during the pendency of a contested case must initially determine if the effect of the communication is so prejudicial that the presiding officer should be disqualified.

*a.* If the presiding officer determines that disqualification is warranted, a copy of any prohibited written communication, all written responses to the communication, a written summary stating the substance of any prohibited oral or other communication not available in written form for disclosure, all responses made, and the identity of each person from whom the presiding officer received a prohibited ex parte communication will be submitted for inclusion in the record under seal by protective order.

*b.* If the presiding officer determines that disqualification is not warranted, such documents will be submitted for inclusion in the record and served on all parties. Any party desiring to rebut the prohibited communication must be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

**506.22(9)** Promptly after being assigned to serve as presiding officer at any stage in a contested case proceeding, a presiding officer shall disclose to all parties material factual information received through ex parte communication prior to such assignment unless the factual information has already been or shortly will be disclosed pursuant to Iowa Code section 17A.13(2) or through discovery. Factual information contained in an investigative report or similar document need not be separately disclosed by the presiding officer as long as such documents have been or will shortly be provided to the parties.

**506.22(10)** The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, suspension or revocation of the privilege to practice before the agency. Violation of ex parte communication prohibitions by board personnel will be reported to the board and its board administrator for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.23(17A) Recording costs.** Upon request, the board will provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record will be paid by the requesting party.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.24(17A) Interlocutory appeals.** Upon written request of a party or on its own motion, the board may review an interlocutory order of the board administrator or an administrative law judge. Any request for interlocutory review must be filed within 14 days of issuance of the challenged order, but no later than the time for compliance with the order or the date of hearing, whichever is first. In determining whether to review an interlocutory order, the board will consider:

1. The extent to which its granting the interlocutory appeal would expedite final resolution of the case; and

2. The extent to which review of that interlocutory order by the board at the time it reviews the proposed decision of the presiding officer would provide an adequate remedy.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.25(17A) Applications for rehearing.**

**506.25(1)** *Who may file.* Any party to a contested case proceeding may file an application for rehearing from a final order. The filing of an application for rehearing is not necessary to exhaust administrative remedies for purposes of judicial review.

**506.25(2)** *Content of application.* The application for rehearing will state on whose behalf it is filed, the specific grounds for rehearing, and the relief sought. In addition, the application shall state whether the applicant desires reconsideration of all or part of the agency decision on the existing record and whether the applicant requests an opportunity to submit additional evidence.

**506.25(3)** *Additional evidence.* A party may request the taking of additional evidence only by establishing that (a) the facts or other evidence arose after the original proceeding, or (b) the party offering

such evidence could not reasonably have provided such evidence at the original proceedings, or (c) the party offering the additional evidence was misled by any party as to the necessity for offering such evidence at the original proceeding. A written request to present additional evidence must be filed with the application for rehearing or by a nonappealing party within 14 days of service of the notice of appeal.

**506.25(4) *Filing deadline.*** The application will be filed with the board within 20 days after issuance of the final decision.

**506.25(5) *Notice to other parties.*** A copy of the application will be timely mailed by the applicant to all parties of record not joining therein.

**506.25(6) *Disposition.*** Any application for a rehearing will be deemed denied unless the agency grants the application within 20 days after its filing.

**506.25(7) *Only remedy.*** Application for rehearing is the only procedure by which a party may request that the board reconsider a final board decision.

**506.25(8) *Proceedings.*** If the board grants an application for rehearing, the board may set the application for oral argument or for hearing if additional evidence will be received. If additional evidence will not be received, the board may issue a ruling without oral argument or hearing. The board may, on the request of a party or on its own motion, order or permit the parties to provide written argument on one or more designated issues. The board may be assisted by an administrative law judge in all proceedings related to an application for rehearing.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

#### **481—506.26(17A) Stays of agency actions.**

**506.26(1) *When available.*** Any party to a contested case proceeding may petition the board for a stay of an order issued in that proceeding or for other temporary remedies, pending review by the board or pending judicial review. The petition shall state the reasons justifying a stay or other temporary remedy.

**506.26(2) *When granted.*** In determining whether to grant a stay, the board will consider the factors listed in Iowa Code section 17A.19(5)“c.”

**506.26(3) *Vacation.*** A stay may be vacated by the issuing authority upon application of the board or any other party.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.27(17A) No factual dispute contested cases.** If the parties agree that no dispute of material fact exists as to a matter that would be a contested case if such a dispute of fact existed, the parties may present all relevant admissible evidence either by stipulation or otherwise as agreed by the parties, without necessity for the production of evidence at an evidentiary hearing. If such agreement is reached, a jointly submitted schedule detailing the method and timetable for submission of the record, briefs and oral argument should be submitted to the presiding officer for approval as soon as practicable.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

#### **481—506.28(17A) Emergency adjudicative proceedings.**

**506.28(1) *Emergency action.*** To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the board may issue a written order in compliance with Iowa Code section 17A.18A to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the board by emergency adjudicative order.

**506.28(2)** Before issuing an emergency adjudicative order, the board will consider factors including but not limited to the following:

*a.* Whether there has been a sufficient factual investigation to ensure that the board is proceeding on the basis of reliable information;

*b.* Whether the specific circumstances that pose immediate danger to the public health, safety or welfare have been identified and determined to be continuing;

*c.* Whether the person required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety or welfare;



d. Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety or welfare; and

e. Whether the specific action contemplated by the board is necessary to avoid the immediate danger.

**506.28(3) Issuance of order.**

a. An emergency adjudicative order will contain findings of fact, conclusions of law, and policy reasons to justify the determination of an immediate danger in the board's decision to take immediate action. The order is a public record.

b. The written emergency adjudicative order will be immediately delivered to the person who is required to comply with the order by utilizing one or more of the following procedures:

(1) Personal delivery;

(2) Certified mail, return receipt requested, to the last address on file with the agency;

(3) Certified mail to the last address on file with the agency; or

(4) Fax. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.

c. To the degree practicable, the board will select the procedure for providing written notice that best ensures prompt, reliable delivery.

**506.28(4) Oral notice.** Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order is issued, the board will make reasonable immediate efforts to contact by telephone the person who is required to comply with the order.

**506.28(5) Completion of proceedings.** After the issuance of an emergency adjudicative order, the board will proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

a. Issuance of a written emergency adjudicative order will include notification of the date on which board proceedings are scheduled for completion.

b. After issuance of an emergency adjudicative order, continuance of further board proceedings to a later date will be granted only in compelling circumstances upon application in writing unless the person who is required to comply with the order is the party requesting the continuance.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.29(17A) Appeal.** Any appeal to district court from a decision in a contested case will be taken within 30 days from the date of issuance of the decision by the board pursuant to Iowa Code section 17A.19.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.30(272C) Publication of decisions.** Final decisions of the board in a contested case will be transmitted to the appropriate association, the news media, and the employer.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.31(272C) Reinstatement.**

**506.31(1)** Any person whose license to practice has been revoked or suspended may apply to the board for reinstatement in accordance with the terms and conditions of the order of revocation or suspension, unless the order of revocation provides that the license is permanently revoked.

**506.31(2)** Unless otherwise provided by law, if the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the order or the date of the voluntary surrender.

**506.31(3)** All proceedings for reinstatement will be initiated by the respondent, who will file with the board an application for reinstatement of the license. Such application will be docketed in the original case in which the license was revoked, suspended, or relinquished. All proceedings upon the application for reinstatement will be subject to the same rules of procedure as other cases before the board.

**506.31(4)** An application for reinstatement will allege facts that, if established, will be sufficient to enable the board to determine that the basis for the revocation, suspension or voluntary surrender of the

respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts is on the respondent.

**506.31(5)** An order of reinstatement will be based upon a decision that incorporates findings of facts and conclusions of law. The order will be published as provided for in this chapter.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.32(17A,272C) License denial.**

**506.32(1)** An applicant who has been denied licensure by the board may appeal the denial and request a hearing on the issues related to the licensure denial by serving a notice of appeal and request for hearing upon the board not more than 30 days following the date of mailing of the notification of licensure denial to the applicant. The request for hearing will specifically delineate the facts to be contested at the hearing.

**506.32(2)** All hearings held pursuant to this rule will be held pursuant to the process outlined in this chapter.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

**481—506.33(17A,272C) Informal settlement.**

**506.33(1)** *Informal settlement—parties.* A contested case may be resolved by informal settlement. Negotiation of an informal settlement may be initiated by the state of Iowa represented by an assistant attorney general, the respondent, or the board. The board shall designate a board member with authority to negotiate on behalf of the board. The full board will not be involved in negotiations until the presentation of a final, written, signed informal settlement to the full board for approval.

**506.33(2)** *Informal settlement—waiver of notice and opportunity to be heard.* Consent to negotiation by a respondent constitutes a waiver of notice and opportunity to be heard pursuant to Iowa Code chapter 17A during informal settlement negotiation, and the assistant attorney general is thereafter authorized to discuss informal settlement with the board's designee until that consent is expressly withdrawn.

**506.33(3)** *Informal settlement—board approval.* All informal settlements are subject to approval of a majority of the board. No informal settlement will be presented to the board for approval except in final, written form executed by the respondent. If the board fails to approve the informal settlement, it will be of no force or effect to either party.

**506.33(4)** *Informal settlement—disqualification of designee.* A board member who is designated to act in negotiation of settlement is not disqualified from participating in the contested case should the case proceed to hearing.

**506.33(5)** *Voluntary surrender.* The board may accept the voluntary surrender of a license if accompanied by a written statement of intention. A voluntary surrender, when accepted in connection with a disciplinary proceeding, has the same force and effect as an order of revocation.

[ARC 8080C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

These rules are intended to implement Iowa Code chapters 17A and 272C.

[Filed 5/14/99, Notice 3/24/99—published 6/2/99, effective 7/7/99]

[Filed ARC 8080C (Notice ARC 7299C, IAB 1/24/24), IAB 6/26/24, effective 7/31/24]

[Editorial change: IAC Supplement 9/18/24]

CHAPTER 570  
DENTAL BOARD ADMINISTRATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—570.1(153) Definitions.** As used in these rules:

“*ACC*” means the anesthesia credentials committee of the board.

“*Accredited school*” means a dental, dental hygiene, or dental assisting education program accredited by the American Dental Association Commission on Dental Accreditation.

“*Active patient*” means a person whom the licensee has examined, treated, cared for, or otherwise consulted with during the previous two years.

“*ASA*” refers to the American Society of Anesthesiologists Patient Physical Status Classification System. Category I means normal healthy patients, and category II means patients with mild systemic disease. Category III means patients with severe systemic disease, and category IV means patients with severe systemic disease that is a constant threat to life.

“*Authorized delegate*” means a licensed or registered health care professional who has obtained prescription monitoring program (PMP) log-in credentials. A dental assistant trainee cannot serve as an authorized delegate.

“*Board*” means the dental board.

“*Capnography*” means the monitoring of the concentration of exhaled carbon dioxide in order to assess physiologic status or determine the adequacy of ventilation during anesthesia.

“*Chapter*” means Iowa Code chapter 153.

“*Clinical training*” means training that includes patient experiences.

“*Contested case*” means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under Iowa Code section 17A.10A.

“*Continuing dental education*” consists of education activities designed to review and update concepts, techniques, and knowledge on advances in dental and medical sciences. The objective of continuing dental education 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 programs should make it possible for practitioners to adapt dental practice to new knowledge as it becomes available. All continuing dental education should strengthen judgment and professional technique.

“*Controlled substance*” means a drug, substance, or immediate precursor in schedules I through V listed in subchapter II of Iowa Code chapter 124.

“*Coronal polish*” means an adjunctive procedure that must also include removal of any calculus, if present, by a dentist or dental hygienist. Coronal polishing of teeth using only a rotary instrument and a rubber cup or brush for such purpose, when performed at the direction of and under the supervision of a licensed dentist, is deemed not to be the giving of prophylactic treatment.

“*DAANCE*” means the dental anesthesia assistant national certification examination as offered by the American Association of Oral and Maxillofacial Surgeons (AAOMS).

“*Deep sedation*” means drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

“*Dental assistant*” means any person who, under the supervision of a dentist, performs any extraoral services including infection control or the use of hazardous materials or performs any intraoral services on patients. The term “dental assistant” does not include persons otherwise actively licensed in Iowa to practice dental hygiene or nursing who are engaged in the practice of said profession.

“*Dental assistant trainee*” means any person who is engaging in on-the-job training to meet the requirements for registration in accordance with Iowa Code section 153.39 and who is practicing in accordance with 481—Chapter 575.

“*Dental hygiene committee*” means the same as described in Iowa Code section 153.33A.

“*Dental laboratory technician*” as used in these rules includes a person other than a licensed dentist, dental hygienist or registered dental assistant who fabricates, constructs, makes, or repairs oral prosthetic appliances solely and exclusively for a licensed dentist and under a dentist’s supervision or direction. A dental laboratory technician who performs any of the duties of a dental assistant, as defined in this chapter, must be registered with the board as a dental assistant.

“*Dental public health*” is the science and system 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, applied dental research, the administration of group dental care programs, and the prevention and control of dental diseases.

“*Dental radiography*” means the application of X-radiation to human teeth and supporting structures for diagnostic purposes only.

“*Department*” means the department of inspections, appeals, and licensing.

“*Deposition*” means the testimony of a person pursuant to subpoena or at the request of the state of Iowa taken in a setting other than a hearing.

“*Didactic training*” means educational instruction.

“*Direct supervision*” means that the dentist is present in the treatment facility, but it is not required that the dentist be physically present in the treatment room, or the dentist is not present in the treatment facility but is able to appear using live video upon request with a response time similar to what would be expected if the dentist were present in the treatment facility.

“*Expenses*” means costs incurred by persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa in a hearing or other official proceeding. Mileage shall be reimbursed in accordance with Iowa Code section 70A.9 or, if commercial air or ground transportation is used, the actual cost of transportation to and from the proceeding. Also included are actual costs incurred for meals and necessary lodging.

“*Fabrication*” means the construction or creation of an impression, occlusal registration, provisional restoration or denture, as defined in this chapter.

“*Facility*” means any dental office or clinic where sedation is used in the practice of dentistry. The term “facility” does not include a hospital.

“*Fee*” means the amount charged for the services described in this chapter.

“*General anesthesia*” means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

“*General supervision*” means that a dentist has examined the patient, prior-prescribed in the patient record, and delegated the services to be provided because the dentist will be neither present in the facility nor available by live video. Patients or their legal guardians must be informed prior to the appointment that no dentist will be present and therefore no examination will be conducted at that appointment. The dental assistant or dental hygienist must consent to the arrangement and be capable of implementing basic emergency procedures, which have been established.

“*Hour of continuing education*” means one unit of credit granted for each hour of instruction.

“*Issuance*” means, for the purposes of contested cases, the date of mailing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

“*Knowledge*” means any information or evidence acquired from personal observation, from a reliable or authoritative source, or under circumstances that cause the licensee or registrant to believe that there exists a substantial likelihood that an act or omission may have occurred.

“*Laboratory training*” means training that is hands-on, that may include simulation, and that prepares a dental hygienist or dental assistant for patient experiences. Laboratory training can be done with an approved training provider or with a supervising dentist as part of an approved course.

“*Lapsed license,*” “*lapsed permit,*” or “*lapsed registration*” means a license, permit, or registration that a person has failed to renew as required or the license, permit, or registration of a person who failed to

meet stated obligations for renewal within a stated time. A person whose license, permit, or registration has lapsed continues to hold the privilege of licensure or registration in Iowa but may not practice dentistry, dental hygiene, or dental assisting until the license, permit, or registration is reinstated.

*"License"* means a certificate issued to a person to practice as a dentist or dental hygienist under the laws of this state.

*"Licensed sedation provider"* means a physician anesthesiologist currently licensed by the board of medicine or a certified registered nurse anesthetist (CRNA) currently licensed by the board of nursing.

*"Licensee"* means a person who has been issued a certificate to practice as a dentist or dental hygienist under the laws of this state.

*"Medical examination fees"* means actual costs incurred by the board in a physical, mental, chemical abuse, or other impairment-related examination or evaluation of a licensee when the examination or evaluation is conducted pursuant to an order of the board.

*"Minimal sedation"* means a minimally depressed level of consciousness produced by a pharmacological method that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected. A patient whose only response reflex is withdrawal from repeated painful stimuli is not considered to be in a state of minimal sedation.

*"Moderate sedation"* means a drug-induced depression of consciousness, either by enteral or parenteral means, during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained. A patient whose only response reflex is withdrawal from a painful stimulus is not considered to be in a state of moderate sedation.

*"Monitoring nitrous oxide inhalation analgesia"* means continually observing the patient receiving nitrous oxide and recognizing and notifying the dentist of any adverse reactions or complications.

*"MRD"* means the manufacturer's maximum recommended dose of a drug as printed in FDA-approved labeling.

*"Nitrous oxide inhalation analgesia"* refers to the administration by inhalation of a combination of nitrous oxide and oxygen producing an altered level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command.

*"Observational supervision"* is intended for expanded function training purposes only and means that the dentist is physically present in the treatment room to oversee and direct all services being provided as part of clinical training.

*"Opioid"* means a drug that produces an agonist effect on opioid receptors and is indicated or used for the treatment of pain.

*"Overpayment"* means payment in excess of the required fee. Overpayment shall result in the return of the original request and payment, prior to processing, with a clarification of the total amount due.

*"Party"* means the state or the respondent for the purposes of contested cases.

*"Patient experiences"* are procedures that are performed on a patient during the course of clinical training. For the purposes of expanded function training, patient experiences will be completed under the observational supervision of a dentist.

*"Patient monitor"* means a dental assistant, dental hygienist, nurse or dentist whose primary responsibility is to continuously monitor a patient receiving moderate sedation, deep sedation or general anesthesia until the patient meets the criteria to be discharged to the recovery area.

*"Pediatric"* means patients aged 12 or under.

*"Peer review"* is defined in Iowa Code section 272C.1(7).

*"Permit holder"* means an Iowa licensed dentist who has been issued a moderate sedation or general anesthesia permit by the board.

*"Personal supervision"* means a licensee or registrant is physically present in the room to oversee and instruct all services of the dental assistant trainee as delegated by a licensed dentist.

*“Practice of dentistry,”* as defined in Iowa Code section 153.13, includes persons who publicly claim to be dentists, dental surgeons, or skilled in the science of dentistry and are deemed to be practicing dentistry. Performance of, or assistance with, any of the following also constitutes the practice of dentistry: examination, diagnosis, treatment, or attempted correction of any disease, condition, disorder, lesion, injury, deformity, or defect of the oral cavity and maxillofacial area, or any phase of any operation incident to tooth whitening, including the instruction or application of tooth whitening materials or procedures. *“Tooth whitening”* is any process to whiten or lighten the appearance of human teeth by the application of chemicals, whether or not in conjunction with a light source.

*“Prescription drug”* means a drug, as classified by the United States Food and Drug Administration, that is required to be prescribed or administered to a patient by a practitioner prior to dispensation.

*“Prescription monitoring program”* or *“PMP”* means the program administered by the board of pharmacy for the collection and provision of information related to drug prescribing and dispensing.

*“Presiding officer”* means the dental board or a panel of the board. In a contested case proceeding, the board may request that an administrative law judge make initial rulings on prehearing matters and assist and advise the board in presiding at the disciplinary contested case hearing. Pursuant to Iowa Code section 272C.6, the board may delegate the hearing of contested cases to an administrative law judge.

*“Proposed decision”* means recommended findings of fact, conclusions of law, decision, and order in a contested case issued by an administrative law judge or hearing panel and for which the full board did not preside.

*“Prosthetic”* means, for the purposes of expanded function training, any provisional or permanent restoration intended to replace a tooth or teeth.

*“Provisional restoration”* means, for the purposes of expanded function training, a restoration or appliance that is formed or preformed for temporary purposes, used over a limited period of time.

*“Public health settings”* means schools; Head Start programs; programs affiliated with the early childhood Iowa (ECI) initiative authorized by Iowa Code chapter 256I; child care centers (excluding home-based child care centers); federally qualified health centers; public health dental vans; free clinics; nonprofit community health centers; nursing facilities; the armed forces; and federal, state, or local public health programs.

*“Public health supervision”* means that a licensed dentist has entered into a written supervision agreement with a licensed dental hygienist or registered dental assistant and authorized and delegated the services to be provided in a public health setting. Services provided under public health supervision may be rendered without the patient’s first being examined by a licensed dentist. Additionally, the supervising dentist is not required to provide future dental treatment to patients served under public health supervision.

*“Radiography qualification”* means authorization to engage in dental radiography issued by the board.

*“Registered dental assistant”* means any person who has met the requirements for registration and has been issued a certificate of registration.

*“Registrant”* means a person who has been issued a certificate to practice as a dental assistant under the laws of this state.

*“Registration”* means a certificate issued to a person to practice as a dental assistant under the laws of this state.

*“Reportable act or omission”* means any conduct that may constitute a basis for disciplinary action under the rules or statutory provisions governing the practice of dentistry, dental hygiene, or dental assisting in Iowa.

*“Self-study activities”* means, for the purposes of continuing education, the study of something by oneself, without direct supervision or attendance in a class. Self-study activities include Internet-based coursework, video programs, correspondence work, research, or programs that are interactive and require participation and decision making on the part of the viewer. Webinars that include instruction in real time and allow for real-time communication with the instructor are not construed to be self-study activities.

*“Service charge”* means the amount charged for making a service available online and is in addition to the actual fee for a service itself.

“*Sponsor*” means a person, educational institution, or organization sponsoring continuing education activities. All continuing education activities of such person or organization are deemed approved provided the content complies with the requirements of 481—Chapter 573.

“*Time-oriented anesthesia record*” means documentation at appropriate time intervals of drugs, doses and physiologic data obtained during patient monitoring.

“*Trainee status expiration date*” means 12 months from the date of employment as a dental assistant trainee.

“*Transcript*” means a printed verbatim reproduction of everything said on the record during a hearing or other official proceeding.

“*Witness fees*” means compensation paid by the board to persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa. For the purposes of this rule, compensation shall be the same as outlined in Iowa Code section 622.69 or 622.72, as the case may be.

This rule is intended to implement Iowa Code chapters 147, 153, and 272C.

[ARC 8984C, IAB 3/5/25, effective 4/9/25]

**481—570.2(17A,147,153,272C) Purpose of the board.** The purpose of the board is to protect public health, safety, and welfare by administering, interpreting, and enforcing the provisions of law that relate to the practice of dentistry, dental hygiene, and dental assisting. In pursuit of this mission, the board performs these primary functions:

**570.2(1)** Administers examinations for the testing of dentists, dental hygienists, and dental assistants;

**570.2(2)** Issues licenses, registrations, certificates, and permits to qualified practitioners;

**570.2(3)** Sets standards for license, registration, and permit renewal and continuing education;

**570.2(4)** Enforces Iowa laws regulating the practice of dentistry, dental hygiene, and dental assisting;

**570.2(5)** Investigates complaints concerning violations of the dental practice Act and rules;

**570.2(6)** Conducts disciplinary hearings and monitors the compliance of licensees or registrants with board orders; and

**570.2(7)** Adopts rules and establishes standards for practitioners pursuant to its authority under the Iowa Code and administrative rules.

[ARC 8984C, IAB 3/5/25, effective 4/9/25]

**481—570.3(17A,147,153) Organization of the board.**

**570.3(1)** The board shall be composed in accordance with Iowa Code sections 147.14(1)“c” and 147.19.

**570.3(2)** A simple majority of the members of the board shall constitute a quorum for the purpose of conducting business.

**570.3(3)** The board and dental hygiene committee shall elect chairpersons. The board shall also elect officers and should consist of a chairperson, vice chairperson, and other officers as deemed appropriate. Officers will assume their duties immediately following their election.

[ARC 8984C, IAB 3/5/25, effective 4/9/25]

**481—570.4(153) Organization of the dental hygiene committee.**

**570.4(1)** The dental hygiene committee is composed in accordance with Iowa Code sections 147.14(1)“c” and 153.33A. A simple majority of the members of the committee constitutes a quorum for the purpose of conducting business.

**570.4(2)** Pursuant to Iowa Code section 153.33A, the committee:

*a.* Has authority to and may adopt recommendations in regard to matters pertaining to the practice, discipline, education, examination, and licensure of dental hygienists and shall carry out other duties as assigned by the board. Recommendations by the committee will be reported to the board. The board shall review and ratify all committee recommendations unless the board makes a specific finding that the recommendation exceeds the jurisdiction of the committee, expands the scope of the committee beyond the authority granted in subrule 1.4(4), creates an undue financial impact, or is not supported by the record.

The board may not amend a committee recommendation without the concurrence of the majority of the members of the committee; and

*b.* Does not have regulatory or disciplinary authority with regard to dentists, dental assistants, dental lab technicians, or other auxiliary dental personnel.

**570.4(3)** Pursuant to Iowa Code section 153.33A, this rule will not be construed as impacting or changing the scope of practice of the profession of dental hygiene or authorizing the independent practice of dental hygiene.

This rule is intended to implement Iowa Code sections 147.14, 153.33 and 153.33A.

[ARC 8984C, IAB 3/5/25, effective 4/9/25]

#### **481—570.5(153) Committees of the board.**

**570.5(1)** Pursuant to Iowa Code chapter 272C and section 153.33, the board may establish and utilize ad hoc advisory committees to conduct business. The board chairperson may appoint committee members and chairpersons.

*a.* The board should annually review its committees to determine ongoing needs and compliance with the following:

(1) The committees may not constitute a quorum of the board; and

(2) Appointments to a standing committee of the board specified in subrule 1.5(2) are subject to board approval.

*b.* Committee appointments will be for 12 months unless specified otherwise at the time of appointment. Pursuant to Iowa Code section 153.33(1)“f,” committee members may be reimbursed for actual expenses.

*c.* Committees may hold meetings as needed to conduct the duties authorized by the board.

**570.5(2)** The standing committees of the board may include the executive committee, anesthesia credentials committee, and licensure and registration committee.

*a.* The executive committee may include up to four members of the board. The committee should be composed of the chairperson, vice-chairperson and other members as elected by the board.

*b.* The anesthesia credentials committee should include but not be limited to a dentist member of the board, two members who hold a moderate sedation permit, and two members who hold a general anesthesia permit issued in accordance with 481—Chapter 579. The committee may perform the following duties:

(1) Review and take action on all applications for moderate sedation or general anesthesia permits;

(2) Review and take action on requests for approval of courses that provide training in the administration of moderate sedation, deep sedation, general anesthesia, or a combination thereof for the purposes of qualifying a licensee for a sedation permit in accordance with 481—Chapter 579;

(3) Perform peer reviews or evaluations as deemed necessary and report to the board; and

(4) Other duties authorized by the board.

*c.* The license registration committee should include three members of the board, two of which are dentists.

(1) The license registration committee may review applications for licensure, registration and permit and take action as authorized by the board; and

(2) Perform other duties authorized by the board.

[ARC 8984C, IAB 3/5/25, effective 4/9/25]

#### **481—570.6(17A,21,147,153) Meetings.**

**570.6(1)** The board and dental hygiene committee may hold meetings as needed or as requested by the chairperson, the vice chairperson, or a majority of the board or committee.

**570.6(2)** Written notices stating the time and place of the meetings shall be provided consistent with Iowa Code chapter 21. Except as otherwise provided by statute, all board meetings shall be open and the public shall be permitted to attend.

**570.6(3)** Dates and locations of board and committee meetings may be obtained from the department’s website.

[ARC 8984C, IAB 3/5/25, effective 4/9/25]



**481—570.7(17A,272C) Adoption of uniform and model rules.** The board hereby adopts by reference the following:

**570.7(1)** Uniform Rules on Agency Procedure, 481—Chapter 2, 481—Chapter 3, 481—Chapter 4, 481—Chapter 5, 481—Chapter 6.

**570.7(2)** Military Service, Veteran Reciprocity, and Spouses of Active-Duty Service Members, 481—Chapter 7.

**570.7(3)** Licensing and Child Support Noncompliance, Student Loan Repayment Noncompliance, and Nonpayment of State Debt, 481—Chapter 8.

**570.7(4)** Model Rules for Use of Criminal Convictions in Eligibility Determinations and Initial Licensing Decisions, 481—Chapter 502.

**570.7(5)** Model Rules for Contested Cases Before Licensing Boards, 481—Chapter 506.

**570.7(6)** Model Rules for Licensee Review Committee, 481—Chapter 505.

[ARC 8984C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code chapter 21 and sections 17A.3, 147.14(1)“c,” 147.22, and 153.33A(1).

[Filed ARC 8984C (Notice ARC 8504C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

CHAPTER 571  
DENTAL BOARD FEES

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—571.1(147,153) Establishment of fees.** The board is self-supporting through the collection of fees and does not receive an appropriation from the general fund. Pursuant to Iowa Code section 147.80, the department is required to annually prepare an estimate of projected revenues and expenses to ensure that there are sufficient funds to cover projected expenses. The department shall establish fees by rule in accordance with Iowa Code section 147.80.

**571.1(1)** In addition to the fees specified in this rule, an applicant shall incur a service charge for submitting payments online.

**571.1(2)** All fees are nonrefundable.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.2(153) Application fees.**

**571.2(1) Dental licensure.** The fees for a dental license are as follows:

- a. The application fee for a dental license on the basis of examination is \$200.
- b. The application fee for a dental license on the basis of credentials is \$550.
- c. The application fee for a dental license on the basis of verification is \$550.

**571.2(2) Dental hygiene licensure.** The fees for a dental hygiene license are as follows:

- a. The application fee for a dental hygiene license on the basis of examination is \$100.
- b. The application fee for a dental hygiene license on the basis of credentials is \$200.
- c. The application fee for a dental hygiene license on the basis of verification is \$200.

**571.2(3) Resident license.** The application fee for a resident license is \$120.

**571.2(4) Faculty permit.** The application fee for a faculty permit is \$200.

**571.2(5) Fingerprint packet and criminal history check.** The fee for evaluation of a fingerprint packet and criminal history background check is \$46.

**571.2(6) Dental assistant registration and radiography qualification.** The fees for registration and qualification are as follows:

- a. The application fee for a registered dental assistant is \$40.
- b. The fee for a combined application as a registered dental assistant with a radiography qualification is \$60.
- c. The application fee for a radiography qualification is \$40.

**571.2(7) Anesthesia and sedation permits.** The fees for an anesthesia or sedation permit are as follows:

- a. The application fee for a local anesthesia permit is \$70.
- b. The application fee for a moderate sedation permit is \$500.
- c. The application fee for a general anesthesia permit is \$500.

**571.2(8) Temporary permit—urgent need or educational services.** The fee for an application for a temporary permit to serve an urgent need or provide educational services is \$100.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.3(153) Renewal fees.** Biennial renewal fees are as follows:

**571.3(1) Dental license.** The renewal fee for a dental license is \$315.

**571.3(2) Dental hygiene license.** The renewal fee for a dental hygiene license is \$150.

**571.3(3) General anesthesia permit.** The renewal fee for a general anesthesia permit is \$125.

**571.3(4) Moderate sedation permit.** The renewal fee for a moderate sedation permit is \$125.

**571.3(5) Local anesthesia permit.** The renewal fee for a local anesthesia permit is \$25.

**571.3(6) Dental assistant registration.** The renewal fee for registration as a registered dental assistant is \$75.

**571.3(7)** *Combined dental assistant registration and qualification in radiography.* The renewal fee for both a registration as a registered dental assistant and a radiography qualification is \$115.

**571.3(8)** *Dental assistant qualification in radiography.* The renewal fee for a qualification in dental radiography is \$40.

**571.3(9)** *Faculty permit.* The renewal fees for a faculty permit are as follows:

a. The renewal fee for a dental faculty permit is \$315.

b. The renewal fee for a dental hygiene faculty permit is \$150.

**571.3(10)** *Resident license extension.* The fee for extension of a resident license is \$40.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.4(153) Late renewal fees.** A licensee, registrant or permit holder who fails to renew a license, registration or permit by the expiration date is subject to late renewal fees as described in this rule.

**571.4(1)** *Dental or dental hygiene license or faculty permit.*

a. Renewals completed between September 1 and September 30 are subject to a late fee of \$100, in addition to the renewal fee.

b. Renewals completed between October 1 and October 31 are subject to a late fee of \$150, in addition to the renewal fee.

**571.4(2)** *Dental assistant registration or dental radiography qualification.*

a. Renewals completed between September 1 and September 30 are subject to a late fee of \$20, in addition to the renewal fee.

b. Renewals completed between October 1 and October 31 are subject to a late fee of \$40, in addition to the renewal fee.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.5(147,153) Reinstatement fees.** Licensees, registrants or permit holders who make an application for reinstatement are subject to fees as described in this rule.

**571.5(1)** *Reinstatement application fees.* The application fees for reinstatement are as follows:

a. The reinstatement application fee for a dental license is \$150.

b. The reinstatement application fee for a dental hygiene license is \$100.

c. The reinstatement application fee for a dental assistant registration is \$50.

d. The reinstatement application fee for a qualification in dental radiography without registration is \$40.

**571.5(2)** *Past due renewal fees.* In addition to the application fee for reinstatement specified in this rule, the applicant must pay the additional fees as follows:

a. The past due renewal fee for a dental license is \$315.

b. The past due renewal fee for a dental hygiene license is \$150.

c. The past due renewal fee for a dental assistant registration is \$75.

d. The past due renewal fee for a dental assistant registration and qualification in dental radiography without registration is \$115.

e. The past due renewal fee for a qualification in dental radiography without registration is \$40.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.6(153) Miscellaneous fees.** Fees for additional requests are as follows:

**571.6(1)** *Duplicates.* The fee for issuance of a hard-copy duplicate license, permit or registration certificate or current renewal is \$25. Electronic copies are provided at no cost.

**571.6(2)** *Certification or verification.* The fee for a written certification or written verification of an Iowa license, permit or registration is \$25. Results of an online licensee search are available at no cost.

**571.6(3)** *Iowa practitioner review committee (IPRC) monitoring.* The monitoring fee for compliance with an IPRC agreement is \$100 per quarter, unless otherwise stated in the health practitioner contract entered into pursuant to 481—Chapter 505.

**571.6(4)** *Monitoring for compliance with board orders.* The monitoring fee for compliance with a board order is \$300 per quarter, unless otherwise stated in the board order.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.7(153) Contested case hearings—fees and costs.** The board may request reimbursement of certain costs associated with contested case hearings.

**571.7(1) Hearing fee.** The board may charge a fee not to exceed \$75 for conducting a contested case hearing that results in action being taken against the licensee or registrant.

**571.7(2) Procedure and personnel costs.** The board may recover from the licensee or registrant costs for the following:

- a. Court reporter and transcript.
- b. Witness fees and expenses. The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing and may also include witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa.
- c. Depositions. Deposition costs, for the purposes of allocating costs against a licensee, include only those deposition costs incurred by the state of Iowa. The licensee or registrant is directly responsible for the payment of deposition costs incurred by the licensee or registrant.
- d. Medical examination fees incurred relating to a person licensed under Iowa Code chapter 147. All costs of physical or mental examinations, substance abuse evaluations or drug screening, or clinical competency evaluations ordered by the board pursuant to Iowa Code section 272C.9(1) as part of an investigation or pending complaint or as a sanction following a contested case shall be paid directly by the licensee or registrant.

**571.7(3) Certification of reimbursable costs.** The executive director or designee shall calculate and certify any reimbursable costs incurred by the board.

**571.7(4) Assessment of fees and costs.** A final decision of the board imposing action against a licensee or registrant shall include the amount of any contested case hearing fee assessed pursuant to 481—Chapter 11. If the board also assesses reimbursable costs against the licensee or registrant, the board shall file a certification of reimbursable costs that includes a statement of costs delineating each category of costs and the amount assessed. Fees and costs that cannot be calculated at the time of the issuance of the board's final order may be invoiced at a later time, provided the board's final order states that the fees and costs will be invoiced at a later date. The board order will specify the time period in which the fees and costs must be paid.

**571.7(5) Failure to pay assessed fees, costs.** Failure of a licensee or registrant to pay the fees and costs assessed herein within the time period specified in the board's final order shall constitute a violation of an order of the board and may be grounds for disciplinary action.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.8(153) Facility inspection fee.** The actual costs for an on-site evaluation of a dental facility at which moderate sedation, deep sedation, or general anesthesia is authorized pursuant to 481—Chapter 579 will not exceed \$500 per facility per inspection.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.9(22,147,153) Public records.** Public records are available according to 481—Chapter 5. The department will release the records upon receipt of payment.

**571.9(1)** Copies of public records will be calculated at \$0.25 per page plus labor.

**571.9(2)** A \$16 per hour fee may be charged for labor in excess of one-half hour for searching, retrieving, and copying documents.

**571.9(3)** No additional fee will be charged for delivery of the records.

**571.9(4)** The department will not require payment when the fees for the request would be less than \$5 total.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.10(22,147,153) Data or mailing lists.**

**571.10(1)** The department will provide data and mailing lists in electronic format following receipt of payment.

a. The standard mailing list includes active licensees, registrants, and resident licensees and faculty permit holders when applicable.

*b.* The standard data list includes the mailing address, license, registration or permit number, status, original issue date, expiration date, specialty (if applicable), and whether disciplinary action has been taken. The standard data list includes active licensees, registrants, and resident licensees and faculty permit holders when applicable.

**571.10(2)** Data and mailing list fees.

*a.* The fee for a standard mailing list is \$35 per profession requested.

*b.* The fee for a standard data list is \$45 per profession requested.

*c.* Additional data elements, programming or sorting increases the fees by \$25 per profession.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.11(147,153) Returned checks.** The department shall charge a fee of \$39 for a check returned for any reason. The department will request payment by certified check or money order. If the fees are not paid within two weeks of notification of the returned check by certified mail, the licensee or registrant may be subject to disciplinary action for noncompliance with board rules.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.12(147,153,272C) Copies of the laws and rules.** Copies of laws and rules pertaining to the practice of dentistry, dental hygiene, or dental assisting are available as follows:

1. Iowa Code and Iowa Administrative Code access, no fee, available at [www.legis.iowa.gov/law/administrativeRules/agencies](http://www.legis.iowa.gov/law/administrativeRules/agencies).

2. Printed copies of the Iowa Code chapters that pertain to the practice of dentistry, \$10.

3. Printed copies of dental board rules in the Iowa Administrative Code, \$15.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

**481—571.13(17A,147,153,272C) Waiver prohibited.** Rules in this chapter are not subject to waiver pursuant to 481—Chapter 6 or any other provision of law.

[ARC 8985C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code sections 147.10, 147.80 and 153.22.

[Filed ARC 8985C (Notice ARC 8476C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

CHAPTER 572  
DENTAL LICENSURE, REGISTRATION,  
RENEWAL, REACTIVATION AND REINSTATEMENT

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—572.1(147,153) Applicant responsibilities.** Applicants for licensure, permit, registration or qualification, including applicants for renewal, reactivation and reinstatement, bear full responsibility for complying with the provisions of this rule.

**572.1(1)** Applicants will make application on forms provided by the department and submit the required information and documentation, which includes the following:

*a.* Paying all applicable fees required by this chapter pursuant to 481—Chapter 571, which may also include fees charged by other agencies, organizations, or institutions to provide the information required to complete an application;

*b.* Providing evidence of current certification in cardiopulmonary resuscitation (CPR) that included a hands-on component unless exempted by rule;

*c.* Providing a detailed statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges;

*d.* Providing accurate, up-to-date, and truthful information, including but not limited to prior professional experience, education, training, examination scores, and disciplinary history; and

*e.* Signing and verifying the application as to the truth of the statements contained therein.

**572.1(2)** An application for a dental or dental hygiene license or faculty permit, including reactivation of a license, may be considered complete prior to completion of the criminal history background check on the applicant conducted by the division of criminal investigation (DCI) or Federal Bureau of Investigation (FBI) for purposes of review and consideration by the executive director, the committee, or the board. However, an applicant is required to submit an additional completed fingerprint packet and fee within 30 days of a request by the department if an earlier fingerprint submission has been determined to be unacceptable by the DCI or FBI.

**572.1(3)** If an applicant for license, permit, registration, or qualification applies within four months of the date of expiration, the applicant may pay the renewal fee in addition to the applicable application fees specified in 481—Chapter 571. Payment of the renewal fee at the time of application will result in the renewal of the license, permit, registration or qualification upon issuance.

**572.1(4)** Applicants must ensure that an application for initial license, permit, registration or qualification, or for reinstatement or reactivation of the same, is completed within 180 days from the date the application is received.

*a.* For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for applications submitted online, the electronic timestamp of the date of payment will be deemed the date of filing. If the applicant does not submit all required materials within this time period, or if the applicant does not meet the requirements for the license, permit, registration, reinstatement or reactivation, the application will be considered incomplete.

*b.* If an application is considered incomplete, the applicant will need to submit a new application and pay all applicable fees for further consideration.

This rule is intended to implement Iowa Code sections 147.2, 147.11, 272C.12 and 272C.12A and chapter 153.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.2(147,153) Review of applications.**

**572.2(1)** Upon receipt of a completed application, the executive director as authorized by the board has discretion to:

*a.* Require additional information relating to the character, education, and experience of the applicant.

*b.* Authorize the issuance of the license, permit, or registration.

c. Refer the application to the committee for review and consideration for matters including but not limited to prior criminal history pursuant to Iowa Code section 272C.15, chemical dependence, competency, physical or psychological illness, malpractice claims or settlements, or professional disciplinary history that are relevant in determining the applicant's qualifications.

**572.2(2)** Following review and consideration of an application referred by the executive director, the committee may:

- a. Authorize the executive director to issue the license, permit, registration, or qualification.
- b. Forward the application to the board for further review and consideration.

**572.2(3)** Following board review and consideration of an application, the board will:

- a. Authorize the issuance of the license, permit, registration or qualification; or
- b. Initiate other action in accordance with rule 481—572.22(147,153,272C).

**572.2(4)** The committee or board may require an applicant to appear for an interview as part of the application process.

**572.2(5)** The committee or board may defer final decision making on an application if there is a pending investigation or disciplinary action against an applicant who may otherwise meet the requirements for license, permit, registration or qualification, until such time as the matter has been resolved.

This rule is intended to implement Iowa Code chapters 147, 153 and 272C.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

#### **481—572.3(147,153) Licensure.**

**572.3(1)** Applicants for licensure to practice dentistry or dental hygiene in this state who meet the requirements of this rule may be eligible for a license on the basis of examination or credentials.

a. Applicants who have held a license issued in another state, district or territory for one year or longer must apply for licensure by credentials.

b. Applicants who are licensed in another jurisdiction and who are unable to satisfy the requirements for licensure by examination or credentials may be eligible for licensure by verification pursuant to rule 481—572.7(272C).

**572.3(2)** Applications for licensure on the basis of examination or credentials must include the following:

a. Satisfactory evidence of graduation from an accredited dental or dental hygiene school.

(1) Applicants for dental license must have been issued a doctor of dental surgery (DDS) or doctor of medicine in dentistry (DMD) degree.

(2) Graduates of foreign dental schools who have not obtained a DDS or DMD degree from an accredited dental school shall also satisfy the requirements of rule 481—572.4(153).

b. Certification by an authorized representative of the school that the applicant was a student in good standing while attending that school.

c. Evidence of successful passage of the examination administered by the Joint Commission on National Dental Examinations (JCNDE). Applicants who have lawfully practiced dentistry or dental hygiene in another state, district or territory for five or more years are exempt from presenting this evidence.

d. Evidence of successful passage of a board-approved clinical examination pursuant to rule 481—572.14(147,153) and a statement of all other clinical examinations taken by the applicant with an indication of pass/fail for each.

(1) Applicants on the basis of examination must have successfully completed the clinical examination within five years of the date of application.

(2) Applicants who have lawfully practiced dentistry or dental hygiene in another state, district or territory for five or more years may be exempt from presenting this evidence.

e. Certification of all licenses issued to the applicant. The certification should include, at a minimum, the name, license number, status, expiration date, and an indication of whether the applicant has been subject to disciplinary action.

f. The applicable application fees, including the background check fee, as specified in 481—Chapter 571.

g. A completed packet to facilitate a criminal history background check by the DCI and FBI.

*h.* Evidence of successful completion of a jurisprudence examination pursuant to rule 481—572.15(147,153).

**572.3(3)** Applicants on the basis of credentials must also submit the following:

*a.* Pursuant to Iowa Code section 153.21, evidence that the applicant has met at least one of the following:

(1) Holds a license in another state, district, or territory under requirements substantially similar to those of this state, and has three consecutive years of lawful practice immediately prior to the date of application; or

(2) Has less than three consecutive years of practice immediately prior to the filing of the application and evidence of successful passage within the previous five-year period of a board-approved clinical examination pursuant to rule 481—572.14(147,153).

*b.* Results of a self-query of the National Practitioner Data Bank (NPDB).

**572.3(4)** The board or committee may also require such examinations as may be necessary to evaluate the applicant for licensure by credentials.

This rule is intended to implement Iowa Code section 272C.12 and chapters 147 and 153.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.4(153) Graduates of foreign dental schools.** If a graduate of a foreign dental school does not meet the educational requirements for a license by examination or credentials, and does not qualify for licensure by verification pursuant to Iowa Code section 272C.12, the applicant must meet the requirements of this rule in addition to meeting the other requirements for licensure specified in rule 481—572.3(147,153).

**572.4(1)** Applications for licensure of graduates of foreign dental schools shall include the following:

*a.* Evidence of successful completion of dental education that is substantially equivalent to a DDS or DMD degree issued by an accredited school. The applicant may demonstrate this by meeting one of the following requirements:

(1) Successful completion of an undergraduate supplemental dental education program of at least two academic years at an accredited dental school and receipt of a dental diploma, degree or certificate substantially equivalent to a DDS or DMD degree;

(2) Successful completion of a postgraduate general practice residency program of at least one academic year at an accredited dental college; or

(3) Results of a formal evaluation of the applicant's foreign dental education by a board-approved professional credentialing organization. The results of the evaluation must indicate that the nonaccredited dental education completed was substantially equivalent to that of an accredited dental school.

*b.* A final, official transcript verifying graduation from the foreign dental school at which the applicant originally obtained a dental degree. If the transcript is written in a language other than English, an original, official translation will also be submitted.

*c.* Verification, when applicable, from the appropriate governmental authority that the applicant was licensed or otherwise authorized by law to practice dentistry in another country and that no adverse action was taken against the license.

*d.* The applicant will demonstrate to the satisfaction of the board an ability to read, write, speak, understand, and be understood in the English language. The applicant may demonstrate English proficiency by achieving a score sufficient to be rated in the highest level of ability on each section of the Test of English as a Foreign Language (TOEFL) as administered by the Educational Testing Service (ETS), or other evidence approved by the board.

**572.4(2)** An applicant for licensure who is a graduate of a foreign dental school shall comply with one of the following:

*a.* Has practiced dentistry in another state, district, territory or country within three years of the date of application; or

*b.* Has successfully completed a clinical examination or assessment within three years of the date of application to demonstrate ongoing clinical competency.

This rule is intended to implement Iowa Code section 272C.12 and chapters 147 and 153.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]



**481—572.5(153) Dental assistant registration.**

**572.5(1)** Applications for dental assistant registration must include the following:

*a.* Evidence of board-approved education and training. Education and clinical training may be satisfied by meeting one of the following:

(1) Clinical experience as a dental assistant trainee until competency is achieved as determined by the supervising dentist;

(2) Clinical experience as a dental assistant in another state, district or territory within five years prior to the date of application and competency is verified by the supervising dentist; or

(3) Graduation from an accredited dental assisting program.

*b.* The application fee as specified in 481—Chapter 571.

*c.* Evidence of successful completion of board-approved examination in the areas of infection control, hazardous materials, and jurisprudence as specified in rules 481—572.15(147,153) and 481—572.16(147,153), and dental radiography, if the applicant is also applying for a qualification in dental radiography.

*d.* Evidence of meeting the requirements of rule 481—572.6(136C,153) if the applicant intends to engage in dental radiography.

**572.5(2)** A dental assistant who is licensed or registered in another jurisdiction but who is unable to satisfy the requirements for registration in this rule may be eligible to apply for registration by verification pursuant to rule 481—572.7(272C).

This rule is intended to implement Iowa Code sections 147.34, 153.39 and 272C.12.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.6(136C,153) Dental radiography qualification.**

**572.6(1)** Applicants for a radiography qualification must also be registered as a dental assistant or hold an active license issued by the board of nursing.

**572.6(2)** Applications for dental radiography qualification must include the following:

*a.* Evidence of successful completion, within the previous five years, of education and clinical training in the area of dental radiography. The education and clinical training may be satisfied by meeting one of the following:

(1) Completion of on-the-job training in dental radiography until competency is achieved as determined by the supervising dentist;

(2) Practice as a dental assistant in another state that included clinical experience taking dental radiographs within the previous five years;

(3) Graduation from an accredited dental assisting program; or

(4) Certification from the Dental Assisting National Board (DANB) that includes dental radiography and was issued within five years of the date of application.

*b.* The application fee as specified in 481—Chapter 571.

*c.* Evidence of successful completion a board-approved examination in the area of dental radiography in accordance with rule 481—572.16(147,153).

This rule is intended to implement Iowa Code sections 136C.3 and 153.39.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.7(272C) Licensure or registration by verification.** Applicants may be eligible for licensure or registration by verification pursuant to Iowa Code section 272C.12. Applicants are required to hold a current license or registration in the same profession in at least one other jurisdiction that has a scope or practice that is substantially similar to that of Iowa.

**572.7(1)** Applications must include the following:

*a.* The applicable application fees, including the background check fee for applicants of a dental or dental hygiene license, as specified in 481—Chapter 571.

*b.* For dental or dental hygiene applicants, a completed packet to facilitate a criminal history background check.

*c.* A verification form, completed by the licensing authority in the jurisdiction that issued the applicant's license or registration, verifying that the applicant's license or registration in that jurisdiction

complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.

*d.* Evidence of successful completion of a board-approved jurisprudence examination, pursuant to rule 481—572.15(147,153).

*e.* Copies of a complete criminal record, if the applicant has a criminal history.

*f.* A copy of the relevant disciplinary documents, if another jurisdiction has taken disciplinary action against the applicant.

*g.* A written statement from the applicant detailing the scope of practice in the other state.

*h.* Copies of relevant laws setting forth the scope of practice in the other state.

**572.7(2)** If another jurisdiction has taken disciplinary action against an applicant, the board will determine whether the cause for the disciplinary action has been corrected and the matter has been resolved. If the board determines the disciplinary matter has not been resolved, the board will neither issue nor deny a license or registration until the matter is resolved. A person who has had a license or registration revoked, or voluntarily surrendered a license or registration, in another jurisdiction is ineligible for licensure or registration by verification.

**572.7(3)** If an applicant is currently the subject of a complaint, allegation, or investigation relating to unprofessional conduct pending before any regulating entity in another jurisdiction, the board will neither issue nor deny a license or registration until the complaint, allegation, or investigation is resolved.

**572.7(4)** Applicants who satisfy all requirements for a license or registration under this rule except for passing the jurisprudence examination may be issued a temporary license or registration in accordance with the following:

*a.* A temporary license or registration is valid for a period of three months.

*b.* A temporary license or registration may be renewed once for an additional period of three months if the applicant has not failed the jurisprudence examination.

*c.* A temporary licensee or registrant shall display the board-issued license or registration renewal card that indicates the license or registration is temporary, which will satisfy the requirements in rule 481—574.2(147,153).

*d.* The temporary licensee or registrant must submit proof of passing the jurisprudence examination before the temporary license or registration expires. When the temporary licensee or registrant submits proof of passing the jurisprudence examination, the temporary license or registration will convert to a standard license or registration and be assigned an expiration date consistent with standard licenses or registrations.

*e.* If the temporary licensee or registrant does not submit proof of passing the jurisprudence examination prior to the expiration of the temporary license or registration, the temporary licensee or registrant must cease practice until a standard license or registration is issued.

This rule is intended to implement Iowa Code section 272C.12.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

#### **481—572.8(153) Resident license.**

**572.8(1)** A dentist or dental hygienist seeking permission to practice as a resident, intern or graduate student at an accredited teaching or educational institution offering advanced education courses may apply for a resident license in lieu of a permanent license.

**572.8(2)** Applicants for a resident license are exempt from providing evidence of current CPR certification. Applications for resident license must include the following:

*a.* Evidence from the dean or designated administrative officer of the accredited school confirming enrollment as a resident, intern or graduate student.

*b.* A signed written statement that includes the anticipated date of completion of the program from a dentist who holds an active Iowa license or faculty permit, who proposes to exercise supervision and direction over said applicant.

*c.* Satisfactory evidence of graduation from an accredited school of dentistry, dental hygiene, or other school approved by the board or license registration committee as authorized by the board.

*d.* The appropriate fee as specified in 481—Chapter 571.

*e.* Clinical experience or assessment as evidenced by one of the following:

(1) The applicant has practiced clinically in another state, district, territory or country within three years of the date of application; or

(2) The applicant has successfully completed a clinical examination or assessment within three years of the date of application to demonstrate ongoing clinical competency.

**572.8(3)** If approved, a resident license shall allow the licensee to serve as a resident, intern, or graduate student under the supervision of a licensed or permitted faculty member at an accredited school or program approved by the board.

*a.* A resident license will expire on the expected date of completion of the resident training program as reported on the application.

*b.* If a licensee leaves the institution during the anticipated term of the resident license, the license shall be considered null and void. The director of the resident training program should notify the board within 30 days of the licensee's terminating from the program.

*c.* A resident license may be extended past the original expected completion date of the training program at the discretion of the board or the license and registration committee as authorized by the board. A licensee who wishes to extend the expiration date of the license shall submit an extension application that includes the following:

(1) A statement explaining the need for an extension;

(2) The fee in the amount specified in 481—Chapter 571; and

(3) A statement from the director of the resident training program attesting to the progress of the resident; the new expected date of completion; and whether any warnings have been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action.

*d.* The director of the resident training program should report any warnings that have been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action.

*e.* A resident licensee who changes resident training programs, including the pursuit of another postgraduate degree, shall apply for a new resident license and include a statement from the program director documenting the applicant's progress.

**572.8(4)** No examination or continuing education will be required for this license.

This rule is intended to implement Iowa Code section 153.22.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.9(153) Dental college and dental hygiene program faculty permits.**

**572.9(1)** The board may issue a faculty permit entitling the holder to practice dentistry or dental hygiene as a faculty member within an accredited school or program and affiliated teaching facilities in lieu of a permanent license.

**572.9(2)** Applications for a faculty permit shall include the following:

*a.* Evidence from the dean or designated administrative officer of the accredited school confirming the employment of the applicant as faculty member who is not licensed to practice dentistry or dental hygiene in Iowa.

*b.* The nonrefundable application fees, including the fingerprint packet and background check fee as specified in 481—Chapter 571.

*c.* Information regarding the professional qualifications and background of the applicant, including evidence of having graduated from an accredited school or other program approved by the board or the license and registration committee as authorized by the board.

*d.* A completed packet to facilitate the criminal history background check by the DCI and FBI.

*e.* If the applicant is licensed by another jurisdiction, the applicant shall furnish evidence from the licensing board of that jurisdiction that the applicant is licensed in good standing and has not been the subject of final or pending disciplinary action.

*f.* The results of a self-query of the NPDB.

*g.* Evidence of successful completion of a jurisprudence examination pursuant to rule 481—572.15(147,153).

*h.* Clinical experience or assessment as evidenced by one of the following:

(1) The applicant has practiced clinically in another state, district, territory or country within three years of the date of application; or

(2) The applicant has successfully completed a clinical examination or assessment within three years of the date of application to demonstrate ongoing clinical competency.

**572.9(3)** A faculty permit shall expire on August 31 of every even-numbered year and may be renewed on a biennial basis. The faculty permit will be valid so long as the holder remains a faculty member at an accredited school in Iowa.

**572.9(4)** A faculty permit may be renewed in accordance with rule 481—572.20(147,153,272C) and 481—Chapter 573.

This rule is intended to implement Iowa Code section 153.37.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.10(147,153) Requirements for issuance and renewal of a local anesthesia permit.** To administer local anesthesia, a dental hygienist shall hold a current permit pursuant to 481—Chapter 576.

**572.10(1)** Applicants for local anesthesia permits are exempt from providing evidence of current CPR certification. Applications for a local anesthesia permit must include the following:

- a. The fee for a local anesthesia permit as specified in 481—Chapter 571; and
- b. Evidence that the applicant meets one of the following requirements:

(1) Successful completion, within the previous 36 months, of formal training in the administration of local anesthesia that includes training in block and infiltration anesthesia at an accredited school or other training program approved by the dental hygiene committee;

(2) Successful completion, within the previous 36 months, of a clinical examination in the administration of local anesthesia by a testing center approved by the board in accordance with rule 481—572.14(147,153); or

(3) For applicants who completed training or examination more than 36 months prior to application, evidence of formal training in the administration of local anesthesia and a statement attesting to ongoing practice within the previous 36 months in the administration of local anesthesia in another state or jurisdiction that authorizes a dental hygienist to administer local anesthesia.

**572.10(2)** The permit shall expire on August 31 of every odd-numbered year. To renew the permit, the dental hygienist must submit a timely application for renewal with evidence of holding an active Iowa dental hygiene license and submit the renewal fee as specified in 481—Chapter 571.

**572.10(3)** Failure to meet the requirements for renewal prior to November 1 following the permit's expiration will cause the permit to lapse and become invalid.

**572.10(4)** A permit that has lapsed may be reactivated upon the permit holder's application for reactivation, payment of the reactivation fee as specified in 481—Chapter 571, and evidence of a current Iowa dental hygiene license. A permit that has been lapsed for more than 36 months may be reinstated if the applicant also submits evidence of satisfying the requirements of paragraph 572.12(1)“b.”

This rule is intended to implement Iowa Code sections 147.10 and 147.80 and chapter 153.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.11(153) Requirements for issuance or renewal of a moderate sedation or general anesthesia permit.** Pursuant to 481—Chapter 579, dentists who wish to utilize moderate sedation, deep sedation, or general anesthesia in Iowa must possess a current permit issued by the board.

**572.11(1)** Applications for moderate sedation or general anesthesia permits must include the following:

a. The fee specified in 481—Chapter 571.

b. To qualify for a moderate sedation permit, evidence of having successfully completed approved education and training, which includes the following:

(1) A minimum of 60 hours of instruction and management of at least 20 patients, or an accredited residency program that includes formal training and clinical experience in moderate sedation;

(2) Rescuing patients from a deeper level of sedation than intended, including managing the airway, intravascular or intraosseous access, and reversal medications;

(3) For a dentist who intends to administer moderate sedation to pediatric or American Society of Anesthesiologists (ASA) III or IV patients, an accredited residency program that includes formal training in anesthesia and clinical experience in managing pediatric or ASA III or IV patients; and

(4) Current Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS) certification.

c. To qualify for a general anesthesia permit, evidence of having successfully completed the following education and training:

(1) An accredited advanced education program that provides training in moderate sedation, deep sedation and general anesthesia;

(2) A minimum of one year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level at an accredited advanced education program;

(3) Formal training in airway management; and

(4) Current ACLS certification.

**572.11(2)** Prior to issuance of a new permit, all facilities where the applicant intends to provide sedation services must have passed inspection by the board or designated agent pursuant to 481—Chapter 579.

**572.11(3)** The applicant may be required to complete a peer review evaluation or comply with any additional requirements deemed necessary to determine competency in the administration of moderate sedation, deep sedation, or general anesthesia, if requested by the board or the Anesthesia Credentials Committee (ACC), prior to issuance of a permit.

**572.11(4)** Applications for a moderate sedation or general anesthesia permit will be reviewed by the ACC or the board as deemed necessary to ensure compliance with this rule and 481—Chapter 579. Following review of an application, the ACC or the board may take action, in accordance with rule 481—572.22(147,153,272C).

**572.11(5)** Moderate sedation and general anesthesia permits will expire on August 31 of every even-numbered year. A permit may be renewed by submitting an application for renewal, maintaining an active Iowa dental license or faculty permit, and complying with the following:

a. Payment of the renewal fee as specified in 481—Chapter 571;

b. Evidence of current ACLS or PALS certification; and

c. Evidence of a minimum of six hours of continuing education in the area of sedation. These hours may also be applied toward the renewal of a dental license or faculty permit.

**572.11(6)** Failure to renew the permit prior to November 1 following its expiration will cause the permit to lapse and become invalid for practice. Permits that have lapsed may be reactivated upon submission of a new application in compliance with this rule. Applications for reactivation of a lapsed permit within six months may be administratively approved, so long as the application satisfies the requirements of this rule.

This rule is intended to implement Iowa Code sections 147.10, 147.11 and 272C.3 and chapter 153.  
[ARC 8986C, IAB 3/5/25, effective 4/9/25]

#### **481—572.12(153) Temporary permit.**

**572.12(1)** The board may issue a temporary permit authorizing the permit holder to practice dentistry or dental hygiene on a short-term basis in Iowa at a specific location or locations to fulfill an urgent need, serve an educational purpose, or provide volunteer services. A temporary permit is not meant as a way to practice before a permanent license is granted or as a means to practice because the applicant does not fulfill the requirements for permanent licensure. A temporary permit may be granted on a case-by-case basis.

a. The board may issue a temporary permit for a specified period up to six months.

b. A person may be issued no more than two temporary permits to fulfill an urgent need or serve an educational purpose unless the request is prior-approved by the board.

c. If the permit expires, the need changes or the permit holder wishes to continue in short-term assignments in other Iowa locations, the permit holder will be required to apply for a new temporary permit or seek permanent licensure, except when volunteering dental services in accordance with this rule.

d. A temporary permit to provide volunteer services is restricted to free clinics or dental clinics for nonprofit organizations as described under Section 501(c)(3) of the Internal Revenue Code. Temporary permit holders will not receive compensation for dental services provided.

**572.12(2)** Applications for a temporary permit to fulfill an urgent need or serve an educational purpose must include the following:

*a.* Satisfactory evidence of graduation with a DDS or DMD degree for applicants seeking a temporary permit to practice dentistry, or satisfactory evidence of graduation from an accredited dental hygiene school for applicants seeking a temporary permit to practice dental hygiene.

*b.* The fee for a temporary permit to fulfill an urgent need or serve an educational purpose as specified in 481—Chapter 571.

*c.* Certification from the state board of dentistry, or equivalent authority, from a state in which the applicant has been licensed and practicing for at least three years immediately preceding the date of application. Applicants who have been the subject of final or pending disciplinary action may not be eligible for a temporary permit.

*d.* Evidence that at least one license was issued on the basis of clinical examination.

*e.* A request from those individuals or organizations seeking the applicant's services that establishes, to the board's satisfaction, justification for the temporary permit, the dates the applicant's services are needed, and the location or locations where those services will be delivered.

**572.12(3)** Applications for temporary permits to provide volunteer services must include the following:

*a.* The name, address, and contact information of the applicant; the location of the free clinic or dental clinic for a nonprofit organization; and the dates on which the volunteer services will be provided.

*b.* A certification of license (or substantially similar document) from the appropriate licensing board of the applicant's primary jurisdiction.

*c.* A detailed statement disclosing any pending disciplinary actions or criminal charges against the applicant.

*d.* A statement from the applicant seeking the temporary permit that the applicant will practice only in a free dental clinic or dental clinic for a nonprofit organization and that the applicant will not receive compensation directly or indirectly for providing dental services.

This rule is intended to implement Iowa Code section 153.19.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

#### **481—572.13(153) Retired volunteer license.**

**572.13(1)** 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. A person holding a retired volunteer license must comply with the following:

*a.* Cannot charge a fee or receive compensation 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.

*b.* Cannot prescribe, administer, or dispense prescription drugs and all controlled substances.

*c.* Comply with 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.

**572.13(2)** Applicants for a retired volunteer license are exempted from providing evidence of current CPR certification. Applications for retired volunteer licenses must include the following:

*a.* Satisfactory evidence that the applicant has retired from practice; and

*b.* Satisfactory evidence demonstrating that:

(1) The applicant has held an active dental or dental hygiene license within the previous five years; or

(2) 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 five years.

**572.13(3)** The board will not charge an application or licensing fee for issuance of a retired volunteer license.

**572.13(4)** 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 is not eligible for a retired volunteer license.

**572.13(5)** A retired volunteer license is valid for 12 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.

**572.13(6)** A retired volunteer license is not considered to be an active license to practice dentistry or dental hygiene and cannot be converted to any regular license type.

**572.13(7)** A person holding an inactive Iowa dental or dental hygiene license may also hold a retired volunteer license.

**572.13(8)** A person holding a retired volunteer license will notify the board 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.

This rule is intended to implement Iowa Code section 153.23.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.14(147,153) Clinical examination required for licensure.**

**572.14(1)** Pursuant to Iowa Code section 147.34, the board and dental hygiene committee will approve examinations for the purposes of licensure. Applicants shall comply with the following:

*a.* Examinees must meet the requirements for testing and follow procedures established by each respective testing agency. Examinees must take all parts offered by the respective testing agency, including the periodontal scaling component for dental examinees if offered by the testing agency.

*b.* The examinee must attain a passing score on each clinical and written portion of the examination.

*c.* Applicants for licensure pursuant to rule 481—572.3(147,153) must provide evidence of successful completion of a board-approved clinical examination unless exempted by rule.

**572.14(2)** For the purposes of licensure, the board accepts patient-based and simulated clinical examinations administered by the testing agencies as follows:

*a.* Central Regional Dental Testing Service, Inc. (CRDTS);

*b.* CDCA-WREB-CITA, which was previously the Commission on Dental Competency Assessments (CDCA), the Western Regional Examining Board (WREB), and the Council of Interstate Testing Agencies, Inc. (CITA); and

*c.* The States Resources for Testing and Assessments (SRTA), previously known as the Southern Regional Testing Agency, Inc.

**572.14(3)** The board on its own motion may monitor or review any clinical examinations already approved by the board. Upon evidence that a clinical examination fails to satisfactorily demonstrate clinical competency to practice dentistry or dental hygiene, the board may revoke the approval of a clinical examination.

**572.14(4)** For the purposes of counting examination failures, the board and dental hygiene committee may utilize policies adopted by each respective testing agency. An examinee will only need to retake those parts of the examination that the examinee failed. However, an examinee who has not passed all parts of the examination within the time frame specified by the testing agency may be required to retake the entire examination at the discretion of the testing agency. The examinee should refer to the policies of the testing agency to determine applicable standards and time frames.

**572.14(5)** Following a second or subsequent failure, an examinee must complete additional formal education or clinical experience at an accredited school or other program approved by the board. Ongoing education and training completed by the examinee prior to graduation from an accredited school will be accepted for the purposes of remediation. The applicant will provide evidence of remediation upon request.

*a.* Prior to the third examination attempt, an examinee must complete additional formal education or clinical experience.

*b.* Prior to the fourth examination attempt, an examinee must successfully complete a minimum of 40 hours of formal education or clinical experience.

*c.* For subsequent examination attempts, an examinee must successfully complete a minimum of 40 hours of formal education or clinical experience following each failure.

**572.14(6)** If an examinee applies for an examination after having failed any other state or regional examination, the failure shall be counted for the purposes of retakes.

This rule is intended to implement Iowa Code sections 147.34, 147.36, 272C.3, 272C.9, and 272C.13 and chapter 153.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.15(147,153) Jurisprudence examination.**

**572.15(1)** An applicant for a dental or dental hygiene license, faculty permit, or registration as a dental assistant must successfully complete a board-approved examination in the area of Iowa jurisprudence with a minimum score of 75 percent. An examinee may be required to meet such other requirements as may be imposed by the board's approved testing locations.

**572.15(2)** The following examinations are approved for the purposes of this chapter:

- a. Board-approved examinations;
- b. Examinations administered by accredited schools or programs located in Iowa; and
- c. Board-approved continuing education courses that include a posttest examination and that have been approved by the board.

This rule is intended to implement Iowa Code sections 147.34, 147.36, 272C.3, 272C.9 and 272C.13 and chapter 153.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.16(147,153) Examinations for registration or qualification.**

**572.16(1)** An applicant for dental assistant registration must successfully complete examinations as required pursuant to rule 481—572.5(153).

**572.16(2)** An application for radiography qualification must successfully complete the examination as required pursuant to rule 481—572.6(136C,153).

**572.16(3)** An applicant may complete a single comprehensive examination or complete separate board-approved examinations in the required areas.

a. The following examinations are approved for the purposes of this subrule:

- (1) Board-approved examinations;
- (2) The DANB's Infection Control Examination (ICE);
- (3) The DANB's Radiation Health and Safety (RHS) Examination;
- (4) Examinations administered by accredited schools' dental assisting programs; or
- (5) Board-approved continuing education courses that include posttest examination.

b. A score of 75 percent or better on the board-approved examinations will be considered successful completion of the examination. The board also accepts the passing standard established by the DANB for applicants who take the ICE or RHS examination.

c. An examinee may be required to meet such other requirements as may be imposed by the board's approved testing locations.

This rule is intended to implement Iowa Code sections 147.34, 147.36, 272C.3, 272C.9 and 272C.13 and chapter 153.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.17(147,153,272C) Renewal of a license, permit, registration, or qualification.**

**572.17(1)** To continue practicing in Iowa, a license, permit, registration, or qualification must be renewed prior to its expiration date.

a. Dental hygiene licenses, local anesthesia permits, dental assistant registrations, and dental radiography qualifications expire on August 31 of every odd-numbered year.

b. Dental licenses, faculty permits, moderate sedation permits, and general anesthesia permits expire August 31 of every even-numbered year.

**572.17(2)** The department will email a renewal notice to each licensee, registrant and permit holder at the most recent email address of record.

a. The licensee, registrant, or permit holder is responsible for successfully completing renewal prior to the license's, registration's or permit's expiration. Failure to receive the renewal notice does not eliminate the responsibility for submitting a timely-filed renewal in order to continue practicing in the state of Iowa.

b. Renewal applications are not considered timely and complete until received by the department and accompanied by all material required for renewal and all applicable fees. Incomplete applications will not be issued renewal.

**572.17(3)** Applications for renewal must include the following:



*a.* The appropriate fee, including a penalty for late renewal when applicable, as specified in 481—Chapter 571 must accompany the application for renewal.

*b.* Licensees, registrants, and permit holders are required to complete continuing education in accordance with 481—Chapter 573 unless claiming a permissible exemption.

**572.17(4)** Iowa-licensed nurses applying for renewal of a radiography qualification are exempt from providing evidence of current CPR certification.

This rule is intended to implement Iowa Code sections 147.10, 147.25 and 147.80 and chapters 136C, 153 and 272C.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.18(147,153,272C) Grounds for nonrenewal.** The board may refuse to renew a license, registration, permit or qualification on the following grounds:

**572.18(1)** After proper notice and hearing for a violation of these rules or Iowa Code chapter 147, 153 or 272C.

**572.18(2)** Failure to pay required fees.

**572.18(3)** Failure to obtain required continuing education.

**572.18(4)** Failure to maintain current certification in CPR that includes a hands-on component, or ACLS or PALS certification when required by rule.

**572.18(5)** Receipt of a certificate of noncompliance from the child support recovery unit of the department of health and human services in accordance with 481—Chapter 8.

This rule is intended to implement Iowa Code section 153.31 and chapters 147, 252J and 272C.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.19(147,153,272C) Late renewal.** Failure to renew a license, permit, registration or qualification prior to the expiration date will result in the assessment of a late fee in the amount specified in 481—Chapter 571 in addition to the renewal fee.

**572.19(1)** Failure to renew prior to September 1 following expiration will result in the assessment of a late fee in the amount specified in 481—Chapter 571 in addition to the renewal fee.

**572.19(2)** Failure to renew prior to October 1 following expiration will result in the assessment of a late fee in the amount specified in 481—Chapter 571 in addition to the renewal fee.

**572.19(3)** Failure to renew prior to November 1 following expiration will cause the license, permit, registration, or qualification to lapse and become invalid. A licensee, permit holder, or registrant whose license, permit, registration, or qualification has lapsed is prohibited from the practice of dentistry, dental hygiene, dental assisting or dental radiography until the license, permit, registration or qualification is reinstated in accordance with rule 481—571.20(147,153,272C).

This rule is intended to implement Iowa Code sections 147.10, 147.11 and 272C.2.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.20(147,153,272C) Reinstatement or reactivation of a lapsed license, permit, registration or qualification.**

**572.20(1)** A lapsed license, permit, registration or qualification may be reactivated at the discretion of the board. Applications for reactivation must include the following:

*a.* Payment of a reactivation application fee plus one past-due renewal fee as specified in 481—Chapter 571;

*b.* For reactivation of a lapsed dental or dental hygiene license, a completed criminal history background packet, including the fee as specified in 481—Chapter 571, to facilitate a criminal history background check by the DCI and the FBI;

*c.* Evidence of completion of continuing education required for renewal in accordance with 481—Chapter 573 that has not been previously reported to the board, or evidence of the full- or part-time practice of the profession in another state, district or territory for a minimum of two years within the previous five-year period;

*d.* If licensed or registered in another state, district or territory, certification by the licensing authority of the license or registration status and that the licensee or registrant has not been the subject of final or pending disciplinary action;

*e.* A detailed statement disclosing any disciplinary actions, investigations, claims, complaints, judgments, settlements or criminal charges.

*f.* Pursuant to Iowa Code section 147.11, applicants for reinstatement, following the revocation, suspension, or acceptance of a voluntary surrender by this board, must comply with any additional stipulations issued by the board prior to the reactivation of the license, registration, permit or qualification.

**572.20(2)** The board or dental hygiene committee may require a licensee or registrant who is applying for reactivation, and who has not actively practiced clinically within five years immediately preceding the date of application, to successfully complete a board-approved examination or assessment for the purpose of ensuring that the applicant possesses sufficient knowledge and skill to practice safely.

This rule is intended to implement Iowa Code sections 147.10, 147.11 and 272C.2.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.21(136C,153) Reactivation of lapsed radiography qualification.**

**572.21(1)** A registered dental assistant or licensed nurse whose radiography qualification has lapsed may have the radiography qualification reactivated at the discretion of the board. In addition to the application requirements specified in rule 481—572.20(147,153,272C), applicants for reactivation must also submit evidence of the following:

- a.* Evidence of current registration as a dental assistant or an Iowa nursing license; and
- b.* Evidence of one of the following:

(1) If the radiography qualification has been lapsed for less than five years, a minimum of two hours of continuing education in the subject area of dental radiography, taken within the previous two-year period;

(2) If the radiography qualification has been lapsed for more than five years, the applicant has retaken and successfully completed a board-approved examination in dental radiography; or

(3) Current radiography qualification issued by another state, district or territory, and a statement detailing the clinical practice in dental radiography in that jurisdiction for a minimum of two years in the previous five-year period.

**572.21(2)** Iowa-licensed nurses applying for reactivation of a radiography qualification are exempt from providing evidence of current CPR certification.

This rule is intended to implement Iowa Code sections 147.10, 147.25 and 147.80 and chapters 136C, 153 and 272C.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

**481—572.22(147,153,272C) Grounds for action against a license, permit, registration or qualification.**

**572.22(1)** Following review of an application, including applications for reinstatement or reactivation, the board may take action against a license, permit, registration or qualification if the board finds that any of the following apply to the applicant:

*a.* Has been the subject of disciplinary action taken against a license or registration in another state, district, or territory, and the violations that resulted in such action would also be grounds for discipline in Iowa in accordance with 481—Chapter 581;

*b.* Failed to justify the need for a temporary permit;

*c.* Practiced outside the scope of practice as permitted by Iowa law; or

*d.* Found probable cause for any of the grounds for which licensure or registration may be subject to disciplinary action, including revocation or suspension, as specified in Iowa Code chapters 147, 153 and 272C and 481—Chapter 581.

**572.22(2)** The board may take action against an applicant for license, permit, registration or qualification as follows:

*a.* Impose applicable restrictions or sanctions pursuant to rule 481—581.1(147,153,272C) as a condition of licensure, permit, registration, qualification or reinstatement;

*b.* Issue a notice of intent to cancel a temporary permit or retired volunteer license;

*c.* Issue a notice of intent to deny issuance or reactivation of a license, permit, registration or qualification;

*d.* Initiate disciplinary action against the license, permit, registration or qualification; or

*e.* Initiate other confidential action as permitted by Iowa law.

**572.22(3)** If the board pursues formal action against an applicant pursuant to this rule, the board will promptly notify the applicant by certified mail at the applicant's last-known address or by personal service.

**572.22(4)** The provisions of 481—Chapter 506 shall govern a contested case proceeding.

**572.22(5)** The procedure for appealing a decision of the board in a contested case is set forth in 481—Chapter 506.

[ARC 8986C, IAB 3/5/25, effective 4/9/25]

This rule is intended to implement Iowa Code chapters 147, 153 and 272C.

[Filed ARC 8986C (Notice ARC 8487C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

CHAPTER 573  
DENTAL CONTINUING EDUCATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—573.1(153) Continuing education requirements.**

**573.1(1)** Prior to renewal, licensees and registrants are responsible for completing continuing education as follows unless claiming a permissible extension or exemption:

- a.* Each person who holds a license or faculty permit to practice dentistry: a minimum of 30 hours.
- b.* Each person who holds a license or faculty permit to practice dental hygiene: a minimum of 30 hours.
- c.* Each person registered to practice dental assisting: a minimum of 20 hours.
- d.* Each registrant or licensed nurse who holds a radiography qualification: a minimum of two hours in the area of dental radiography. These hours may also be applied toward the requirements as stipulated in paragraph 573.1(1)“c.”
- e.* Pursuant to Iowa Code chapters 232 and 235B, mandatory reporter training for child abuse and dependent adult abuse. Licensees and registrants who regularly provide or assist with dental services to patients in Iowa are responsible for completing mandatory reporter training within six months of employment or prior to the expiration of a current certificate.

(1) Licensees and registrants who regularly provide dental services to children shall complete training pertaining to identifying and reporting abuse in children. Completion of this component of the mandatory reporter training results in two hours of continuing education credit.

(2) Licensees and registrants who regularly provide dental services to adults shall complete training pertaining to identifying and reporting abuse in dependent adults. Completion of this component of the mandatory reporter training results in two hours of continuing education credit.

*f.* Pursuant to 481—Chapter 572, cardiopulmonary certification, which results in a maximum of three hours of continuing education credit. Certification in pediatric advanced life support (PALS) or advanced cardiac life support (ACLS) results in hour-for-hour credit.

*g.* A minimum of one hour of continuing education in the area of infection control. The course content should focus on infection control standards, as required by the U.S. Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services.

*h.* A minimum of one hour of continuing education in the area of Iowa jurisprudence related to the practice of dentistry, dental hygiene and dental assisting.

*i.* As a condition of license renewal, for a licensed dentist who has prescribed opioids to a patient during the biennium renewal period, a minimum of one hour of continuing education on opioids.

(1) This training shall include guidelines for prescribing opioids, including recommendations on limitations of dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacological therapy options. If the continuing education did not cover the U.S. Centers for Disease Control and Prevention guideline for prescribing opioids for chronic pain, the licensee shall read the guideline prior to license renewal.

(2) A licensed dentist who did not prescribe opioids during the biennium renewal period may attest that the dentist is not subject to this requirement due to the fact that the dentist did not prescribe opioids during the time period.

**573.1(2)** Licensees and registrants may apply completed continuing education hours that meet the requirements of paragraphs 573.1(1)“d” through “h” toward the requirements for renewal of the license or registration.

**573.1(3)** The continuing education compliance period shall be the 24-month period commencing September 1 and ending on August 31 of the renewal cycle, except when applying continuing education hours from the previous renewal period in accordance with this rule.

**573.1(4)** Licensees and registrants may obtain continuing education credit by attending and participating in continuing education activities that meet the requirements of this chapter.

**573.1(5)** Pursuant to Iowa Code section 272C.2(2)“h,” licensees and registrants who complete continuing education hours in excess of the requirements for renewal may apply up to 50 percent of the required hours to the following renewal period. Hours may be carried forward as follows:

- a. Licensees and faculty permit holders may apply a maximum of 15 hours from the previous renewal period.
- b. Registered dental assistants may apply a maximum of ten hours from the previous renewal period.
- c. Licensees and registrants may not carry forward hours for courses in the areas of cardiopulmonary resuscitation (CPR), infection control, jurisprudence, dental radiography, or opioids completed during the previous renewal period.

[ARC 8987C, IAB 3/5/25, effective 4/9/25]

**481—573.2(153) Documentation of continuing education hours.**

**573.2(1)** Licensees and registrants are responsible for obtaining evidence of successful completion for courses attended. The course sponsor should verify credit hours on the proof of attendance.

**573.2(2)** When applying for renewal, licensees and registrants will report the number of continuing education credit hours completed unless claiming an exemption pursuant to rule 481—573.5(153).

**573.2(3)** Every licensee and registrant should maintain a record of all courses attended by keeping evidence of continuing education for four years following renewal. The board reserves the right to audit the continuing education hours reported by any licensee or registrant. If selected for audit, the licensee or registrant is responsible for submitting copies of the certificates or other evidence.

[ARC 8987C, IAB 3/5/25, effective 4/9/25]

**481—573.3(153) Acceptable programs and activities.**

**573.3(1)** A continuing education activity is deemed to be acceptable if it meets the following criteria:

- a. It constitutes an organized program of learning that contributes directly to the professional competency of the licensee or registrant and is of value to dentistry, is applicable to oral health care, or otherwise pertains to patient care;
- b. It pertains to common subjects or other subject matters that relate to the practice of dentistry, dental hygiene, or dental assisting and that are intended to review or update knowledge of new or existing concepts and techniques and enhance the dental health of the public; and
- c. It is developed or conducted by individuals who have sufficient education, training and experience to be knowledgeable in the subject matter. Continuing education activities that are developed or approved for continuing education credit by a nationally recognized organization, such as the American Dental Association, the Academy of General Dentistry or another dental specialty organization, would meet these criteria.

**573.3(2)** Types of activities acceptable for continuing dental education credit include:

- a. A dental science course that includes topics that address the clinical practice of dentistry, dental hygiene, dental assisting and dental public health.
- b. Courses pertaining to the practice of dentistry that include areas such as recordkeeping, medical conditions that may have an effect on oral health, ergonomics related to clinical practice, the Health Insurance Portability and Accountability Act (HIPAA), risk management, sexual boundaries, communication with patients, Occupational Safety and Health Administration (OSHA) regulations, and the discontinuation of practice related to the transition of patient care and patient records.
- c. Sessions attended at a convention-type meeting that includes a variety of concurrent educational experiences directly related to the practice of dentistry. Attendees at a multiday convention may receive a maximum of 1.5 hours of credit per day with the maximum of 6 hours of credit allowed per biennium.
  - (1) Attendance of table clinic sessions will result in two hours of credit as verified by the sponsor, provided the subject matter conforms to this chapter.
  - (2) Presentation of an original table clinic session will result in four hours of continuing education credit as verified by the sponsor, provided the subject matter conforms to this chapter.
- d. Postgraduate study relating to health sciences, which will result in 15 hours of continuing education per semester.

*e.* Successful completion of a recognized specialty examination or the Dental Assisting National Board (DANB) examination, which will result in 15 hours of continuing education credit.

*f.* Self-study activities, which are permitted with a maximum of 12 hours of continuing credit per renewal period.

*g.* Original presentation of continuing dental education courses, which will result in credit double that which is awarded to participants. Additional credit will not be granted for the repeating of presentations within the renewal period.

*h.* Teaching. Licensees and registrants who serve as adjunct faculty at an accredited school may claim continuing education credit for teaching that is part of the normal academic duties. Licensees and registrants may apply a maximum of six hours of credit per renewal period.

*i.* Publication of scientific articles in professional journals related to dentistry, dental hygiene, or dental assisting, which will result in 5 hours of continuing education credit per article with a maximum of 20 hours allowed per renewal period.

*j.* Delivery of volunteer dental services without compensation through a free clinic, the purpose of which is the delivery of health care services to low-income or underserved individuals. Licensees and registrants may claim one hour of continuing education credit for every three hours of volunteer dental services.

(1) The volunteer hours must be verified by the free clinic or the organization sponsoring the event where the volunteer services are provided.

(2) Licensees and faculty permit holders may apply a maximum of six hours of credit per renewal period.

(3) Registrants may apply a maximum of four hours of credit per renewal period.

**573.3(3)** Credit may be given for other continuing education activities upon approval by the board.

**573.3(4)** Continuing education courses in the areas of expanded functions or sedation must receive prior approval from the board, or committee approval as authorized, pursuant to 481—Chapter 577 and 481—subrule 572.11(1).

[ARC 8987C, IAB 3/5/25, effective 4/9/25]

**481—573.4(153) Unacceptable programs and activities.** Unacceptable subject matter and activity types for the purposes of renewal include but are not limited to personal development, business aspects of practice, business strategy, financial management, marketing, sales, practice growth, personnel management, insurance, and collective bargaining. While desirable, those subjects and activities are not applicable to dental skills, knowledge, and competence. Therefore, such courses will receive no credit toward renewal.

[ARC 8987C, IAB 3/5/25, effective 4/9/25]

**481—573.5(153) Extensions and exemptions.**

**573.5(1)** The board may, in individual cases involving physical disability or illness, grant an extension of the time to meet, or an exemption from, the continuing education requirements. Requests for extension or exemption should include a statement from a licensed health care professional confirming the disability or illness that resulted in the need for such a request. 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.

**573.5(2)** Extensions of or exemptions for continuing education requirements will be considered by the board on an individual basis. Licensees or registrants are 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, district, or territory that has a continuing education requirement for which the licensee or registrant meets all requirements;
- 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; or

e. The first renewal period, or portion thereof, following original issuance of the license, permit or registration.

[ARC 8987C, IAB 3/5/25, effective 4/9/25]

**481—573.6(153) Continuing education sponsors.**

**573.6(1)** An organization or person that desires to offer continuing education courses or programs or other continuing education activities may do so provided that the sponsor complies with the requirements of this chapter. The board may request a sponsor to provide information about continuing education activities it offers, including names and qualifications of instructors.

**573.6(2)** The person or organization sponsoring continuing education activities is responsible for keeping 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 to the board upon the request. The sponsor of the continuing education activity will also provide proof of attendance and the number of credit hours awarded to the licensee or registrant who participates in the continuing education activity.

**573.6(3)** 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 should notify attendees of such. Sponsors may offer noncredit courses provided the participants are informed that no credit will be awarded.

[ARC 8987C, IAB 3/5/25, effective 4/9/25]

**481—573.7(153) Review of programs or sponsors.** The board reserves the right to monitor or review any continuing education program offered to Iowa licensees and registrants. Upon evidence of a failure to meet the requirements of this chapter, the board may deny credit for the purposes of renewal. The board may deny all or any part of the hours granted by the program. A provider that wishes to appeal the board's decision regarding continuing education credit may file an appeal within 30 days of the board's decision. A timely appeal initiates a contested case proceeding. The contested case will be conducted pursuant to Iowa Code chapter 17A and 481—Chapter 506. The written decision issued at the conclusion of a contested case hearing shall be considered final agency action.

[ARC 8987C, IAB 3/5/25, effective 4/9/25]

**481—573.8(153) Noncompliance with continuing dental education requirements.** It is the licensee's or registrant's personal responsibility to comply with these rules. Failure to comply may result in disciplinary action by the board, including nonrenewal of the license or registration.

[ARC 8987C, IAB 3/5/25, effective 4/9/25]

**481—573.9(153) Dental hygiene continuing education.** The dental hygiene committee, in its discretion, may make recommendations to the board for approval or denial of requests pertaining to dental hygiene education. The following items will be forwarded to the dental hygiene committee for review:

1. Requests by dental hygienists for waivers, extensions and exemptions of the continuing education requirements.

2. Appeals of denial of dental hygiene continuing education and conduct of hearings as necessary.

[ARC 8987C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code sections 147.10, 147.11, 153.15A and 153.39 and chapter 272C.

[Filed ARC 8987C (Notice ARC 8495C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

CHAPTER 574  
GENERAL REQUIREMENTS AND STANDARDS OF PRACTICE

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—574.1(153) Licensed or registered personnel.** In accordance with Iowa Code chapters 147 and 153, persons engaged in the practice of dentistry, dental hygiene or dental assisting in Iowa must be licensed by the board as a dentist or dental hygienist or registered as a dental assistant.

This rule is intended to implement Iowa Code chapters 147 and 153.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.2(147,153) Display of current license, registration, permit or qualification.** In accordance with Iowa Code section 147.7, the certificate of every license, permit, registration or qualification and evidence of current renewal must be prominently displayed at each permanent practice location.

**574.2(1)** Additional certificates may be obtained from the board. Evidence of renewal may be obtained from the board's online licensing database at no cost or by request to the board. The board may assess a fee for a replacement certificate or evidence of renewal pursuant to 481—Chapter 571.

**574.2(2)** Practice locations may display evidence of license, permit, registration or qualification by electronic means in conjunction with primary source verification.

This rule is intended to implement Iowa Code chapter 147.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.3(147,153,272C) Change of name or address.**

**574.3(1)** *Change of name.* Each person licensed or registered by the board must notify the board and submit evidence of a legal name change within 60 days of such change.

**574.3(2)** *Change of address.* Pursuant to Iowa Code section 147.9, each person licensed or registered by the board must notify the board within 60 days of changes in email for the purpose of electronic communications from the board, primary mailing address, and all full- and part-time practice locations.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.4(147,153,272C) Other requirements.**

**574.4(1)** *Child and dependent adult abuse training.* Licensees or registrants who regularly examine, attend, counsel or treat children or adults in Iowa must obtain mandatory training in child and dependent adult abuse identification and reporting in accordance with Iowa Code sections 232.69 and 235B.16 and 481—Chapter 573.

**574.4(2)** *Cardiopulmonary resuscitation.* Licensees and registrants may practice in Iowa if they obtain and maintain current certification in a cardiopulmonary resuscitation (CPR) course that included a hands-on component. The board reserves the right to request that licensees and registrants provide evidence of current certification.

This rule is intended to implement Iowa Code sections 232.69 and 235B.16 and chapter 153.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.5(153) Use of personnel.** Dentists are obligated to protect the health of their patients by assigning to qualified personnel only those duties that can be legally delegated. Dentists will supervise the work of all personnel working under their direction and control.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.6(153,272C) Patient acceptance.** Dentists, in serving the public, may exercise reasonable discretion in accepting patients; however, pursuant to state and federal law, dentists may not discriminate against legally protected classes by refusing to accept patients into their practice or denying dental service to patients for reasons such as race, creed, sex or national origin.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]



**481—574.7(153) Emergency service.** Emergency services in dentistry are deemed to be those services necessary for the relief of pain or to thwart infection and prevent its spread. When consulted in an emergency by patients, dentists shall make reasonable arrangements for emergency care.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.8(153) Consultation and referral.**

**574.8(1)** Dentists are responsible for meeting the minimum standard of care and should seek consultation or referral, if possible, whenever the welfare of patients will be safeguarded or advanced by utilizing those practitioners who have special skills, knowledge and experience.

**574.8(2)** The specialist or consulting dentist shall comply with the following:

*a.* Upon completion of the consultation or specialty treatment, return the patient, unless the patient expressly states a different preference, to the referring dentist or, if none, to the dentist of record for future care.

*b.* When there is no referring dentist, upon completion of the treatment, inform the patient when there is a need for further dental care.

**574.8(3)** A dentist who has a patient referred for a second opinion regarding a diagnosis or treatment plan should render the requested second opinion in accordance with these rules. In the interest of the patient being afforded quality care, the dentist rendering the second opinion should not have a vested interest in the ensuing recommendation.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.9(153,272C) Patient records.**

**574.9(1)** Patient records may be entered or retained electronically or by other means. Dentists must maintain patient records in a manner consistent with the protection of the welfare of the patient and comply with the following:

*a.* Preserve and maintain the confidentiality of patient records as required by state and federal law.

*b.* Ensure that all entries into patient records are permanent, timely, accurate, legible, and easily understandable.

*c.* Update and correct errors in the patient record electronically, or legibly in ink, with no erasures or white-outs. If incorrect information is placed in the record, cross out the error with a single nondeleting line and include the initials or other means of identification for the licensee or registrant who updated the record.

*d.* Safeguard the records from destructive elements.

*e.* Maintain a duplicate hard copy or use an unalterable record when electronic records are kept.

**574.9(2)** Dentists will create and maintain dental records for each patient that contain all of the following:

*a.* Patient information that includes the following:

(1) Name, date of birth, address, and, if a minor, name of parent or guardian.

(2) Name and telephone number of person to contact in case of emergency.

*b.* Dental and medical history information sufficient to support the recommended treatment plan from the patient or the patient's parent or guardian.

*c.* Patient's stated reasons related to oral health when a patient presents with a chief complaint.

*d.* Dental records shall include chronological entries, including dates and descriptions of the following:

(1) Clinical examination findings, tests conducted, and a summary of all pertinent diagnoses;

(2) Plan of intended treatment and treatment sequence;

(3) Services rendered and any treatment complications;

(4) All radiographs, study models, and periodontal charting, if applicable;

(5) Name, quantity, and strength of all drugs dispensed, administered, or prescribed; and

(6) Name of dentist, dental hygienist, or any other auxiliary, who performs any treatment or service or who may have contact with a patient regarding the patient's dental health.

*e.* Documentation, at a minimum, of informed consent that includes an overview of the discussion of proposed procedure(s), treatment options, potential complications and known risks, and patient's consent to proceed with treatment.

**574.9(3)** Transfer of records. Upon request of the patient or patient's legal guardian, the dentist shall furnish copies of the complete dental records, including copies of the radiographs that are of diagnostic quality.

*a.* The dentist may not refuse to transfer records for any reason, including but not limited to nonpayment of any fees.

*b.* The dentist may charge a nominal fee for duplication of records.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.10(153) Teledentistry.** Only dentists, dental hygienists, or dental assistants currently licensed or registered by the board may use teledentistry to provide dental care to patients located in Iowa. This rule establishes the standards of practice for teledentistry.

**574.10(1)** "Teledentistry" means a dentist is providing or supervising dental services using technology when the patient is in another location.

**574.10(2)** A dentist may not provide teledentistry services to a patient based solely on the responses to an electronic questionnaire consisting of a static set of questions.

**574.10(3)** The standard of dental care is the same whether a patient is seen in person or through a teledentistry encounter.

*a.* The use of teledentistry is not an expansion of the scope of practice for dental hygienists or dental assistants.

*b.* A dentist may only use teledentistry if utilizing evidence-based standards of practice and practice guidelines to ensure patient safety, quality of care, and positive outcomes.

**574.10(4)** When teledentistry will be utilized, a dentist, in addition to the requirements of rule 481—574.8(153), is responsible for ensuring informed consent covers the following:

*a.* A description of the types of dental care services provided via teledentistry, including limitations on services;

*b.* The identity, contact information, practice location, licensure, credentials, and qualifications of all licensees and registrants involved in the patient's dental care, which should be publicly displayed on a website or provided in writing to the patient; and

*c.* Precautions for technological failures or emergency situations.

**574.10(5)** A dentist may only use teledentistry to conduct an examination for a new patient or for a new diagnosis if the examination is conducted in accordance with evidence-based standards of practice to sufficiently establish an informed diagnosis.

*a.* A dentist shall not conduct a dental examination using teledentistry if the standard of care necessitates an in-person dental examination.

*b.* Once an examination has been conducted, a dentist may delegate the services to be provided by a licensed dental hygienist or registered dental assistant. A dentist shall not delegate expanded functions when teledentistry is being utilized.

*c.* A dentist may only delegate services to licensees and registrants employing the levels of supervision as permitted in this chapter and 481—Chapters 570, 575, 576 and 577.

*d.* A supervising dentist may authorize the use of teledentistry in conjunction with public health supervision.

**574.10(6)** A dentist may only use teledentistry if the dentist has adequate knowledge of the nature and availability of local dental resources to provide appropriate follow-up care as needed. A dentist shall refer a patient to an acute care facility or an emergency department when necessary for the safety of the patient or in the case of emergency.

**574.10(7)** A teledentistry encounter shall be clearly characterized as such in a patient record.

**574.10(8)** All dentists, dental hygienists, and dental assistants shall ensure that the use of teledentistry complies with the privacy, breach and security requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR Part 160, Part 162, and Part 164, and any amendments of as of August 30, 2024.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.11(153) Public health supervision allowed.** A dentist who meets the requirements of this rule may provide public health supervision to a dental hygienist or registered dental assistant if the dentist has an active Iowa license and the services are provided in public health settings as defined in rule 481—570.1(153).

**574.11(1) Minimum clinical practice required.** A licensed dental hygienist or registered dental assistant is eligible to practice under public health supervision and provide services if the hygienist or assistant has an active license or registration and a minimum of one year of clinical practice experience.

**574.11(2) Public health supervision agreements.** When working under a public health supervision relationship, a dental hygienist or dental assistant shall enter into a written agreement with a dentist that addresses and complies with the following items:

- a. Specify the location or locations where the public health services will be provided.
- b. Include the preferred method of contact for ongoing communication and consultation between the dental hygienist or dental assistant.
- c. Have age- and procedure-specific standing orders for the performance of services. The standing orders should include consideration for medically compromised patients and medical conditions for which the standard of care would dictate that a dental evaluation occur prior to the provision of services.
- d. Specify a period of time in which an examination by a dentist must occur prior to providing further services. This examination requirement does not apply to educational services, assessments, screenings, and fluoride if specified in the supervision agreement.
- e. Specify whether the agreement permits the dental hygienists to apply silver diamine fluoride. The supervision agreement may include provisions for use of silver diamine fluoride if the dentist and the dental hygienist complete board-approved training and the provisions comply with board-approved protocols.
- f. Specify a procedure for creating and maintaining dental records for the patients who are treated by the dental hygienist or dental assistant, including where these records are to be located.
- g. Review the written agreement a minimum of once every two years, and maintain a copy of the agreement for reference.
- h. File a copy of the agreement with dental and oral health program of the department of health and human services within 30 days of entering into or updating an agreement and provide a copy of the agreement to the board upon request.

**574.11(3) Dental hygiene and dental assistant services.** A dental hygienist or dental assistant may provide the services specified in the public health supervision agreement pursuant to the following:

- a. A dental hygienist may provide services that fall within the scope of practice pursuant to 481—Chapter 576, except for the administration of local anesthesia or nitrous oxide inhalation analgesia.
- b. A registered dental assistant providing services under public health supervision may perform all extraoral duties, take dental radiographs, assist with intraoral suctioning, use a curing light and take images using an intraoral camera.
- c. Each patient shall sign a consent form that clarifies that dental public health services do not take the place of regular dental checkups at a dental office and are meant for people who otherwise would not have access to dental services.
- d. After receiving dental public health services, the dental hygienist or dental assistant will provide to the patient, parent or guardian a written plan for referral to a dentist and assessment of further dental treatment needs.

**574.11(4) Reporting requirements.** Each dental hygienist or dental assistant who rendered services under public health supervision at any time during the calendar year is obligated to complete a summary report at least annually or at the completion of a program. The dental hygienist or dental assistant will file the report with the dental and oral health program of the department of health and human services to assess the impact of the program.

- a. The report filed by each dental hygienist should include, at a minimum, information related to the number of patients seen and services provided.

b. The report filed by each dental assistant should include, at a minimum, information related to the number of patients seen, the services provided to patients and the infection control protocols followed at each public health location. The department will provide summary reports to the board on an annual basis.

c. The dental and oral health program should provide summary reports to the board annually or upon request.

This rule is intended to implement Iowa Code chapter 153.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.12(153) Representation of treatment and fees.** Licensees and registrants shall not represent the care being rendered to their patients or the fees being charged for providing the care in a false or misleading manner.

**574.12(1)** The following billing practices are deemed to constitute deception, misrepresentation, overbilling, fraud or a combination thereof:

a. Accepting a third-party payment under a copayment plan as payment in full and not collecting the patient's portion without disclosing that to the third-party payer.

b. Increasing a fee to a patient merely because the patient has insurance.

c. Submitting a claim form to a third party and knowingly reporting incorrect treatment dates.

d. Describing a dental procedure incorrectly on a third-party claim form in order to receive a greater payment or intentionally making a noncovered procedure appear to be a covered procedure.

e. Recommending or performing unnecessary dental services or procedures.

f. Billing for services not rendered. A dentist may bill for those services that have started or been rendered, for actual costs incurred in the treatment of the patient, or for missed appointments.

g. Billing or drawing on a patient's line of credit prior to services being started or rendered. A dentist may bill or draw on a patient's line of credit for those services that have been rendered or for actual costs incurred in the treatment of the patient.

**574.12(2)** A dentist may allow patients to prepay for services, in whole or in part, on a voluntary basis.

**574.12(3)** Payments accepted by a dentist under a government-funded program, a sponsored access program, or a participating agreement entered into under a program of a third party are not considered as evidence of overbilling when determining whether a charge to a patient or to another third party on behalf of a patient not covered under any of these programs constitutes overbilling under this rule.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.13(153) Retention of patient records and discontinuance of practice.**

**574.13(1)** *Retention of dental records.* A dentist shall maintain a patient's dental record for a minimum period of time as follows:

a. For adults, six years after the date of last examination, prescription, or treatment.

b. For minors, either until the patient reaches the age of nineteen, or six years after the date of last examination, prescription, or treatment, whichever is longer.

c. For study models and casts, six years after the date of completion of treatment. Alternatively, one year after completion of treatment, study models and casts may be provided to the patient for retention.

**574.13(2)** *Discontinuance of practice.* When a dentist intends to discontinue practice at a practice, or upon death or incapacitation, the following provisions apply to minimize disruptions in patients' access to dental care:

a. A licensee or appointed representative shall notify all active patients in writing, by making the same notification available on the website of the dental practice for no less than 30 days, or by publication once a week for three consecutive weeks in a newspaper of general circulation that the licensee intends to discontinue the practice of dentistry and include guidance for the continuance of dental care, or how to make reasonable arrangements for the transfer of patient records or complete copies thereof to the patient, patient's guardian, or succeeding licensee.

b. A dentist should appoint another Iowa licensee, representative or entity who, upon the death or incapacitation of the dentist, is able to retain the patient records and assist patients with access to their records in compliance with state and federal law.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.14(153) Unethical and unprofessional conduct.**

**574.14(1)** Unethical or unprofessional conduct includes the following:

- a. Taking actions that the board deems to be abusive, coercive, intimidating, harassing, untruthful or threatening in connection with the practice of dentistry.
- b. Knowingly providing false or misleading information to the board or an agent of the board.
- c. Knowingly interfering with a person filing a complaint with the board, or entering an agreement with a person that prohibits that person from filing a complaint with the board.
- d. Failing to fully explain a treatment regimen and obtain patient authorization before treatment begins.

**574.14(2)** A licensee or registrant who has been diagnosed with a communicable or infectious disease shall comply with Iowa Code chapter 139A. Failure to do so constitutes unethical and unprofessional conduct and may be grounds for disciplinary action by the board.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.15(153) Communications.** Communications by inclusion or omission to the public must be accurate.

**574.15(1)** The following standards apply to the communications related to the practice of dentistry:

- a. Statements, testimonials, photographs, graphics or other means of communication shall not convey false, untrue, deceptive, or misleading information.
- b. Communications should not incite an individual's anxiety in an excessive or unfair way, and they should not create unjustified expectations of results.
- c. Communications that refer to benefits or other attributes of dental procedures or products that involve significant risks must also include realistic assessments of the safety and efficacy of those procedures or products. Communications should also include information about alternatives where necessary to avoid deception.
- d. Communications must neither misrepresent a dentist's credentials, training, experience or ability nor contain claims of superiority that cannot be substantiated.

**574.15(2)** Dentists are encouraged to engage in truthful, nondeceptive advertising. Dentists who engage in the types of advertising that do the following shall take care to ensure that ads are consistent with these rules:

- a. Include claims that the service performed or the materials used are professionally superior to those which are deemed to be consistent with standard practice or that assert that one licensee is better than another when superiority of service or materials cannot be substantiated.
- b. Reference an unearned or nonhealth degree.
- c. Reference attainment of an honorary fellowship. An honorary fellowship does not include an award based on merit, study or research. The attainment of fellowship status may be indicated in scientific papers, curriculum vitae, third-party payment forms, and letterhead and stationery that is not used for the direct solicitation of patients.
- d. Promote a professional service that the dentist knows or should know is beyond the dentist's ability to perform or that creates an unjustified expectation concerning the potential result of any dental treatment.
- e. Include communication that is likely to intimidate or exert undue pressure or influence over a prospective patient.
- f. Include a testimonial attesting to a quality of competence of a service or treatment offered by a licensee that is not reasonably verifiable.
- g. Utilize statistical data or other information that creates an unjustified expectation about results that the dentist can achieve.
- h. Include personally identifiable facts, data or other information about a patient without first obtaining patient consent.
- i. Include any misrepresentation of a material fact.

*j.* Suppress, omit, or conceal any material fact or law without which the communication would be deceptive.

*k.* Include circumstances that indicate bait-and-switch advertising. The board may require the advertiser to furnish data or other evidence pertaining to those sales at the advertised price as well as other sales. Where the circumstances indicate deceptive advertising, the board may initiate an investigation or disciplinary action as warranted.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.16(153) Advertising standards.** The board may request a dentist to substantiate the truthfulness of any assertion or representation of material fact in an advertisement.

**574.16(1)** The dentist must possess and rely upon information that, when produced, would substantiate the truthfulness of any assertion, omission, or representation of material fact in the advertisement.

**574.16(2)** The failure or refusal to comply with the requirements of this rule may be deemed professional misconduct.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.17(153) Fees.** Advertising that states a fee must clearly define the professional service being offered in the advertisement. Advertised offers will be presumed to include everything ordinarily required for such a service.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.18(153) Public representation.** All advertisements and public representations should include the name and contact information of the practitioner who placed the ad.

**574.18(1)** If the advertisement refers to one's practice, the ad may state either "general/family practice" or "specialist," "specializes," or "specializing." A dentist may not advertise or represent oneself as a specialist unless the dentist complies with the other provisions of this rule.

**574.18(2)** A dentist may advertise as a specialist if the dentist is a diplomate of, or board-eligible for, a national certifying board of a specialty recognized by the American Dental Association (ADA) or the American Board of Dental Specialties (ABDS). A dentist should consult with the ADA or ABDS for a current list of recognized specialties.

**574.18(3)** A certifying board may apply for a new area of specialty by submitting information regarding the area of specialty, including an explanation of how the proposed specialty is within the scope of practice of dentistry in Iowa, and proof of the following:

*a.* The proposed specialty is separate and distinct from any preexisting specialty recognized by the ADA or ABDS;

*b.* The proposed specialty is a distinct and well-defined field that requires unique knowledge and skills beyond those commonly possessed by dental school graduates;

*c.* The certifying board is an independent entity that is comprised of licensed dentists, whose membership is reflective of the proposed specialty, and that is incorporated and governed solely by the licensed dentists/board members;

*d.* The certifying board has a permanent headquarters and staff;

*e.* The certifying board has issued diplomate certificates to licensed dentists for at least five years;

*f.* The certifying board requires passing an oral and written examination based on psychometric principles that tests the applicant's knowledge and skill in the proposed specialty;

*g.* The certifying board requires all dentists who seek certification in the proposed specialty to have successfully completed a specified, objectively verifiable amount of post-DDS or -DMD education and experience that is appropriate for the proposed specialty area, as determined by the certifying board; and

*h.* The certifying board's website includes online resources for the consumer to verify the certifying board's certification requirements and a list of the names and location of the dentists who have been awarded certification.

**574.18(4)** The use of the terms "specialist," "specializes," "orthodontist," "oral and maxillofacial surgeon," "oral and maxillofacial radiologist," "periodontist," "pediatric dentist," "prosthodontist,"

“endodontist,” “oral pathologist,” “public health dentist,” “dental anesthesiologist,” or other similar terms that imply that the dentist is a specialist may only be used by a licensed dentist who meets the requirements of this rule. A dentist who advertises as a specialist must avoid any implication that other dentists associated with the same practice are specialists unless the dentists also meet the requirements of this rule.

**574.18(5)** The term “diplomate” or “board-certified” may only be used by a dentist who has successfully completed the qualifying examination of the appropriate certifying board of one or more of the specialties recognized by the ADA or the ABDS, or as otherwise permitted pursuant to these rules.

**574.18(6)** A dentist may only advertise as a specialist pursuant to these rules if the advertisement includes the name of the national certifying board and the name of the entity that recognizes the board in the advertisement.

**574.18(7)** A dentist may advertise the areas in which the dentist practices, including but not limited to specialty services, using other descriptive terms such as “emphasis on \_\_\_\_\_” or other similar terms as long as all other provisions of these rules regarding advertising are met.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.19(153) Responsibility for advertisements.** Each professional who is a principal partner, officer, or licensed professional employee, acting as an agent of the firm or entity identified in the advertisement, is jointly and severally responsible for the form and content of any advertisement offering services or materials. The dentist should maintain a recording or copy of every advertisement for a period of two years that should be made available for review upon request by the board or its designee. The record should indicate the date and place of the advertisement.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.20(147,153,272C) Mandatory reporting requirements.** Pursuant to Iowa Code chapters 147, 153 and 272C, each licensee, registrant or committee of the board shall be responsible for reporting to the board the following matters:

**574.20(1) Standards of practice.** Within 30 days of acquiring knowledge, the following:

- a. Instances of gross or continually faulty treatment.
- b. Acts or omissions by other licensees or registrants that may constitute a basis for disciplinary action under the rules and statutory provisions governing the practice of dentistry, dental hygiene, or dental assisting in Iowa.

**574.20(2) Immediate threats to patient safety.** Within 24 hours of acquiring knowledge of a reportable act or omission that poses an immediate threat to patient safety, information regarding that act or omission.

**574.20(3) Adverse occurrences related to nitrous oxide or sedation.** Within seven days, any mortality related to sedation or nitrous oxide or any other incident related to sedation or nitrous oxide that results in the patient receiving inpatient treatment at a hospital or clinic. The licensee must submit a detailed report and include a complete copy of the patient record. The report should include, at a minimum, the following information:

- a. Description of dental procedure.
- b. Description of preoperative physical condition of patient.
- c. List of drugs and dosage administered.
- d. Description, in detail, of techniques utilized in administering the drugs utilized.
- e. Description of adverse occurrence:
  - (1) Description, in detail, of symptoms of any complications, to include but not be limited to onset and type of symptoms in patient.
  - (2) Treatment instituted on the patient.
  - (3) Response of the patient to the treatment.
- f. Description of the patient’s condition on termination of any procedures undertaken.

**574.20(4) Judgments, settlements, or disciplinary action.** Within 30 days, any of the following:

- a. Any instance of disciplinary action taken by a licensing authority of another state, territory or country or another licensing authority in this state. A stay by an appellate court does not negate this requirement; however, if the disciplinary action is overturned or reversed by a court of last resort, the report will be expunged from the records of the board upon such notification;

b. Any adverse judgment in a professional malpractice action to which the licensee or registrant was a party;

c. Any settlement of a claim against the licensee or registrant alleging malpractice;

d. Any restriction of practice imposed by a hospital, clinic or other practicing setting; or

e. Being party to, or assisting in the violation of, any provision of Iowa law or rule of the board.

**574.20(5) Criminal convictions.** Within 60 days, any misdemeanor or felony conviction, excluding traffic offenses. Conviction of driving under the influence or while intoxicated is a reportable offense.

**574.20(6) Mandatory reporter information.** Mandatory reports filed with the board should include the following information:

a. Name of any licensee or registrant who committed or was involved in the act or omission;

b. Date on which the reportable offense occurred;

c. Location where the reportable offense occurred;

d. Names of patients, licensees, registrants or other parties that may have been adversely impacted by the act or omission;

e. Disposition of the judgment, action or conviction; and

f. All other applicable details.

This rule is intended to implement Iowa Code chapters 147, 153 and 272C.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

**481—574.21(17A,147,153,272C) Waiver prohibited.** Rules in this chapter, except for rules 481—574.3(147,153,272C), 481—574.4(147,153,272C), 481—574.11(153), 481—574.15(153), 481—574.16(153), 481—574.18(153), and 481—574.19(153), are not subject to waiver pursuant to 481—Chapter 6 or any other provision of law.

[ARC 8988C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code sections 153.33 and 153.34.

[Filed ARC 8988C (Notice ARC 8496C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]



CHAPTER 575  
DENTAL ASSISTANTS, DENTAL RADIOGRAPHY QUALIFICATIONS,  
AND DENTAL LABORATORY TECHNICIANS

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—575.1(153) Registration required.** A person shall not practice dental assisting without a current registration issued by the board pursuant to rule 481—571.5(147,153). The following individuals are exempt from the requirements of this rule:

**575.1(1)** Students enrolled in an accredited dental, dental hygiene, or dental assisting program;

**575.1(2)** Dental assistant trainees who are meeting the requirements for registration pursuant to Iowa Code section 153.39; and

**575.1(3)** Persons who are actively licensed in Iowa to practice dental hygiene or nursing and who are engaged in the practice of said profession.

[ARC 8989C, IAB 3/5/25, effective 4/9/25]

**481—575.2(136C,153) Qualification required.**

**575.2(1)** A person who is not otherwise actively licensed by the board shall not participate in dental radiography unless the person holds an active registration or nursing license and holds an active radiography qualification issued by the board and a dentist provides general supervision.

*a.* A student enrolled in an accredited dental, dental hygiene, or dental assisting program who, as part of the student's course of study, applies ionizing radiation is exempt from the requirements of this rule; and

*b.* Dental assistants or Iowa-licensed nurses who are engaging in on-the-job training in dental radiography are exempt from the requirements of this rule.

**575.2(2)** Any individual except a licensed dentist or a licensed dental hygienist who participates in dental radiography in violation of this chapter or Iowa Code chapter 136C may be subject to the criminal and civil penalties set forth in Iowa Code chapter 136C.

**575.2(3)** Any licensee who permits a person to engage in dental radiography or a registrant who engages in dental radiography contrary to this chapter or Iowa Code chapter 136C may be subject to discipline by the board pursuant to 481—Chapter 580.

[ARC 8989C, IAB 3/5/25, effective 4/9/25]

**481—575.3(153) Dental assistants.**

**575.3(1)** Dental assistant trainees are individuals who are engaging in on-the-job training to meet the requirements for registration pursuant to Iowa Code section 153.39 and rule 481—571.5(147,153). Trainees who are 18 years of age or older may also engage in on-the-job training in dental radiography pursuant to Iowa Code chapters 136C and 153 and this chapter.

*a.* Dental assistant trainees should successfully complete on-the-job training and examinations in the areas of infection control, hazardous materials, and jurisprudence.

*b.* A dental assistant trainee shall stop work as a dental assistant trainee if the trainee fails to become registered prior to the expiration date.

**575.3(2)** Registered dental assistants are individuals who have met the requirements for registration and have been issued registration. A registered dental assistant may, under direct supervision, assist a dentist in performing duties assigned by the dentist that are consistent with these rules. A registered dental assistant may take radiographs if qualified pursuant to this chapter.

[ARC 8989C, IAB 3/5/25, effective 4/9/25]

**481—575.4(153) Scope of practice.**

**575.4(1)** In all instances, a dentist assumes responsibility for determining, on the basis of diagnosis, the specific treatment patients will receive and which aspects of treatment may be delegated to qualified personnel as authorized in these rules.

**575.4(2)** A licensed dentist may delegate to a dental assistant those procedures for which the dental assistant has received training. This delegation shall be based on the best interests of the patient and performed under the supervision of a licensed dentist and may include:

- a. Placement and removal of dry socket medication;
- b. Placement of periodontal dressings;
- c. Testing pulp vitality;
- d. Preliminary charting of existing dental restorations and teeth;
- e. Glucose testing;
- f. Phlebotomy;
- g. Securing orthodontic wire with elastic chains, rubber bands, and ligature wire; and
- h. Expanded function procedures in accordance with 481—Chapter 577.

**575.4(3)** The dentist will exercise supervision and is fully responsible for all acts performed by a dental assistant. A dentist may not delegate to a dental assistant any of the following, unless allowed pursuant to 481—Chapter 577:

- a. Diagnosis, examination, treatment planning, or prescription, including prescription for drugs and medicaments or authorization for restorative, prosthodontic or orthodontic appliances.
- b. Surgical procedures on hard and soft tissues within the oral cavity and any other intraoral procedure that contributes to or results in an irreversible alteration to the oral anatomy.
- c. Administration of local anesthesia.
- d. Placement of sealants.
- e. Removal of any plaque, stain, or hard natural or synthetic material except by toothbrush, floss, or rubber cup coronal polish, or removal of any calculus.
- f. Dental radiography, unless the assistant is qualified pursuant to this chapter.
- g. Those procedures that require the professional judgment and skill of a dentist.

[ARC 8989C, IAB 3/5/25, effective 4/9/25]

**481—575.5(153) Supervision required.**

**575.5(1)** A licensed dentist may delegate the following services to a registered dental assistant under general supervision:

- a. All extraoral duties.
- b. Intraoral suctioning.
- c. Use of a curing light.
- d. Dental radiography in accordance with rule 481—575.2(136C,153).
- e. Other intraoral imaging except for taking occlusal registrations or final impressions. Expanded functions may only be performed in accordance with 481—Chapter 577.

**575.5(2)** Dentists may delegate other services that are within the scope of practice of a dental assistant, including expanded functions pursuant to 481—Chapter 577, under direct supervision or as otherwise permitted by rule.

**575.5(3)** A registered dental assistant may practice under public health supervision in accordance with rule 481—574.11(153).

[ARC 8989C, IAB 3/5/25, effective 4/9/25]

**481—575.6(153) Continuing education.** For the purposes of renewal, every registrant and licensed nurse who holds a dental radiography qualification will complete continuing education requirements as specified in 481—Chapter 573 unless exempted by rule.

[ARC 8989C, IAB 3/5/25, effective 4/9/25]

**481—575.7(153) Students enrolled in dental assisting programs.** Students enrolled in an accredited dental assisting program are not considered to be engaged in the unlawful practice of dental assisting provided that such practice is in connection with their regular course of instruction and meets the following:

**575.7(1)** The practice of clinical skills on peers enrolled in the same program is performed under the direct supervision of a program instructor with an active Iowa dental assistant registration, dental hygiene license, faculty permit, or dental license;

**575.7(2)** The practice of clinical skills on members of the public is performed under the direct supervision of a dentist with an active Iowa dental license or faculty permit.

[ARC 8989C, IAB 3/5/25, effective 4/9/25]

**481—575.8(153) Unlawful practice.**

**575.8(1)** A dental assistant who assists a dentist in practicing dentistry in any capacity other than as a person supervised by a dentist in a dental office; who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor or director of a dental office as a guise or subterfuge to enable such dental assistant to engage directly or indirectly in the practice of dentistry; or who performs dental service directly or indirectly on or for members of the public other than as a person working for a dentist shall be deemed to be practicing dentistry without a license.

**575.8(2)** Any dental laboratory technician who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor; who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor or director of a dental office as a guise or subterfuge to enable such dental laboratory technician to engage directly or indirectly in the practice of dentistry; or who renders dental service directly or indirectly on or for members of the public other than as an employee or independent contractor for an employing dentist shall be deemed to be practicing dentistry without a license.

[ARC 8989C, IAB 3/5/25, effective 4/9/25]

**481—575.9(153) Advertising and soliciting of dental services prohibited.** Dental assistants, dental laboratories or dental laboratory technicians shall not advertise, solicit, represent or hold themselves out in any manner to the general public that they will furnish, construct, repair or alter prosthetic, orthodontic or other appliances, with or without consideration, to be used as substitutes for or as part of natural teeth or associated structures or for the correction of malocclusions or deformities, or that they will perform or render any other dental service.

[ARC 8989C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code chapters 136C and 153.

[Filed ARC 8989C (Notice ARC 8497C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

CHAPTER 576  
DENTAL HYGIENISTS

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—576.1(153) Authorized practice of a dental hygienist.**

**576.1(1)** “Practice of dental hygiene” is defined in Iowa Code section 153.15 and includes the performance of educational, therapeutic, preventive and assessment services. Dental hygienists may perform such services, except educational services, when delegated by and performed under the supervision of an Iowa-licensed dentist.

*a.* Educational services include assessing the need for, planning, implementing, and evaluating oral health education programs for individual patients and community groups and conducting workshops and in-service training sessions on dental health for nurses, school personnel, institutional staff, community groups and other agencies providing consultation and technical assistance for promotional, preventive and educational services.

*b.* Therapeutic services include identifying and evaluating factors that indicate the need for and performing the following:

(1) Oral prophylaxis, which includes supragingival and subgingival debridement of plaque, and detection and removal of calculus with instruments or other devices;

(2) Periodontal scaling and root planing;

(3) Removal and polishing of hardened excess restorative material, which may include adhesives, using nonmotorized instruments;

(4) Administration of local anesthesia with the proper permit;

(5) Administration of nitrous oxide inhalation analgesia in accordance with rule 481—579.1(153);

(6) Application and administration of medicaments prescribed by a dentist, including chemotherapeutic agents, or therapies for the treatment of periodontal disease and caries;

(7) Phlebotomy; and

(8) Expanded function procedures in accordance with 481—Chapter 577.

*c.* Preventive services include applying pit and fissure sealants and medications, including silver diamine fluoride; using other methods for caries and periodontal disease control; and organizing and administering fluoride rinse or sealant programs.

*d.* Assessment services include reviewing medical and dental health histories, performing oral inspection, indexing dental and periodontal disease, preliminary charting of existing dental restorations and teeth, making occlusal registrations for mounting study casts, testing pulp vitality, testing glucose levels, and analyzing dietary surveys.

**576.1(2)** The following services may only be delegated by a dentist to a dental hygienist:

*a.* Administration of local anesthesia;

*b.* Placement of sealants except as permitted by 481—Chapter 577; and

*c.* Removal of any plaque, stain, calculus, or hard natural or synthetic material, except when removed by toothbrush, floss, or rubber cup coronal polish.

**576.1(3)** Subsequent examination and monitoring of the patient, including definitive diagnosis and treatment planning, is the responsibility of the dentist and shall be carried out in a reasonable period of time in accordance with the professional judgment of the dentist based upon the individual needs of the patient.

This rule is intended to implement Iowa Code section 153.15.

[ARC 8990C, IAB 3/5/25, effective 4/9/25]

**481—576.2(153) Scope of practice and supervision requirements.**

**576.2(1)** In accordance with Iowa Code chapter 153, all authorized services provided by a dental hygienist, except educational services, shall be performed under the general, direct, or public health supervision of an Iowa-licensed dentist. Pursuant to 481—Chapter 577, clinical training in expanded functions requires those services to be performed under observational supervision.

**576.2(2)** Under the general supervision of a dentist, a dental hygienist may provide educational, therapeutic, preventive and assessment services, including screening, or data collection for the preparation of written records for evaluation by a licensed dentist. A dentist may only delegate patient services to be performed under general supervision for patients of record.

**576.2(3)** Under the public health supervision of a dentist, a dental hygienist may provide educational, therapeutic, preventive and assessment services, including screening, or data collection pursuant to rule 481—574.11(153).

**576.2(4)** Dental hygienists may only administer local anesthesia if they hold a current permit in accordance with rule 481—572.10(147,153), or nitrous oxide inhalation analgesia in accordance with rule 481—579.1(153), and perform expanded functions in accordance with 481—Chapter 577 under the direct supervision of a dentist.

**576.2(5)** Dental hygienists may perform all other authorized services on a new patient under the direct or public health supervision of a dentist pursuant to rule 481—574.11(153). An examination by the dentist must take place during an initial visit by a new patient, except when hygiene services are provided under public health supervision.

**576.2(6)** Dentists may authorize services to be performed under direct supervision in lieu of general supervision when the dentist determines such supervision is necessary to meet the individual needs of the patient.

This rule is intended to implement Iowa Code section 153.15.

[ARC 8990C, IAB 3/5/25, effective 4/9/25]

#### **481—576.3(153) Unauthorized practice of a dental hygienist.**

**576.3(1)** A dental hygienist who renders hygiene services, except educational services, that have not been delegated by a licensed dentist or that are not performed under the supervision of a licensed dentist as provided by rule is deemed to be practicing illegally.

**576.3(2)** The unauthorized practice of dental hygiene means allowing a person not licensed in dentistry or dental hygiene to perform dental hygiene services or for a dental hygienist to perform services that exceed the scope of practice authorized in Iowa Code section 153.15 and this chapter.

This rule is intended to implement Iowa Code sections 147.10 and 153.15.

[ARC 8990C, IAB 3/5/25, effective 4/9/25]

**481—576.4(153) Students enrolled in dental hygiene programs.** Students enrolled in an accredited dental hygiene program are not considered to be engaged in the unlawful practice of dental hygiene provided that such practice is in connection with their regular course of instruction and complies with the following:

**576.4(1)** The practice of clinical skills on peers enrolled in the same program may be performed under the direct supervision of a program instructor with an active Iowa dental hygiene license, faculty permit, or dental license.

**576.4(2)** The practice of clinical skills on members of the public may only be performed under the general supervision of a dentist with an active Iowa dental license or faculty permit.

**576.4(3)** The practice of clinical skills involving the administration or monitoring of nitrous oxide or the administration of local anesthesia may only be performed under the direct supervision of a dentist with an active Iowa dental license or faculty permit.

This rule is intended to implement Iowa Code sections 153.14 and 153.15.

[ARC 8990C, IAB 3/5/25, effective 4/9/25]

[Filed ARC 8990C (Notice ARC 8489C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

CHAPTER 577  
EXPANDED FUNCTIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—577.1(153) Expanded function requirements and eligibility.**

**577.1(1)** Dental hygienists or registered dental assistants may only perform expanded function procedures upon successful completion of a board-approved course of training. Dental assistant trainees are not eligible to receive training in or perform expanded function procedures.

*a.* This shall not preclude dental hygienists or dental assistants from practicing expanded function procedures for training purposes while enrolled in a board-approved course of training.

*b.* Expanded function procedures must be delegated by and performed under the direct supervision of a licensed dentist unless otherwise specified in this chapter.

*c.* Services that are therapeutic or preventive in nature and are within the scope of practice for dental hygienists are not deemed to be expanded functions.

**577.1(2)** To be eligible to train in expanded function procedures, dental hygienists must hold an active dental hygiene license in Iowa.

**577.1(3)** To be eligible to train in expanded function procedures, dental assistants must hold an active registration and comply with one of the following:

*a.* Be a graduate of an accredited school;

*b.* Be currently certified by the Dental Assisting National Board (DANB); or

*c.* Have at least three months of clinical practice as a registered dental assistant or clinical practice as a dental assistant in a state that does not require registration.

**577.1(4)** A dentist who delegates expanded function procedures to dental hygienists or dental assistants under direct supervision must examine the patient to review the quality of work prior to the conclusion of the dental appointment. The following expanded function procedures are exempt from this requirement and may be performed under general supervision:

*a.* Recementation of a provisional restoration.

*b.* Taking occlusal registrations for purposes other than mounting study casts by dental hygienists only.

[ARC 8991C, IAB 3/5/25, effective 4/9/25]

**481—577.2(153) Expanded function categories.** Dental hygienists and dental assistants must be issued a certificate of completion for the corresponding function in which board-approved training has been completed before performing a specific expanded function procedure. A dentist may delegate to dental hygienists or dental assistants only those expanded function procedures in which training has been successfully completed.

**577.2(1)** Level 1 expanded functions may be taught by board-approved training providers using curriculum prior-approved by the board.

**577.2(2)** Training in Level 2 expanded functions must be completed at the University of Iowa College of Dentistry or another accredited school using curriculum approved by the board. Before beginning Level 2 training, dental hygienists and dental assistants must complete all prerequisites for the Level 2 training established by the accredited school.

[ARC 8991C, IAB 3/5/25, effective 4/9/25]

**481—577.3(153) Level 1 expanded function procedures.**

**577.3(1)** Level 1 expanded function procedures include:

*a.* Taking occlusal registrations;

*b.* Placement and removal of gingival retraction material;

*c.* Fabrication, temporary cementation, and removal of provisional restorations following review of the fit and function by the supervising dentist, and temporary recementation of provisional restorations;

*d.* Applying cavity liners and bases and desensitizing agents;

- e. Applying bonding systems, which may include the placement of the attachments used in clear aligner systems, following review of the fit and function by the supervising dentist;
- f. Placement, bonding, and removal of provisional orthodontic restorations as follows:
  - (1) Placement or bonding of orthodontic brackets and bands or provisional orthodontic appliances following review of the fit and function by the supervising dentist; and
  - (2) Removal of adhesive, orthodontic brackets and bands, or provisional orthodontic appliances using nonmotorized hand instrumentation;
- g. Taking final impressions for fixed restorations or dental prosthetics;
- h. Placement of temporary restorative materials following preparation of the tooth by a dentist;
- i. Extraoral adjustment to acrylic dentures without making any adjustments to the prosthetic teeth;
- j. Tissue conditioning (soft reline only); and
- k. Placement, management, and removal of an intravenous (IV) infusion line for moderate sedation, deep sedation, or general anesthesia. Placement of an IV may include the administration of saline. Placement of an IV does not include the administration of any drugs or medications.

**577.3(2)** The following procedures are Level 1 expanded functions only for dental assistants and are within the scope of practice for dental hygienists:

- a. Monitoring of patients receiving nitrous oxide inhalation analgesia, which may include increasing oxygen levels as needed, pursuant to the following:
  - (1) A dentist shall induce a patient and establish the maintenance level;
  - (2) A dental assistant may make adjustments that decrease the nitrous oxide concentration during the administration of nitrous oxide; and
  - (3) A dental assistant may turn off the oxygen delivery at the completion of the dental procedure.
- b. Removal of adhesives using nonmotorized hand instrumentation.

[ARC 8991C, IAB 3/5/25, effective 4/9/25]

**481—577.4(153) Level 2 expanded function procedures for dental hygienists and dental assistants.**

**577.4(1)** Level 2 expanded function procedures for dental hygienists and dental assistants include:

- a. Placement and shaping of amalgam following preparation of a tooth by a dentist;
- b. Placement and shaping of adhesive restorative materials following preparation of a tooth by a dentist;
- c. Polishing of adhesive restorative material using a slow-speed handpiece; and
- d. Fitting of stainless-steel crowns on primary posterior teeth and cementation after fit verification by a dentist.

**577.4(2)** Level 2 expanded function procedures for dental assistants include the placement of sealants. The placement of sealants is included in the scope of practice for dental hygienists and is not considered an expanded function for dental hygienists.

**577.4(3)** These Level 2 expanded function procedures refer to both primary and permanent teeth except as otherwise noted. Training in Level 2 expanded functions may be separated between application of the services on primary or permanent teeth as determined by the accredited training provider.

[ARC 8991C, IAB 3/5/25, effective 4/9/25]

**481—577.5(153) Expanded function training.**

**577.5(1)** *Approved expanded function training programs.* Training programs for Level 1 and Level 2 expanded function procedures must be board-approved. Training programs for Level 2 expanded function procedures are limited to the University of Iowa College of Dentistry or another accredited school.

**577.5(2)** *Certificates of completion.* All board-approved training programs are authorized and required to issue certificates to dental hygienists and dental assistants who successfully complete expanded function training. A certificate shall be issued for one or more of the expanded function procedures completed. Dental hygienists and dental assistants shall prominently display the expanded functions certificate in each dental facility where services are provided.

**577.5(3)** *Training.* Training may be completed in one or more of the listed expanded function procedures. Clinical training in expanded function procedures must be completed under observational supervision. Level 1 expanded function training includes the following:

- a. An initial assessment to determine the base entry level of all participants;
- b. Completion of the minimum standards for each function as specified in this rule; and
- c. A post-course written examination at the conclusion of the training program, with a minimum of ten questions per function. A score of 75 percent or higher is deemed to be a passing score.

**577.5(4) Minimum training standards.** Every expanded function procedure requires the completion of clinical training that includes a minimum of five patient experiences per procedure under observational supervision unless stated otherwise.

- a. Taking occlusal registrations. In addition to the required clinical training, a minimum of one hour of didactic training.
- b. Placement and removal of gingival retraction material. In addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes three experiences.
- c. Fabrication, temporary cementation, temporary recementation, and removal of provisional restorations. A minimum of four hours of didactic training, the equivalent of four hours of laboratory training that includes five experiences, and clinical training that includes a minimum of ten patient experiences under observational supervision.
- d. Applying cavity liners and bases and desensitizing agents. In addition to the required clinical training, a minimum of one hour of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.
- e. Applying bonding systems, which may include the placement of the attachments used in clear aligner systems, following review of the fit and function by the supervising dentist. In addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.
- f. Placement, bonding, and removal of orthodontic brackets and bands or provisional orthodontic appliances pursuant to paragraph 577.3(1)“f.” For each procedure, in addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.
- g. Monitoring of patients receiving nitrous oxide inhalation analgesia, pursuant to paragraph 577.3(2)“a.” In addition to the required clinical training, a minimum of two hours of didactic training and one hour of laboratory training in the office where the dental hygienist or dental assistant is employed.
- h. Taking final impressions. A minimum of three hours of didactic training, and the equivalent of clinical training that includes a minimum of six patient experiences under observational supervision.
- i. Removal of adhesives using nonmotorized hand instrumentation. In addition to the required clinical training, a minimum of one hour of didactic training.
- j. Placement of temporary restorative materials following preparation of the tooth by the dentist. In addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.
- k. Extraoral adjustment to acrylic dentures without making any adjustments to the prosthetic teeth. In addition to the required clinical training, a minimum of one hour of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.
- l. Tissue conditioning (soft reline only). In addition to the required clinical training, a minimum of one hour of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.
- m. Placement, management, and removal of an IV infusion line for moderate sedation, deep sedation, or general anesthesia. A minimum of 12 hours of didactic training or current Dental Anesthesia Assistant National Certification Examination (DAANCE) certification; and eight hours of laboratory and clinical training that includes a minimum of six venipunctures, two of which are completed on human subjects. Supervision for the clinical experiences shall be completed under the supervision of a dentist with a current sedation or anesthesia permit, or a licensed sedation provider.

**577.5(5) Acceptance of previously completed board-approved training.** Any dental hygienist or dental assistant who previously completed board-approved expanded function training can continue to perform expanded function procedures for which training has been completed and documentation is available. For



any expanded function procedures that are new, in whole or in part, additional training to satisfy the minimum training requirement is required of the dental hygienist or dental assistant prior to performing the new expanded function procedure.

[ARC 8991C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code chapter 153.

[Filed ARC 8991C (Notice ARC 8478C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

CHAPTER 578  
PRESCRIBING, ADMINISTERING, AND DISPENSING DRUGS

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—578.1(153) Scope of authority and prescribing requirements.**

**578.1(1)** A license to practice dentistry issued by this board permits the licensee to prescribe, administer, or dispense prescription drugs if the use is directly within the scope of the dentist-patient relationship. Registration with the federal Drug Enforcement Administration and the board of pharmacy extends this privilege to controlled substances.

**578.1(2)** A licensed dentist may only prescribe, administer or dispense a prescription drug for a diagnosed dental condition that is included in the treatment plan and entered into the patient record. A dental examination and medical history must be completed and entered into the patient record before a dentist prescribes, administers, or dispenses a prescription drug to a patient. Fluoride may also be dispensed under protocols approved by the dental and oral health program of the department of health and human services.

**578.1(3)** On each occasion when a dentist prescribes, administers, or dispenses a prescription drug to a patient, the patient's dental record will be updated to include the following information:

- a. Name, quantity, and strength of the prescription drug.
- b. Directions for its use.
- c. Date of issuance.
- d. Conditions for which the prescription drug was used.

**578.1(4)** A dentist may only prescribe, administer, or dispense prescription drugs in accordance with all applicable state and federal laws.

**578.1(5)** A dentist may only purchase, administer, or dispense controlled substances if the dentist maintains records and accountability in accordance with 481—Chapter 553 and all other applicable state and federal laws.

**578.1(6)** A dentist cannot self-prescribe or self-administer controlled substances.

**578.1(7)** A dentist may only prescribe, administer, or dispense controlled substances to members of the licensee's immediate family in the case of an acute dental condition or on an emergency basis for a dental condition after the licensee conducts an examination, establishes a patient record, and maintains proper documentation.

[ARC 8992C, IAB 3/5/25, effective 4/9/25]

**481—578.2(153) Dispensing—requirements for containers and labeling.**

**578.2(1)** *Containers.* A prescription drug shall be dispensed in a suitable container designed to protect its integrity in accordance with all applicable federal and state laws.

**578.2(2)** *Labeling.* A label shall be affixed to the container in which a prescription drug is dispensed bearing the following information:

- a. Name and address of the dentist.
- b. Name of the patient.
- c. Date dispensed.
- d. Directions for use.
- e. Name, quantity, and strength of medication.
- f. If the prescription drug is a Schedule II, III, or IV controlled substance, the federal transfer warning statement as follows: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."
- g. Cautionary statements, if any.

[ARC 8992C, IAB 3/5/25, effective 4/9/25]

**481—578.3(153) Prescription requirements.**

**578.3(1)** A dentist shall take adequate measures to prevent prescription forgery from occurring. Dentists may only transmit prescription drug orders, including prescriptions for controlled substances, electronically unless exempted. A dentist who fails to comply with the electronic prescription mandate may be subject to a nondisciplinary administrative penalty of \$250 per violation, up to a maximum of \$5,000 per calendar year.

**578.3(2)** A dentist may delegate to a licensed dental hygienist or registered dental assistant the preparation of a prescription for the review, authorization, and manual or electronic signature of the dentist, but the dentist is responsible for the accuracy, completeness, and validity of the prescription.

**578.3(3)** A dentist shall securely maintain the unique authentication credentials issued to the dentist for utilization of the electronic prescription application and authentication of the dentist's electronic signature. Unique authentication credentials issued to any individual may not be shared with or disclosed to any other individual.

[ARC 8992C, IAB 3/5/25, effective 4/9/25]

**481—578.4(153) Required use of the prescription monitoring program (PMP).**

**578.4(1)** A dentist may only prescribe or dispense an opioid if the dentist or authorized delegate queries the PMP. The query for each patient may not be performed more than 48 hours prior to each instance of an opioid prescription being authorized, issued, or dispensed.

**578.4(2)** A dentist who dispenses a controlled substance is required to report the dispensing to the PMP within one business day in accordance with 481—Chapter 556.

[ARC 8992C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code section 153.20.

[Filed ARC 8992C (Notice ARC 8503C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

CHAPTER 579  
SEDATION AND NITROUS OXIDE

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—579.1(153) Nitrous oxide inhalation analgesia.**

**579.1(1)** A dentist may use nitrous oxide inhalation analgesia on an outpatient basis for dental patients provided the dentist has completed training and complies with the following:

- a. Has adequate equipment with fail-safe features.
- b. Has inspection and maintenance performed on equipment as needed to ensure its proper performance, maintains documentation of such, and provides the documentation to the board upon request.
- c. Ensures the patient is continually monitored by a patient monitor while receiving nitrous oxide inhalation analgesia.

**579.1(2)** A dentist shall provide direct supervision of the administration and monitoring of nitrous oxide and establish a written office protocol for taking vital signs, adjusting anesthetic concentrations, and addressing emergency situations that may arise. The dentist is responsible for the dismissal of the patient following completion of the procedure.

**579.1(3)** A dental hygienist may administer and monitor nitrous oxide inhalation analgesia when the services have been prescribed by a dentist and the hygienist has completed board-approved training.

**579.1(4)** A dental assistant who has completed a board-approved expanded function course or holds a current Dental Anesthesia Assistant National Certification Examination (DAANCE) certification may monitor a patient who is receiving nitrous oxide after the dentist has induced the patient and established the maintenance level. A dental assistant may make adjustments to decrease the nitrous oxide concentration while monitoring the patient or may turn off oxygen delivery at the completion of the dental procedure.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.2(153) Minimal sedation standards.**

**579.2(1)** A dentist shall evaluate a patient prior to the start of any sedative procedure. In healthy or medically stable patients (ASA I, II), the dentist should review the patient's current medical history and medication use. For a patient with significant medical considerations (ASA III, IV), a dentist may need to consult with the patient's primary care provider or consulting medical specialist. A dentist may only provide minimal sedation after obtaining informed consent from the patient or the patient's parent or legal guardian.

**579.2(2)** Minimal sedation for ASA I or II nonpediatric patients.

a. A dentist may prescribe or administer a single medication for minimal sedation via the enteral route that does not exceed the maximum recommended dose (MRD) for unmonitored home use. A dentist may only administer a supplemental dose of the same drug if the clinical half-life of the initial dose has passed and the total aggregate dose does not exceed 1.5 times the MRD on the day of treatment.

b. A dentist may administer a single medication for minimal sedation via the enteral route that does not exceed the MRD for monitored use on the day of treatment.

c. A dentist may utilize nitrous oxide inhalation analgesia in combination with a single enteral drug.

**579.2(3)** Minimal sedation for ASA III, ASA IV or pediatric patients.

a. A dentist may prescribe or administer a single medication for minimal sedation via the enteral route that does not exceed the MRD for unmonitored home use.

b. A dentist may administer a single medication for minimal sedation via the enteral route that does not exceed the MRD for monitored use on the day of treatment.

c. A dentist may only administer nitrous oxide inhalation analgesia for minimal sedation of ASA III or IV patients or pediatric patients provided the concentration does not exceed 50 percent and is not used in combination with any other drug.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.3(153) Shared standards for moderate sedation, deep sedation and general anesthesia.**

**579.3(1)** A dentist may only administer moderate sedation, deep sedation or general anesthesia if the dentist holds a current moderate sedation permit or general anesthesia permit pursuant to rule 481—572.11(153).

**579.3(2)** A dentist administering sedation anesthesia must maintain current advanced cardiac life support (ACLS) certification. A dentist administering moderate sedation to pediatric patients may maintain current pediatric advanced life support (PALS) certification in lieu of current ACLS certification.

**579.3(3)** A dentist may only start a sedative procedure after evaluating a patient. A dentist should review a patient's medical history, medication(s) and NPO (nothing by mouth) status. For a patient with significant medical considerations (ASA III, IV), a dentist may need to consult with the patient's primary care provider or consulting medical specialist. The dentist should consult the body mass index as part of the preprocedural workup.

**579.3(4)** A dentist may only administer sedation or anesthesia if the following requirements are met:

- a. Facilities are appropriately staffed to reasonably handle emergencies;
- b. A patient monitor remains present in the treatment room to continually monitor the patient until the patient returns to a level of minimal sedation;
- c. The dentist provides postoperative verbal and written instructions to the patient and caregiver prior to discharging the patient;
- d. The dentist remains in the facility until the patient meets the criteria for discharge;
- e. The dentist or another designated permit holder or licensed sedation provider is available for appropriate postoperative aftercare for a minimum of 48 hours following the administration of sedation; and
- f. The dentist establishes emergency protocols that comply with the following:
  - (1) Establishment of a procedure for immediate access to backup emergency services;
  - (2) Employment of initial life-saving measures by a patient monitor in the event of an emergency, including activation of the emergency medical service (EMS) system for life-threatening complications;
  - (3) Avoidance of chest or airway obstruction when applying an immobilization device and allowance for the ongoing exposure of a hand or foot; and
  - (4) Availability of a functioning suction apparatus as well as the ability to provide >90 percent oxygen and positive-pressure ventilation, along with age- and size-appropriate rescue equipment in the recovery room for pediatric patients.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.4(153) Moderate sedation standards.**

**579.4(1)** Moderate sedation for ASA I or II nonpediatric patients.

- a. A dentist may prescribe or administer a single enteral drug in excess of the MRD on the day of treatment.
- b. A dentist may prescribe or administer a combination of more than one enteral drug.
- c. A dentist may administer nitrous oxide with more than one enteral drug.
- d. A dentist may administer a medication for moderate sedation via the parenteral route in single or incremental doses.
- e. A dentist may only administer drug(s) or techniques, or both, provided there is a margin of safety wide enough to render unintended loss of consciousness unlikely.

**579.4(2)** Moderate sedation for ASA III, ASA IV or pediatric patients. A dentist who does not meet the requirements of 481—subparagraph 572.11(1)“b”(3) may not administer moderate sedation, deep sedation or general anesthesia to pediatric or ASA III or IV patients. The following constitute moderate sedation:

- a. The use of one or more enteral drugs in combination with nitrous oxide.
- b. The administration of any intravenous drug.

**579.4(3)** A dentist may administer moderate sedation in a facility provided the following requirements are met:

- a. Have at least one patient monitor observe the patient while the patient is under moderate sedation; and

*b.* Utilize capnography or a pretracheal/precordial stethoscope as stipulated below:

(1) Use capnography to monitor end-tidal carbon dioxide unless the use of capnography is precluded or invalidated by the nature of the patient, procedure or equipment.

(2) In cases where the use of capnography is precluded or invalidated for the reasons listed previously, a pretracheal or precordial stethoscope must be used to continually monitor the auscultation of breath sounds.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.5(153) Deep sedation or general anesthesia standards.**

**579.5(1)** The administration of anesthetic sedative agents intended for deep sedation or general anesthesia, including but not limited to Propofol, Ketamine and Dilaudid, is deemed to constitute deep sedation or general anesthesia.

**579.5(2)** A dentist may administer deep sedation or general anesthesia provided the following requirements are met:

*a.* Have at least two patient monitors observe the patient while the patient is under deep sedation or general anesthesia;

*b.* Utilize capnography and a pretracheal/precordial stethoscope; and

*c.* If the dentist has a recovery area separate from the operatory, the recovery area has oxygen and suction equipment.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.6(153) Training and certification requirements for patient monitors.** Patient monitors must be capable of administering emergency support and complete training as required by this rule.

**579.6(1)** Patient monitors who will observe patients receiving deep sedation or general anesthesia must have a current certification in ACLS, PALS, or DAANCE.

**579.6(2)** A patient monitor who will observe patients receiving moderate sedation may meet one of the requirements listed in subrule 579.6(1) or complete on-site training for a minimum of three hours in airway management that provides the knowledge and skills necessary to competently assist with emergencies, including but not limited to recognizing apnea and airway obstruction.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.7(153) Recordkeeping requirements for nitrous oxide, sedation or anesthesia.** In addition to the recordkeeping requirements specified in rule 481—574.9(153,272C), the patient record must include the following information as applicable when administering nitrous oxide, sedation or anesthesia.

**579.7(1)** The concentration of nitrous oxide administered; dosage of medication administered, including any prescription for at-home unmonitored use, if applicable; duration of administration; and vital signs taken.

**579.7(2)** When administering moderate sedation, deep sedation or general anesthesia, a time-oriented anesthesia record that contains preoperative and postoperative vital signs; the names of all drugs administered, including local anesthetics and nitrous oxide, dosages, anesthesia time in minutes, and monitors used; and monitored physiological parameters, including oxygenation, ventilation, and circulation. When administering deep sedation or general anesthesia, pulse oximetry, heart rate, respiratory rate, and blood pressure must be recorded continually until the patient is fully ambulatory.

**579.7(3)** When administering moderate sedation, deep sedation or general anesthesia, the record should include the name of the person to whom the patient was discharged.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.8(153) Facility and equipment requirements for moderate sedation, deep sedation or general anesthesia.**

**579.8(1)** A permit holder shall notify the board office in writing within 60 days of a change in location or the addition of a sedation facility.

**579.8(2)** A dentist may only administer moderate sedation or anesthesia in a facility that is permanently and properly equipped. A dentist is required to be trained in and maintain, at a minimum, the following equipment:

- a.* Electrocardiogram (EKG) monitor;
- b.* Positive pressure oxygen;
- c.* Suction;
- d.* Laryngoscope and blades;
- e.* Endotracheal tubes;
- f.* Magill forceps;
- g.* Oral airways;
- h.* Stethoscope;
- i.* Blood pressure monitoring device;
- j.* Pulse oximeter;
- k.* Emergency drugs, in accordance with subrule 579.8(3);
- l.* Defibrillator;
- m.* Capnography machine;
- n.* Pretracheal or precordial stethoscope;
- o.* Nasopharyngeal airway (nasal trumpet); and
- p.* Any additional equipment necessary to establish intravascular or intraosseous access, which will be available until the patient meets discharge criteria.

**579.8(3)** Pursuant to paragraph 579.8(2)“*k*,” a dentist providing sedation at a dental facility is required to maintain on site emergency drugs that meet the needs of the following categories. At a minimum, a dentist providing moderate sedation shall maintain emergency drugs specified in paragraphs 579.8(3)“*a*” through “*f*.” A dentist providing deep sedation or general anesthesia shall maintain emergency drugs for all of the following categories:

- a.* Vasopressor.
- b.* Bronchodilator.
- c.* Benzodiazepine antagonist.
- d.* Narcotic antagonist.
- e.* Coronary artery vasodilator.
- f.* Low blood sugar medication.
- g.* Corticosteroid.
- h.* Antihistamine.
- i.* Antiarrhythmic.
- j.* Cardiopulmonary arrest IV medication.
- k.* Anticholinergic.
- l.* Neuromuscular blocker.
- m.* Antihypertensive.

**579.8(4)** The board or its designated agents may conduct facility inspections. A facility inspection may be required before a sedation permit is issued or before sedation services are provided at a new or updated facility. The actual costs associated with the on-site evaluation of the facility are the primary responsibility of the licensee. The cost to the licensee will not exceed the fee specified in 481—Chapter 571.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.9(153) Use of another licensed sedation provider or permit holder.**

**579.9(1)** A dentist may only use the services of a licensed sedation provider or another permit holder to administer moderate sedation, deep sedation or general anesthesia in a dental facility if the following requirements are met:

- a.* The dentist holds a current moderate sedation or general anesthesia permit. A permit holder who does not meet the training requirement to administer moderate sedation to pediatric or ASA III or IV patients as stipulated in 481—subparagraph 572.11(1)“*b*”(3) may use another licensed sedation provider or qualified permit holder to administer moderate sedation to pediatric or ASA III or IV patients.
- b.* The dentist remains present in the treatment room for the duration of any dental treatment.
- c.* The facility is a permanently and properly equipped facility pursuant to the provisions of this chapter.

*d.* The permit holder assesses the need and patient suitability for sedation services. A permit holder may not interfere with any independent assessment performed by a licensed sedation provider.

**579.9(2)** When a licensed sedation provider or another permit holder is used to administer moderate sedation, deep sedation or general anesthesia, that provider constitutes one patient monitor for the purpose of complying with rule 481—579.6(153).

**579.9(3)** A dentist who does not hold a sedation permit is prohibited from using a licensed sedation provider or permit holder to provide moderate sedation, deep sedation or general anesthesia.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.10(153) Advertising.** A dentist will ensure that any advertisements related to the availability of antianxiety premedication or minimal sedation clearly reflect the level of sedation provided and are not misleading.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

**481—579.11(153) Noncompliance.** Violations of the provisions of this chapter may result in disciplinary measures as deemed appropriate by the board.

[ARC 8993C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code section 153.13.

[Filed ARC 8993C (Notice ARC 8510C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]



CHAPTER 580  
DENTAL BOARD COMPLAINTS AND INVESTIGATIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—580.1(147,153,272C) Complaint review.** Pursuant to Iowa Code sections 147.87, 153.33, 272C.3 and 272C.4, the board shall, upon receipt of a complaint or upon its own motion, review and investigate alleged acts or omissions that the board reasonably believes constitute cause under applicable law or administrative rule for licensee or registrant discipline. Pursuant to Iowa Code section 153.33A, all complaints regarding the practice of dental hygiene will be initially directed to the dental hygiene committee.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.2(153) Form, content and submission of complaints.**

**580.2(1)** Complaints should be filed with department staff associated with the board. Complaints may be filed via the board's online database or via complaint form by email, by fax, by mail, or in person. Contact information for the board is available on the department's website.

**580.2(2)** A written complaint should include the following facts:

- a. The full name and contact information of the complainant.
- b. The full name, address, or contact information of the licensee or registrant against whom the complaint is filed.
- c. A statement of the facts concerning the alleged acts or omissions.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.3(153) Investigation.** Pursuant to Iowa Code sections 147.87, 147.88, 153.33, 272C.3 and 272C.4, the board may authorize department staff to investigate the allegations of a complaint to determine whether probable cause exists.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.4(17A,153,272C) Investigatory subpoenas.** Pursuant to Iowa Code sections 17A.13(1), 153.33(3)"d" and 272C.6(3), the board has the authority to issue an investigatory subpoena to compel the production of evidence deemed necessary in connection with the investigation of a complaint. A subpoena issued by the board in connection with such investigation may compel the production of evidence whether or not it is privileged or confidential under law. The board may not compel the types of evidence stipulated in Iowa Code section 272C.6(3)"a"(2).

**580.4(1)** The executive director or designee may, upon the written request of a board investigator or on the director's own initiative, issue a subpoena in accordance with Iowa Code sections 17A.13(1), 153.33(3)"d" and 272C.6(3). In the case of a subpoena, when seeking access to mental health records, all of the following conditions shall be satisfied prior to the issuance of the subpoena:

- a. The nature of the complaint reasonably justifies the issuance of a subpoena;
- b. Adequate safeguards have been established to prevent unauthorized disclosure;
- c. An express statutory mandate, articulated public policy, or other recognizable public interest favors access; and
- d. An attempt was made to notify the patient and to secure an authorization from the patient for release of the records at issue.

**580.4(2)** A written request for a subpoena or the director's written memorandum in support of the issuance of a subpoena shall contain all of the following:

- a. The name and address of the person to whom the subpoena will be directed;
- b. A specific description of the books, papers, records or other real evidence requested;
- c. An explanation of why the documents sought to be subpoenaed are necessary for the board to determine whether it should initiate a contested case proceeding; and
- d. In the case of a subpoena request for mental health records, confirmation that the conditions described in subrule 580.4(1) have been satisfied.

**580.4(3)** Each subpoena shall contain all of the following:

- a. The name and address of the person to whom the subpoena is directed;
- b. A description of the books, papers, records or other real evidence requested;
- c. The date, time and location for production or inspection and copying;
- d. The time within which a motion to quash or modify the subpoena must be filed;
- e. The signature, address and contact information of the executive director or designee who issued the subpoena;
- f. The date of issuance; and
- g. A return of service attached to the subpoena.

**580.4(4)** Any person who is aggrieved or adversely affected by compliance with the subpoena must, within 14 days after service of the subpoena, or before the time specified for compliance if such time is less than 14 days, file with the board a motion to quash or modify the subpoena. The motion shall describe the legal reasons why the subpoena should be quashed or modified and may be accompanied by legal briefs or factual affidavits.

**580.4(5)** Upon receipt of a timely motion to quash or modify a subpoena, the board may conduct a hearing on the matter and issue a decision, or refer such hearing and decision to an administrative law judge to conduct a hearing and issue a decision.

- a. Oral argument may be scheduled at the discretion of the board or the administrative law judge.
- b. Following the conclusion of such hearing, the board or administrative law judge shall issue a decision. The administrative law judge or the board may quash or modify the subpoena, deny the motion, or issue an appropriate protective order.

**580.4(6)** A person aggrieved by a ruling of an administrative law judge who desires to challenge that ruling must appeal the ruling to the board by serving a notice of appeal within ten days of the date of service of the decision of the administrative law judge on the executive director, either in person or by certified mail.

**580.4(7)** If the person contesting the subpoena is not the person under investigation, the board's decision is final for purposes of judicial review. If the person contesting the subpoena is the person under investigation, the board's decision is not final for purposes of judicial review until either the person is notified the investigation has been concluded with no formal action or there is a final decision in the contested case.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.5(153) Board appearances.** The board may request a licensee or registrant to appear before the board to discuss a pending investigation. By electing to participate in the board appearance, the licensee or registrant waives any objection to a board member's both participating in the appearance and later participating as a decision maker in a contested case proceeding on the grounds of a personal investigation and a combination of investigative and adjudicative functions. If the executive director or designee participates in the appearance, the licensee or registrant further waives any objection to having the executive director or designee assist the board in the contested case proceeding.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.6(153) Peer review.** Pursuant to Iowa Code section 272C.3(1)“i,” the board may refer a complaint for peer review, investigation and report by another licensee, another registrant or a committee established by the board for such purpose.

**580.6(1)** The board shall determine which licensee, registrant, or peer review committee will review a case involving a dentist or dental assistant. The dental hygiene committee shall make such determinations in a case involving a dental hygienist. Peer reports and recommendations will be forwarded to the dental hygiene committee for further review and decision making.

**580.6(2)** The board or dental hygiene committee may request that the Iowa dental association, the Iowa dental hygienists' association and the Iowa dental assistants association assist in the composition of a peer review committee as needed.

**580.6(3)** Pursuant to Iowa Code sections 147.135, 272C.8 and 272C.9 and rule 481—580.11(147,272C), licensees or registrants who serve as peer reviewers shall not be liable for acts, omissions or decisions made in connection with such service.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.7(272C) Duties of peer review committees.**

**580.7(1)** A licensee or registrant who serves as a peer reviewer shall comply with the requirements imposed by Iowa Code sections 22.7 and 272C.6 and rule 481—580.9(272C).

**580.7(2)** The board may provide investigative and related services to designated peer reviewers.

**580.7(3)** Designated peer reviewers shall thoroughly investigate a complaint as assigned and provide a written report to the board in accordance with the board's direction. The peer review shall comply with all of the following:

*a.* Include a peer review report that contains a statement of facts and a recommendation as to whether a violation of the standard of care occurred, with consideration given to relevant statutes, board rules, ethical standards and standards of care in making its recommendations.

*b.* Include in the report the signature of each peer reviewer that participated in the investigation. In the case of dissension by a peer reviewer, the dissension should be noted in the report.

*c.* Submit the peer review report and all investigative information to the board upon completion.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.8(272C) Board review.** The board shall review all investigative reports and proceed pursuant to 481—Chapter 506.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.9(272C) Confidentiality of investigative files.**

**580.9(1)** Complaint and investigation files, all other investigation reports and all other information in the possession of the board or peer reviewers acting under the authority of the board, its employees or its agents that relate to licensee or registrant discipline shall be subject to all of the following:

*a.* Are privileged and confidential;

*b.* Are not subject to discovery, subpoena, or other means of legal compulsion for their release to any person other than the licensee or registrant and the board, its employees and its agents that are involved in licensee or registrant discipline; and

*c.* Are not admissible in evidence in any judicial or administrative proceeding other than the proceeding involving licensee or registrant discipline.

**580.9(2)** A final written decision and finding of fact of the board in a disciplinary proceeding shall be public record.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.10(272C) Investigation of reports of judgments and settlements.** Reports received by the board from the commissioner of insurance, insurance carriers, licensees or registrants involving adverse judgments in a professional malpractice action, and settlement of claims alleging malpractice shall be reviewed and investigated by the board in the same manner as is prescribed in these rules for the review and investigation of complaints.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

**481—580.11(147,272C) Immunities.**

**580.11(1)** Pursuant to Iowa Code sections 147.135, 272C.8 and 272C.6(3) "b," a person shall not be civilly liable in relation to the following:

*a.* Filing a report or complaint with the board;

*b.* Disclosing to the board, its agents or employees, whether or not pursuant to a subpoena, records, documents, testimony or other forms of information that constitute privileged matter concerning a recipient of health care services or some other person;

*c.* Serving in connection with proceedings of a peer review; and

*d.* Serving in connection with other authorized duties of the board.

**580.11(2)** Immunity from civil liability shall not apply if the act is done with malice.

[ARC 8994C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code chapter 17A and sections 153.13, 153.33, 272C.3 and 272C.4.

[Filed ARC 8994C (Notice ARC 8511C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

CHAPTER 581  
DENTAL BOARD DISCIPLINE

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

**481—581.1(147,153,272C) Authority and methods of discipline.**

**581.1(1)** The board has the authority to impose discipline pursuant to Iowa Code title IV, Iowa Code chapter 272C, Iowa Code sections 147.55 and 153.34, and the rules promulgated thereunder.

**581.1(2)** The board may impose one or more methods of disciplinary action in accordance with Iowa Code sections 153.34 and 272C.3(2).

[ARC 8995C, IAB 3/5/25, effective 4/9/25]

**481—581.2(153,272C) Discretion of the board.** The board may consider the following factors in determining the nature and severity of the disciplinary action to be imposed in accordance with Iowa Code section 272C.15:

1. The relative seriousness of the violation as it relates to ensuring the citizens of this state a high standard of professional care.
2. The facts of the particular violation.
3. Any extenuating circumstances or other countervailing considerations.
4. Number of prior violations or complaints.
5. Seriousness of prior violations or complaints.
6. Whether remedial action has been taken.
7. Such other factors as may reflect upon the competency, ethical standards and professional conduct of the licensee or registrant.

[ARC 8995C, IAB 3/5/25, effective 4/9/25]

**481—581.3(147,153,272C) Grounds for discipline.** Violations of the provisions of Iowa Code chapter 272C and sections 147.55, 153.32, 153.34 and 272C.15 and other applicable sections of Iowa law shall constitute grounds for the imposition by the board of disciplinary action pursuant to rule 481—581.1(147,153,272C). This rule is not subject to waiver pursuant to 481—Chapter 6 or any other provision of law.

**581.3(1)** The following violations related to notification, compliance and other state laws constitute grounds for disciplinary action:

- a. Failure to comply with the requirements of 481—Chapter 584, except as otherwise provided by law;
- b. Failure to preserve the confidentiality of patient information or accessing any confidential patient information without authorization;
- c. Practice of dentistry, dental hygiene or dental assisting beyond training;
- d. Delegation of any acts to any licensee or registrant that are beyond the training or education of the licensee or registrant, or that are otherwise prohibited by rule;
- e. Failure to comply with requirements related to prescribing, administering or dispensing any drug pursuant to Iowa Code chapter 124, the provisions of Iowa Code chapter 155A that are applicable to the practice of dentistry, and 481—Chapter 578;
- f. Improper sexual contact with, or making suggestive, lewd, lascivious or improper remarks or advances to, a patient or a coworker;
- g. Actions that are abusive, coercive, intimidating, harassing, untruthful or threatening in the practice of dentistry; or
- h. Failure to comply with an order of the board.

**581.3(2)** The following violations related to infection control constitute grounds for disciplinary action:

- a. Failure to maintain adequate safety and sanitary conditions for a dental office; or

*b.* Failure to comply with standard precautions for preventing and controlling infectious diseases and managing personnel health and safety concerns related to infection control, as required or recommended for dentistry by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the Iowa occupational safety and health administration.

**581.3(3)** Violations related to continuing education constitute grounds for disciplinary action:

- a.* Failure to respond to the board during a continuing education audit, or failure to submit verification of continuing education requirements within the time period provided;
- b.* Knowingly submitting a false report of continuing education; or
- c.* Failure to meet the required continuing education hours per renewal period.

**581.3(4)** Violations related to board investigations constitute grounds for disciplinary action:

- a.* Interference with, or knowingly providing false information to the board or an agent of the board related to, an inspection or investigation;
- b.* Failure to comply with a subpoena issued by the board;
- c.* Failure to fully and promptly comply with office inspections conducted at the request of the board to determine compliance with sanitation and infection control standards or sedation permit requirements;
- d.* Failure to cooperate with a board investigation; or
- e.* Retaliating against, threatening or coercing any person for filing a complaint with the board or cooperating with a board inspection or investigation.

**581.3(5)** The following violations may constitute grounds for disciplinary action:

- a.* Failure to notify the board of change of name or address within 60 days;
- b.* Failure to prominently display the names of all persons who are practicing dentistry, dental hygiene or dental assisting within an office; or
- c.* Giving or receiving cash or cash equivalents, or giving or receiving any gifts exceeding nominal value, for referral of patients.

[ARC 8995C, IAB 3/5/25, effective 4/9/25]

**481—581.4(272C) Prohibited grounds for discipline.** The board shall not suspend or revoke the license of a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

[ARC 8995C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code chapters 147, 153, 252J, 272C and 598.

[Filed ARC 8995C (Notice ARC 8513C, IAB 12/11/24), IAB 3/5/25, effective 4/9/25]

## CHAPTER 153

## DENTISTRY

Referred to in [§10A.711](#), [135.24](#), [135.194](#), [135B.7](#), [135P.1](#), [147.76](#), [147.136A](#), [272C.2C](#), [514.17](#), [514C.3C](#), [514J.102](#), [714H.4](#)

Penalty, [§147.86](#)

Licensing board and support staff; location, meetings, and powers; see [§10A.503](#)  
– [10A.505](#), [135.12](#)

153.1	through 153.11	Reserved.	153.31	Falsification in application for renewal.
153.12		Board defined.	153.32	Unprofessional conduct.
153.13		“Practice of dentistry” defined.	153.33	Powers of board.
153.14		Persons not included.	153.33A	Dental hygiene committee.
153.15		Dental hygienists — scope of term.	153.33B	Executive director — duties. Repealed by 2024 Acts, ch 1170, §66.
153.15A		Dental hygienists — license requirements, renewal.	153.34	Discipline.
153.16		Dental office where dentist is employed.	153.35	Construction rule.
153.17		Unlawful practice.	153.36	Exceptions to other statutes.
153.18		Employment of unlicensed dentist.	153.37	Dental college and dental hygiene program faculty permits.
153.19		Temporary permit — fees.	153.38	Dental assistants — scope of practice.
153.20		Drugs, medicine, and surgery.	153.39	Dental assistants — registration requirements, renewal, revocation, or suspension.
153.21		License by credentials.	153.40	Reserved.
153.22		Resident license.		
153.23		Retired volunteer license.		
153.24		Orthodontia-related services.		
153.25		through 153.30		

**153.1 through 153.11** Reserved.

**153.12 Board defined.**

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

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

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

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

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

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

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

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

Referred to in [§153.14](#)

**153.14 Persons not included.**

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

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

state-approved schools, and students of dental assisting who practice upon patients at clinics in connection with a regular course of instruction determined by the board pursuant to [section 153.39](#).

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

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

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

5. Persons registered to practice as a dental assistant.

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

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

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

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

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

a. Complete oral prophylaxis.

b. Application of preventive agents to oral structures.

c. Exposure and processing of radiographs.

d. Administration of medicaments prescribed by a licensed dentist.

e. Obtaining and preparing nonsurgical, clinical and oral diagnostic tests for interpretation by the dentist.

f. Preparation of preliminary written records of oral conditions for interpretation by the dentist.

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

3. Educational services shall be limited to the following:

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

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

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

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

Referred to in [§153.23](#)

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

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

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

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

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



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

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

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

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

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

**153.17 Unlawful practice.**

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

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

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

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

[C71, 73, 75, 77, 79, 81, §153.17]

2021 Acts, ch 80, §84

**153.18 Employment of unlicensed dentist.**

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

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

**153.19 Temporary permit — fees.**

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

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

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

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

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

[C71, 73, 75, 77, 79, 81, §153.20]

**153.21 License by credentials.**

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

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

[C71, 73, 75, 77, 79, 81, §153.21]

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

**153.22 Resident license.**

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

[C71, 73, 75, 77, 79, 81, §153.22]

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

**153.23 Retired volunteer license.**

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

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

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

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

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

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

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

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

[2015 Acts, ch 18, §1](#)

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

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

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

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

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

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

[2021 Acts, ch 127, §1](#)

**153.25 through 153.30** Reserved.

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

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

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

[2002 Acts, ch 1108, §18](#)

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

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

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

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

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

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

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

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

### 153.33 Powers of board.

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

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

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

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

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

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

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

f. To establish and utilize such ad hoc advisory committees as determined necessary by the board, including an advisory committee on the practice of dental hygiene. The board shall establish appointment provisions, membership terms, operating guidelines, and any other operational requirements for committees established pursuant to this paragraph. Members of committees established pursuant to this paragraph shall serve without compensation but may be reimbursed for actual expenses.

2. All employees needed to administer [this chapter](#) except the executive director shall be appointed pursuant to the merit system. The executive director shall be appointed pursuant to [section 10A.504](#) and shall be exempt from the merit system provisions of [chapter 8A, subchapter IV](#).

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

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

b. If the board finds the charges sufficient, if true, to warrant suspension or revocation of license or registration, the board shall issue an order fixing a time and place for hearing and

requiring the licensee or registrant to appear and answer to the charges. The order, together with a copy of the charges, shall be served upon the accused at least twenty days before the date fixed for hearing, either personally or by certified or registered mail, sent to the licensee's or registrant's last known post office address as shown by the records of the board.

c. At the time and place fixed in said notice for said hearing, or at any time and place to which the said hearing shall be adjourned, the board shall hear the matter and may take evidence, administer oaths, take the deposition of witnesses, including the person accused, in the manner provided by law in civil cases, compel the appearance of witnesses before it in person the same as in civil cases by subpoena issued over the signature of the chairperson of the board and in the name of the state of Iowa, require answers to interrogatories, and compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation or relating to the hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[C71, 73, 75, 77, 79, 81, §153.33]

90 Acts, ch 1112, §1; 92 Acts, ch 1121, §2; 93 Acts, ch 41, §2; 2002 Acts, ch 1108, §19, 20; 2003 Acts, ch 44, §38, 39; 2003 Acts, ch 145, §200; 2007 Acts, ch 10, §136; 2009 Acts, ch 41, §263; 2009 Acts, ch 133, §192; 2015 Acts, ch 36, §1; 2016 Acts, ch 1073, §61; 2017 Acts, ch 29, §43; 2019 Acts, ch 85, §62; 2020 Acts, ch 1018, §2; 2021 Acts, ch 80, §85, 86; 2024 Acts, ch 1170, §72

Referred to in §272C.5

Subsection 1, NEW paragraph f

### 153.33A Dental hygiene committee.

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

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

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

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

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

Referred to in §147.14

### 153.33B Executive director — duties. Repealed by 2024 Acts, ch 1170, §66.

For proposed amendments to section by 2024 Acts, ch 1182, §10, see Code editor’s note on simple harmonization at the beginning of this Code volume

### 153.34 Discipline.

The board may issue an order to discipline a licensed dentist or dental hygienist, or registered dental assistant, for any of the grounds set forth in [this chapter](#), [chapter 272C](#), or [Title IV](#). Notwithstanding [section 272C.3](#), licensee or registrant discipline may include a civil penalty not to exceed ten thousand dollars. Pursuant to [this section](#), the board may discipline a licensee or registrant for any of the following reasons:

1. For fraud or deceit in procuring the license or registration or the renewal thereof to practice dentistry, dental hygiene, or dental assisting.

2. For being guilty of willful and gross malpractice or willful and gross neglect in the practice of dentistry, dental hygiene, or dental assisting.

3. For fraud in representation as to skill or ability.



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

[C71, 73, 75, 77, 79, 81, §153.34]

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

Referred to in §272C.3, 272C.4

### **153.35 Construction rule.**

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

[C71, 73, 75, 77, 79, 81, §153.35]

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

1. [Sections 147.44, 147.48, 147.49, 147.53, and 147.55](#) shall not apply to the practice of dentistry.
2. In addition to the provisions of [section 272C.2, subsection 4](#), a person licensed by the board shall also be deemed to have complied with continuing education requirements of this state if, during periods that the person practiced the profession in another state or district, the person met all of the continuing education and other requirements of that state or district for the practice of the occupation or profession.
3. Notwithstanding the panel composition provisions in [section 272C.6, subsection 1](#), the

board's disciplinary hearing panels shall be comprised of three board members, at least two of which are licensed in the profession.

[C71, 73, 75, 77, 79, 81, §153.36]

97 Acts, ch 159, §23; 2007 Acts, ch 10, §139; 2009 Acts, ch 41, §56; 2024 Acts, ch 1170, §64  
Subsection 1 amended

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

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

[C79, 81, §153.37]

93 Acts, ch 41, §4; 2002 Acts, ch 1108, §22; 2007 Acts, ch 10, §140

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

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

2000 Acts, ch 1002, §5; 2007 Acts, ch 10, §141; 2020 Acts, ch 1018, §3

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

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

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

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

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



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

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

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

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

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

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

Referred to in [§153.14](#)

#### **153.40** Reserved.

For future text of this section effective upon receipt by the department of health and human services of federal funding to establish a mobile dental delivery system, see [2004 Acts, ch 1175, §227, 287; 2023 Acts, ch 19, §1358](#)

CHAPTER 147

GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS

Referred to in §10A.503, 10A.711, 144E.6, 148.2A, 148.14, 148A.1, 148B.2, 148C.1, 148C.10, 148C.13, 148E.1, 148E.7, 148E.8, 148F.3, 148G.1, 148G.5, 148G.8, 148H.4, 148H.6, 148I.1, 148L.1, 148L.2, 148L.4, 148J.1, 149.1, 151.1A, 152.1, 152.4, 152.11, 152A.1, 152B.1, 152B.11, 152C.1, 152D.1, 152D.5, 153.12, 153.33, 154.1, 154B.1, 154B.6, 154C.1, 154C.4, 154C.7, 154D.1, 154D.3, 154D.4, 154E.1, 154E.2, 154E.3, 155.1, 155.4, 155.9, 155A.7, 155A.12, 155A.23, 155A.40, 235A.15, 235B.6, 257.11, 272C.1, 272C.2A, 272C.2B, 272C.6, 489.1101, 496C.2, 514C.28, 514C.34, 519A.2, 614.1, 668A.1, 707A.1

Continuing education and regulation; see chapter 272C

	DEFINITIONS	147.33	Professional schools.
		147.34	Examinations.
147.1	Definitions.	147.35	Names of eligible candidates. Repealed by 2008 Acts, ch 1088, §79.
	LICENSES	147.36	Rules.
147.2	License required.	147.37	Identity of candidate concealed.
147.3	Qualifications.	147.38	Reserved.
147.4	Grounds for refusing.	147.39	through 147.42 Repealed by 2008 Acts, ch 1088, §79.
147.5	Certificate of license.		Preservation of records.
147.6	Certificate presumptive evidence.	147.43	Repealed by 2008 Acts, ch 1088, §78.
147.7	Display of license.		
147.8	Record of licenses.		
147.9	Change of address.		
147.10	Renewal.		
147.11	Reactivation and reinstatement.		RECIPROCAL LICENSES
		147.44	Reciprocal agreements.
		147.45	through 147.47 Repealed by 2008 Acts, ch 1088, §79.
	HEALTH PROFESSION BOARDS	147.48	Termination of reciprocal agreements.
147.12	Health profession boards.	147.49	License of another state.
147.13	Designation of boards.	147.50	Practical examinations.
147.14	Composition of boards — quorum.		Repealed by 2008 Acts, ch 1088, §79.
147.15	Reserved.		and 147.52 Repealed by 2008 Acts, ch 1088, §78.
147.16	Board members. Repealed by 2024 Acts, ch 1170, §368.	147.51	Power to adopt rules.
147.17	Reserved.	147.53	Change of residence. Repealed by 2008 Acts, ch 1088, §78.
147.18	Disqualifications. Repealed by 2008 Acts, ch 1088, §79.	147.54	
147.19	Terms of office.		
147.20	Nomination of board members.		
147.21	Examination information.		
147.22	Officers.		LICENSEE DISCIPLINE
147.23	Reserved.	147.55	Grounds.
147.24	Compensation.	147.56	Lyme disease treatment — exemption from discipline.
147.25	System of health personnel statistics — fee.	147.57	Reserved.
147.26	Supplies and examination quarters. Repealed by 2008 Acts, ch 1088, §79.	147.58	through 147.71 Repealed by 2008 Acts, ch 1088, §78.
147.27	Reserved.		
147.28	National organization.		
147.28A	Scope of practice review committees — future repeal. Repealed by its own terms; 2005 Acts, ch 175, §84.	147.72	USE OF TITLES AND DEGREES
		147.73	Professional titles and abbreviations.
		147.74	Titles used by holder of degree.
			Professional titles or abbreviations — false use prohibited.
	EXAMINATIONS	147.75	Itinerants. Repealed by 2008 Acts, ch 1088, §78.
147.29	Applications. Repealed by 2008 Acts, ch 1088, §78.		
147.30	Time and place of examinations. Repealed by 2008 Acts, ch 1088, §78.		
147.31	and 147.32 Reserved.	147.76	RULES
			Rules.

147.77	Powers, privileges, rights, or duties provided by rule — applicability to physician assistants.	147.113	Violations.
147.78	and 147.79 Reserved.		BURN INJURIES
	FEEES	147.113A	Report of burn injuries.
147.80	Establishment of fees — administrative costs.		PELVIC EXAMINATIONS — INFORMED CONSENT
147.81	Reserved.	147.114	Prior informed consent relative to pelvic examinations — patient under anesthesia or unconscious — penalties.
147.82	Disposition of fees.	147.115	through 147.134 Reserved.
	VIOLATIONS — CRIMES — PUNISHMENT		MALPRACTICE
147.83	Injunction.	147.135	Peer review committees — nonliability — records and reports privileged and confidential.
147.84	Forgeries.	147.136	Scope of recovery.
147.85	Fraud.	147.136A	Noneconomic damage awards against health care providers.
147.86	Penalties.	147.137	Consent in writing.
	ENFORCEMENT PROVISIONS	147.138	Contingent fee of attorney reviewed by court.
147.87	Enforcement.	147.139	Expert witness standards.
147.88	Inspections and investigations.	147.140	Expert witness — certificate of merit affidavit.
147.89	Report of violators.	147.141	through 147.150 Reserved.
147.90	Rules and forms. Repealed by 2008 Acts, ch 1088, §78.		SPEECH PATHOLOGISTS AND AUDIOLOGISTS
147.91	Publications.	147.151	and 147.152 Repealed by 2008 Acts, ch 1088, §79.
147.92	Attorney general.	147.153	through 147.156 Repealed by 2008 Acts, ch 1088, §78.
147.93	Prima facie evidence.	147.157	through 147.160 Reserved.
147.94	through 147.96 Repealed by 2008 Acts, ch 1088, §79.		MENTAL HEALTH PROFESSIONALS EMPLOYMENT AGREEMENTS
147.97	Reserved.	147.161	Mental health professionals — limitations on competition prohibited.
147.98	through 147.100 Repealed by 2008 Acts, ch 1088, §79.		OPIOID PRESCRIPTION RULES
147.101	Reserved.	147.162	Rules and directives relating to opioids.
147.102	through 147.103A Repealed by 2008 Acts, ch 1088, §79.		AMBULATORY SURGICAL CENTERS
147.104	Records. Repealed by 2008 Acts, ch 1088, §78.	147.163	Provision of information — referral to ambulatory surgical center — licensee discipline.
147.105	Reserved.		GENDER TRANSITION PROCEDURES AND MINORS
	ANATOMIC PATHOLOGY SERVICES BILLING	147.164	Gender transition procedure-related activities — minors — prohibitions.
147.106	Anatomic pathology services — billing.		
	DRUG AND LENS DISPENSING, SUPPLYING, AND PRESCRIBING		
147.107	Drug dispensing, supplying, and prescribing — limitations.		
147.108	Contact lens prescribing and dispensing.		
147.109	Ophthalmic spectacle lens prescribing and dispensing.		
147.110	Reserved.		
	WOUNDS BY CRIMINAL VIOLENCE OR MOTOR VEHICLE		
147.111	Report of treatment of wounds and other injuries.		
147.112	Investigation and report by law enforcement agency.		

## DEFINITIONS

**147.1 Definitions.**

For the purpose of [this subtitle](#):

1. “*Board*” means one of the boards enumerated in [section 147.13](#) or any other board established in this subtitle whose members are appointed by the governor to license applicants and impose licensee discipline as authorized by law.

2. “*Department*” means the department of inspections, appeals, and licensing.

3. “*Licensed*” or “*certified*”, when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, genetic counselor, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, behavior analyst, assistant behavior analyst, marital and family therapist, mental health counselor, midwife, respiratory care and polysomnography practitioner, polysomnographic technologist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid specialist, or sign language interpreter or transliterator means a person licensed under [this subtitle](#).

4. “*Peer review*” means evaluation of professional services rendered by a person licensed to practice a profession.

5. “*Peer review committee*” means one or more persons acting in a peer review capacity who also serve as an officer, director, trustee, agent, or member of any of the following:

a. A state or local professional society of a profession for which there is peer review.

b. Any organization approved to conduct peer review by a society as designated in paragraph “a” of [this subsection](#).

c. The medical staff of any licensed hospital.

d. A board enumerated in [section 147.13](#) or any other board established in this subtitle which is appointed by the governor to license applicants and impose licensee discipline as authorized by law.

e. The board of trustees of a licensed hospital when performing a function relating to the reporting required by [section 147.135, subsection 3](#).

f. A health care entity, including but not limited to a group medical practice, that provides health care services and follows a formal peer review process for the purpose of furthering quality health care.

6. “*Profession*” means medicine and surgery, podiatry, osteopathic medicine and surgery, genetic counseling, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, applied behavior analysis, marital and family therapy, mental health counseling, midwifery, polysomnography, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, practice as a hearing aid specialist, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

[C24, 27, 31, 35, 39, §2438; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.1]

84 Acts, ch 1075, §6; 85 Acts, ch 168, §1; 86 Acts, ch 1211, §13; 87 Acts, ch 91, §6; 88 Acts, ch 1225, §2; 89 Acts, ch 89, §4, 5; 91 Acts, ch 229, §1; 92 Acts, ch 1205, §13; 94 Acts, ch 1132, §10; 95 Acts, ch 41, §8; 95 Acts, ch 108, §3; 96 Acts, ch 1036, §3, 4; 96 Acts, ch 1109, §1; 96 Acts, ch 1219, §20; 98 Acts, ch 1053, §2, 3; 2000 Acts, ch 1053, §1; 2000 Acts, ch 1148, §1; 2004 Acts, ch 1175, §419, 420, 433; 2007 Acts, ch 10, §26, 27; 2008 Acts, ch 1088, §1; 2012 Acts, ch 1101, §1; 2015 Acts, ch 30, §60; 2015 Acts, ch 57, §1; 2015 Acts, ch 70, §2; 2018 Acts, ch 1052, §1, 12; 2018 Acts, ch 1106, §2, 14; 2023 Acts, ch 19, §1623; 2023 Acts, ch 127, §1

Referred to in §148F.4

## LICENSES

**147.2 License required.**

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, genetic counseling, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, applied behavior analysis, marital and family therapy or mental health counseling, massage therapy, mortuary science, polysomnography, athletic training, acupuncture, nursing home administration, or sign language interpreting or transliterating, or shall not practice as a physician assistant or a hearing aid specialist, unless the person has obtained a license for that purpose from the board for the profession.

2. For purposes of [this section](#), a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in [section 152E.1](#) or pursuant to the advanced practice registered nurse compact contained in [section 152E.3](#) shall be considered to have obtained a license to practice nursing.

[C97, §2582, 2588; S13, §2575-a28, -a31, -a36, 2582, 2583-a, -d, -r, 2600-o4; SS15, §2588; C24, 27, 31, 35, 39, §2439; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.2]

85 Acts, ch 168, §2; 88 Acts, ch 1225, §3; 96 Acts, ch 1035, §1; 96 Acts, ch 1036, §5; 98 Acts, ch 1050, §1, 5; 2000 Acts, ch 1008, §1; 2000 Acts, ch 1053, §2; 2000 Acts, ch 1185, §1; 2004 Acts, ch 1045, §1; 2004 Acts, ch 1175, §421, 433; 2005 Acts, ch 53, §1; 2007 Acts, ch 10, §28; 2008 Acts, ch 1009, §1, 5; 2008 Acts, ch 1088, §2; 2012 Acts, ch 1101, §2; 2015 Acts, ch 57, §2; 2015 Acts, ch 70, §3, 18; 2018 Acts, ch 1052, §2, 12; 2018 Acts, ch 1106, §3, 14

Referred to in [§148.6](#), [148G.1](#), [148G.6](#)

**147.3 Qualifications.**

An applicant for a license to practice a profession under this subtitle is not ineligible because of age, citizenship, sex, race, religion, marital status, or national origin, although the application form may require citizenship information.

[S13, §2575-a29, -a37, 2583-a, -1, 2600-d; C24, 27, 31, 35, 39, §2440, 2567; C46, 50, 54, 58, 62, 66, §147.3, 153.3; C71, 73, §147.3, 153.5; C75, 77, 79, 81, §147.3]

84 Acts, ch 1075, §7; 85 Acts, ch 168, §3; 88 Acts, ch 1225, §4; 94 Acts, ch 1132, §11; 96 Acts, ch 1036, §6; 98 Acts, ch 1053, §4; 2008 Acts, ch 1088, §3; 2020 Acts, ch 1103, §11, 31

Referred to in [§152.7](#)

**147.4 Grounds for refusing.**

A board may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked or suspended.

[C97, §2578; S13, §2575-a33, -a41, 2578, 2583-c; C24, 27, 31, 35, 39, §2441; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.4]

90 Acts, ch 1086, §1; 2008 Acts, ch 1088, §4

Grounds for revocation, see [§147.55](#)

**147.5 Certificate of license.**

1. Every license to practice a profession shall be in the form of a certificate under the seal of the board. Such license shall be issued in the name of the board.

2. [This section](#) shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in [section 152E.1](#) or pursuant to the advanced practice registered nurse compact contained in [section 152E.3](#).

[C97, §2576, 2577, 2591; S13, §2575-a30, -a38, 2576, 2583-k, 2600-d; C24, 27, 31, 35, 39, §2442; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.5]

2000 Acts, ch 1008, §2; 2000 Acts, ch 1140, §30; 2005 Acts, ch 53, §2; 2007 Acts, ch 10, §29; 2008 Acts, ch 1088, §5

**147.6 Certificate presumptive evidence.**

Every license issued under this subtitle shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified.

[C97, §2576; S13, §2575-a30, -a38, 2576, 2583-k, 2600-d; C24, 27, 31, 35, 39, §2443; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.6]

94 Acts, ch 1132, §12; 96 Acts, ch 1036, §7; 98 Acts, ch 1053, §5

**147.7 Display of license.**

1. A board may require every person licensed by the board to display the license and evidence of current renewal publicly in a manner prescribed by the board.

2. This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in [section 152E.1](#) or pursuant to the advanced practice registered nurse compact contained in [section 152E.3](#). A person licensed in another state and recognized for licensure in this state pursuant to either compact shall, however, maintain a copy of a license issued by the person's home state available for inspection when engaged in the practice of nursing in this state.

[C97, §2591; S13, §2600-o1; C24, 27, 31, 35, 39, §2444; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.7]

90 Acts, ch 1086, §2; 94 Acts, ch 1132, §13; 96 Acts, ch 1036, §8; 98 Acts, ch 1053, §6; 2000 Acts, ch 1008, §3; 2005 Acts, ch 53, §3; 2006 Acts, ch 1010, §54; 2008 Acts, ch 1088, §6

**147.8 Record of licenses.**

A board shall keep the following information available for public inspection for each person licensed by the board:

1. Name.
2. Address of record.
3. The number of the license.
4. The date of issuance of the license.

[C97, §2591; S13, §2575-a40, 2583-a, -k, 2600-d; C24, 27, 31, 35, 39, §2445; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.8]

96 Acts, ch 1128, §5; 2008 Acts, ch 1088, §7; 2009 Acts, ch 41, §50

**147.9 Change of address.**

Every person licensed pursuant to [this chapter](#) shall notify the board which issued the license of a change in the person's address of record within a time period established by board rule.

[C97, §2591; C24, 27, 31, 35, 39, §2446; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.9]

90 Acts, ch 1086, §3; 94 Acts, ch 1132, §14; 96 Acts, ch 1036, §9; 98 Acts, ch 1053, §7; 2008 Acts, ch 1088, §8

**147.10 Renewal.**

1. Every license to practice a profession shall expire in multiyear intervals and be renewed as determined by the board upon application by the licensee. Each board shall establish rules for license renewal and concomitant fees. Application for renewal shall be made to the board accompanied by the required fee at least thirty days prior to the expiration of such license.

2. Each board may by rule establish a grace period following expiration of a license in which the license is not invalidated. Each board may assess a reasonable penalty for renewal of a license during the grace period. Failure of a licensee to renew a license within the grace period shall cause the license to become inactive or lapsed. A licensee whose license is inactive or lapsed shall not engage in the practice of the profession until the license is reactivated or reinstated.

[C97, §2590; S13, §2575-a39, 2589-d; C24, 27, 31, §2447; C35, §2447, 2573-g2 – 2573-g4; C39, §2447, 2573.02 – 2573.04; C46, 50, 54, 58, 62, 66, §147.10, 153.11 – 153.12; C71, 73, §147.10, 153.9, 153.10; C75, 77, 79, 81, §147.10]

2002 Acts, ch 1108, §12; 2008 Acts, ch 1088, §9

Referred to in [§147.11](#), [148.6](#)

**147.11 Reactivation and reinstatement.**

1. A licensee who allows the license to become inactive or lapsed by failing to renew the license, as provided in [section 147.10](#), may reactivate the license upon payment of a reactivation fee and compliance with other terms established by board rule.

2. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with board rule and must apply for and be granted reactivation of the license in accordance with board rule prior to practicing the profession.

[C24, 27, 31, 35, 39, §2448; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.11]  
[2007 Acts, ch 10, §30](#); [2008 Acts, ch 1088, §10](#); [2009 Acts, ch 41, §51](#)

## HEALTH PROFESSION BOARDS

**147.12 Health profession boards.**

1. The governor shall appoint, subject to confirmation by the senate, a board for each of the professions. The board members shall not be required to be members of professional societies or associations composed of members of their professions.

2. If a person who has been appointed by the governor to serve on a board has ever been disciplined in a contested case by the board to which the person has been appointed, all board statements of charges, settlement agreements, findings of fact, and orders pertaining to the disciplinary action shall be made available to the senate committee to which the appointment is referred at the committee's request before the full senate votes on the person's appointment.

[C97, §2576, 2584; S13, §2575-a29, -a37, 2576, 2583-a, -h, 2600-b; SS15, §2584; C24, 27, 31, 35, 39, §2449; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.12]

[88 Acts, ch 1128, §2](#); [94 Acts, ch 1132, §15](#); [96 Acts, ch 1036, §10](#); [98 Acts, ch 1053, §8](#); [2007 Acts, ch 10, §31](#); [2008 Acts, ch 1088, §11](#)

Referred to in [§147.13, 148.2A](#)

Confirmation, see [§2.32](#)

Board of medicine alternate members, see [§148.2A](#)

**147.13 Designation of boards.**

The boards provided in [section 147.12](#) shall be designated as follows:

1. For medicine and surgery, osteopathic medicine and surgery, acupuncture, and genetic counseling, the board of medicine.

2. For physician assistants, the board of physician assistants.

3. For psychology, social work, applied behavior analysis, marital and family therapy, and mental health counseling, the board of behavioral health professionals.

4. For podiatry, the board of podiatry.

5. For chiropractic, the board of chiropractic.

6. For physical therapy and occupational therapy, the board of physical and occupational therapy.

7. For nursing and midwifery, the board of nursing.

8. For dentistry, dental hygiene, and dental assisting, the dental board.

9. For optometry, the board of optometry.

10. For speech pathology and audiology, the board of speech pathology and audiology.

11. For cosmetology arts and sciences, the board of barbering and cosmetology arts and sciences.

12. For pharmacy, the board of pharmacy.

13. For mortuary science, the board of mortuary science.

14. For dietetics, the board of dietetics.

15. For respiratory care and polysomnography, the board of respiratory care and polysomnography.

16. For massage therapy, the board of massage therapy.

17. For athletic training, the board of athletic training.

18. For interpreting, the board of sign language interpreters and transliterators.

19. For nursing home administration, the board of nursing home administrators.



20. For orthotics, prosthetics, and pedorthics, the board of podiatry.

[C24, 27, 31, 35, 39, §2450; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.13]

84 Acts, ch 1075, §8; 85 Acts, ch 168, §4; 88 Acts, ch 1225, §5; 91 Acts, ch 229, §2; 92 Acts, ch 1205, §14; 93 Acts, ch 86, §12; 96 Acts, ch 1036, §11; 98 Acts, ch 1053, §9; 2000 Acts, ch 1002, §1; 2004 Acts, ch 1175, §422, 433; 2006 Acts, ch 1155, §3, 15; 2007 Acts, ch 10, §32; 2007 Acts, ch 218, §197; 2008 Acts, ch 1088, §12, 141; 2009 Acts, ch 41, §52; 2012 Acts, ch 1101, §3; 2015 Acts, ch 57, §3; 2015 Acts, ch 70, §4; 2018 Acts, ch 1052, §3, 12; 2018 Acts, ch 1106, §4, 14; 2023 Acts, ch 99, §2, 3; 2023 Acts, ch 127, §2; 2024 Acts, ch 1170, §226, 486, 487

Referred to in §147.1, 147.82, 232.69, 235B.16, 280.13C, 422.7(16)

Subsection 3 amended

Subsections 14 and 15 stricken and former subsections 16 – 20 renumbered as 14 – 18

Subsection 21 stricken and former subsections 22 and 23 renumbered as 19 and 20

#### **147.14 Composition of boards — quorum.**

1. The board members shall consist of the following:

a. For medicine, five members licensed to practice medicine and surgery, two members licensed to practice osteopathic medicine and surgery, and three members not licensed to practice either medicine and surgery or osteopathic medicine and surgery, and who shall represent the general public.

b. For nursing, three registered nurses, one of whom shall be actively engaged in practice, one of whom shall be a nurse educator from a nursing education program, and one of whom shall be an advanced registered nurse practitioner; one licensed practical nurse actively engaged in practice; and one member who is not a registered nurse or licensed practical nurse and who shall represent the general public. The representative of the general public shall not be a member of a health care delivery system.

c. For dentistry, five members licensed to practice dentistry, two members licensed to practice dental hygiene, and two members not licensed to practice dentistry or dental hygiene and who shall represent the general public. The two dental hygienist board members and one dentist board member shall constitute a dental hygiene committee of the board as provided in [section 153.33A](#).

d. For pharmacy, four members licensed to practice pharmacy, one member registered as a certified pharmacy technician as defined by the board by rule, and one member who is not licensed to practice pharmacy or registered as a certified pharmacy technician and who shall represent the general public.

e. For optometry, four members licensed to practice optometry and one member who is not licensed to practice optometry and who shall represent the general public.

f. (1) For behavioral health professionals, two members who are licensed to practice psychology, two members who are licensed to practice social work as a master social worker or independent social worker, one member licensed to practice marital and family therapy, one member licensed to practice mental health counseling, one member licensed as a behavior analyst, and one member not licensed to practice psychology, social work, marital and family therapy, or mental health counseling, or as a behavior analyst, and who shall represent the general public.

(2) The board of behavioral health professionals shall establish an advisory committee of psychology, an advisory committee of social workers, and an advisory committee of mental health counselors, marital and family therapists, and behavior analysts to provide recommendations to the board on license reviews and implementation of state laws and administrative rules. Each advisory committee shall be comprised of at least five individuals licensed in the profession or professions about which the advisory committee provides recommendations.

g. For chiropractic, five members licensed to practice chiropractic and two members who are not licensed to practice chiropractic and who shall represent the general public.

h. For speech pathology and audiology, five members licensed to practice speech pathology or audiology at least two of whom shall be licensed to practice speech pathology and at least two of whom shall be licensed to practice audiology, and two members who are not licensed to practice speech pathology or audiology and who shall represent the general public.



i. For physical therapy and occupational therapy, three members licensed to practice physical therapy, two members licensed to practice occupational therapy, and two members who are not licensed to practice physical therapy or occupational therapy and who shall represent the general public.

j. For dietetics, one licensed dietitian representing the approved or accredited dietetic education programs, one licensed dietitian representing clinical dietetics, one licensed dietitian representing community nutrition services, and two members who are not licensed dietitians and who shall represent the general public.

k. For the board of physician assistants, five members licensed to practice as physician assistants, at least two of whom practice in counties with a population of less than fifty thousand, one member licensed to practice medicine and surgery who supervises a physician assistant engaged in independent practice or collaborates with a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant engaged in independent practice or collaborates with a physician assistant, and two members who are not licensed to practice either medicine and surgery or osteopathic medicine and surgery or licensed as a physician assistant and who shall represent the general public. At least one of the physician or osteopathic physician members shall be in practice in a county with a population of less than fifty thousand.

l. For respiratory care and polysomnography, one licensed physician with training in respiratory care, two respiratory care practitioners who have practiced respiratory care for a minimum of six years immediately preceding their appointment to the board and who are recommended by the society for respiratory care, one polysomnographic technologist who has practiced polysomnography for a minimum of six years immediately preceding appointment to the board and who is recommended by the Iowa sleep society, and one member not licensed to practice medicine, osteopathic medicine, polysomnography, or respiratory care who shall represent the general public.

m. For mortuary science, three members licensed to practice mortuary science, one member owning, operating, or employed by a crematory, and one member not licensed to practice mortuary science and not a crematory owner, operator, or employee who shall represent the general public.

n. For massage therapists, four members licensed to practice massage therapy and three members who are not licensed to practice massage therapy and who shall represent the general public.

o. For athletic trainers, three members licensed to practice athletic training, three members licensed to practice medicine and surgery, and one member not licensed to practice athletic training or medicine and surgery and who shall represent the general public.

p. For podiatry, five members licensed to practice podiatry, two members licensed to practice orthotics, prosthetics, or pedorthics, and two members who are not so licensed and who shall represent the general public.

q. For sign language interpreting and transliterating, three members licensed to practice interpreting and transliterating, two of whom shall be practicing interpreters and transliterators at the time of appointment to the board and at least one of whom is employed in an educational setting; and two members who are consumers of interpreting or transliterating services as defined in [section 154E.1](#), each of whom shall be deaf or hard of hearing.

r. For nursing home administrators, a total of nine members, four who are licensed nursing home administrators, one of whom is the administrator of a nonproprietary nursing home; three licensed members of any profession concerned with the care and treatment of chronically ill or elderly patients who are not nursing home administrators or nursing home owners; and two members of the general public who are not licensed under [chapter 155](#), have no financial interest in any nursing home, and who shall represent the general public.

s. For barbering and cosmetology arts and sciences, three members who are licensed barbers or cosmetologists; one member who is a licensed instructor of barbering and cosmetology arts and sciences; one member who is a licensed electrologist, esthetician, or nail technologist; one member who owns a school of barbering and cosmetology arts and

sciences; and one member who is not licensed in the practice of barbering and cosmetology arts and sciences and who shall represent the general public.

2. A majority of the members of a board constitutes a quorum.

[C97, §2564, 2576, 2584; S13, §2564, 2575-a29, -a30, -a37, -a38, 2576, 2583-a, -h, -i, 2600-b, -c; SS15, §2584; C24, 27, 31, 35, 39, §2451, 2452, 2475; C46, 50, 54, 58, 62, 66, §147.14, 147.15, 147.38; C71, 73, §147.14, 147.15, 147.38, 153.1; C75, 77, 79, 81, §147.14]

84 Acts, ch 1075, §9; 85 Acts, ch 168, §5; 86 Acts, ch 1003, §1; 86 Acts, ch 1022, §1; 88 Acts, ch 1134, §29; 88 Acts, ch 1225, §6, 7; 91 Acts, ch 229, §3; 92 Acts, ch 1183, §2; 92 Acts, ch 1205, §15, 16; 96 Acts, ch 1035, §2, 3, 13; 96 Acts, ch 1036, §12; 96 Acts, ch 1148, §1, 2; 98 Acts, ch 1002, §1, 2; 98 Acts, ch 1010, §1; 98 Acts, ch 1053, §10; 99 Acts, ch 19, §1; 99 Acts, ch 96, §14; 2004 Acts, ch 1175, §423, 433; 2005 Acts, ch 3, §36; 2007 Acts, ch 10, §33; 2007 Acts, ch 218, §188; 2008 Acts, ch 1032, §26; 2008 Acts, ch 1088, §13; 2009 Acts, ch 56, §2; 2009 Acts, ch 133, §47; 2010 Acts, ch 1069, §18; 2012 Acts, ch 1101, §4; 2015 Acts, ch 57, §4; 2015 Acts, ch 70, §5; 2018 Acts, ch 1106, §5, 14; 2018 Acts, ch 1141, §1; 2020 Acts, ch 1102, §6; 2023 Acts, ch 73, §4; 2023 Acts, ch 99, §4, 5; 2024 Acts, ch 1170, §227, 228, 488, 489

Referred to in §148.2A, 154F.1

Board of medicine alternate members, see §148.2A

Subsection 1 amended and editorially internally redesignated

**147.15** Reserved.

**147.16 Board members.** Repealed by 2024 Acts, ch 1170, §368.

**147.17** Reserved.

**147.18 Disqualifications.** Repealed by 2008 Acts, ch 1088, §79.

**147.19 Terms of office.**

The board members shall serve three-year terms, which shall commence and end as provided by [section 69.19](#). Any vacancy in the membership of a board shall be filled by appointment of the governor subject to senate confirmation. A member shall serve no more than nine years in total on the same board.

[C97, §2564, 2576, 2584; S13, §2564, 2575-a29, -a37, 2576, 2583-a, -h, 2600-b; SS15, §2584; C24, 27, 31, 35, 39, §2456, 2458; C46, 50, 54, 58, 62, 66, §147.19, 147.21; C71, 73, §147.19, 147.21, 153.1; C75, 77, 79, 81, §147.19]

2007 Acts, ch 10, §36; 2008 Acts, ch 1088, §14

Referred to in §148.2A

Confirmation, see §2.32

Board of medicine alternate members, see §148.2A

**147.20 Nomination of board members.**

The regular state association or society for each profession may recommend the names of potential board members to the governor, but the governor shall not be bound by the recommendations.

[S13, §2583-a, -h, 2600-b; C24, 27, 31, 35, 39, §2457; C46, 50, 54, 58, 62, 66, §147.20; C71, 73, §147.20, 153.1; C75, 77, 79, 81, §147.20]

2007 Acts, ch 10, §37

**147.21 Examination information.**

1. The public members of a board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

2. A member of the board shall not disclose information relating to any of the following:

a. The contents of the examination.

b. The examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

3. A member of the board who willfully communicates or seeks to communicate such

information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

[C75, 77, 79, 81, §147.21]

[83 Acts, ch 101, §26](#); [2008 Acts, ch 1088, §15](#)

Referred to in [§152.12](#), [157.3B](#)

#### **147.22 Officers.**

Each board shall annually select a chairperson and a vice chairperson from its own membership.

[C97, §2576, 2585; S13, §2576, 2583-i, 2585, 2600-c; C24, 27, 31, 35, 39, [§2459](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.22]

[2007 Acts, ch 10, §38](#); [2008 Acts, ch 1088, §16](#)

#### **147.23 Reserved.**

#### **147.24 Compensation.**

Members of a board shall receive actual expenses for their duties as a member of the board. Each member of each board shall also be eligible to receive compensation as provided in [section 7E.6](#), within the limits of funds available.

[C97, §2574; S13, §2574, 2575-a34, -a44, 2583-a, -p, 2600-g; C24, 27, 31, 35, 39, [§2461](#); C46, 50, 54, 58, 62, 66, §147.24; C71, 73, §147.24, 153.3; C75, 77, 79, 81, §147.24]

[86 Acts, ch 1245, §1141](#); [2007 Acts, ch 10, §39](#); [2008 Acts, ch 1088, §17](#)

#### **147.25 System of health personnel statistics — fee.**

1. A board may establish a system to collect, maintain, and disseminate health personnel statistical data regarding board licensees, including but not limited to number of licensees, employment status, location of practice or place of employment, areas of professional specialization and ages of licensees, and other pertinent information bearing on the availability of trained and licensed personnel to provide services in this state.

2. In addition to any other fee provided by law, a fee may be set by the respective boards for each license and renewal of a license to practice a profession, which fee shall be based on the annual cost of collecting information for use by the board in the administration of the system of health personnel statistics established by [this section](#). The fee shall be retained by the respective board in the manner in which license and renewal fees are retained in [section 147.82](#).

[C75, 77, 79, 81, §147.25]

[84 Acts, ch 1075, §10](#); [85 Acts, ch 168, §6](#); [88 Acts, ch 1225, §9](#); [2006 Acts, ch 1155, §4, 15](#); [2007 Acts, ch 10, §40, 184](#); [2008 Acts, ch 1088, §18](#)

#### **147.26 Supplies and examination quarters.** Repealed by [2008 Acts, ch 1088, §79](#).

#### **147.27 Reserved.**

#### **147.28 National organization.**

Each board may maintain a membership in the national organization of the regulatory boards of its profession to be paid from board funds.

[C27, 31, 35, §2465-b1; C39, [§2465.1](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.28]

[2007 Acts, ch 10, §42](#); [2008 Acts, ch 1088, §19](#)

**147.28A Scope of practice review committees — future repeal.** Repealed by its own terms; [2005 Acts, ch 175, §84](#).

## EXAMINATIONS

#### **147.29 Applications.** Repealed by [2008 Acts, ch 1088, §78](#).

**147.30 Time and place of examinations.** Repealed by [2008 Acts, ch 1088, §78](#). See [§147.34](#).

**147.31 and 147.32** Reserved.

**147.33 Professional schools.**

A dean of a college or university which provides instruction or training in a profession shall supply information or data related to the college or university upon request of a board.

[C24, 27, 31, 35, 39, §2470; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.33]  
[2007 Acts, ch 10, §44](#); [2008 Acts, ch 1088, §20](#)

**147.34 Examinations.**

1. Each board shall by rule prescribe the examination or examinations required for licensure for the profession and the manner in which an applicant shall complete the examination process. A board may develop and administer the examination, may designate a national, uniform, or other examination as the prescribed examination, or may contract for such services. Dentists shall pass an examination approved by a majority of the dentist members of the dental board.

2. When a board administers an examination, the board shall provide adequate public notice of the time and place of the examination to allow candidates to comply with the provisions of this subtitle. Administration of examinations, including location, frequency, and reexamination, may be determined by the board.

3. Applicants who fail the examination once shall be allowed to take the examination at the next authorized time. Thereafter, applicants shall be allowed to take the examination at the discretion of the board. An applicant who has failed an examination may request in writing information from the board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the board prescribes a national or uniform examination, the board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the board.

[C97, §2576, 2582, 2589, 2597; S13, §2575-a29, -a37, 2576, 2582, 2583-a, -i, -k, 2589-a, 2600-c, -d; SS15, §2589-a; C24, 27, 31, 35, 39, §2471, 2567, 2572, 2573; C46, 50, 54, 58, 62, 66, §147.34, 153.3, 153.8, 153.9; C71, 73, §147.34, 153.2, 153.6, 153.8; C75, 77, 79, 81, §147.34]

[94 Acts, ch 1132, §17](#); [96 Acts, ch 1036, §14](#); [98 Acts, ch 1053, §12](#); [2007 Acts, ch 10, §45](#);  
[2008 Acts, ch 1088, §21](#)

Referred to in [§153.21](#), [155.3](#), [156.4](#)

**147.35 Names of eligible candidates.** Repealed by [2008 Acts, ch 1088, §79](#).

**147.36 Rules.**

Each board may establish rules for any of the following:

1. The qualifications required for applicants seeking to take examinations.
2. The denial of applicants seeking to take examinations.
3. The conducting of examinations.
4. The grading of examinations and passing upon the technical qualifications of applicants, as shown by such examinations.

5. The minimum scores required for passing standardized examinations.

[C97, §2584; S13, §2575-a38, 2583-a, -i, 2600-e; SS15, §2584; C24, 27, 31, 35, 39, §2473; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.36]

[92 Acts, ch 1183, §3](#); [2007 Acts, ch 10, §47](#); [2008 Acts, ch 1088, §22](#)

**147.37 Identity of candidate concealed.**

The identity of the person taking an examination shall not be disclosed during the examination process and in practice the identity of the candidate shall be concealed to the extent possible.

[C97, §2576; S13, §2576, 2583-a; C24, 27, 31, 35, 39, §2474; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.37]

[2007 Acts, ch 10, §48](#); [2008 Acts, ch 1088, §23](#)

**147.38** Reserved.

**147.39 through 147.42** Repealed by 2008 Acts, ch 1088, §79.

**147.43 Preservation of records.** Repealed by [2008 Acts, ch 1088, §78](#).

## RECIPROCAL LICENSES

**147.44 Reciprocal agreements.**

A board may enter into a reciprocal agreement with a licensing authority of another state for the purpose of recognizing licenses issued by the other state, provided that such licensing authority imposes licensure requirements substantially equivalent to those imposed in this state. The board may establish by rule the conditions for the recognition of such licenses and the process for licensing such individuals to practice in this state.

[C97, §2582; S13, §2582; C24, 27, 31, 35, 39, §2481; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.44]

[94 Acts, ch 1132, §19](#); [96 Acts, ch 1036, §16](#); [98 Acts, ch 1053, §14](#); [2007 Acts, ch 10, §53](#); [2008 Acts, ch 1088, §24](#)

Referred to in [§148.3](#), [152.8](#), [153.36](#), [155.11](#), [157.3](#)

**147.45 through 147.47** Repealed by 2008 Acts, ch 1088, §79.

**147.48 Termination of reciprocal agreements.**

If the requirements for a license in any state with which this state has a reciprocal agreement are changed by any law or rule of the authorities in that state so that such requirements are no longer substantially equivalent to those existing in this state, the agreement shall be deemed terminated and licenses issued in that state shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated.

[C24, 27, 31, 35, 39, §2485; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.48]

[2007 Acts, ch 10, §57](#); [2008 Acts, ch 1088, §25](#)

Referred to in [§152.8](#), [153.36](#), [155.11](#), [157.3](#)

**147.49 License of another state.**

A board shall, upon presentation of a license to practice a profession issued by the duly constituted authority of another state with which this state has established reciprocal relations, and subject to the rules of the board for such profession, license the applicant to practice in this state, unless under the rules of the board a practical or jurisprudence examination is required. The board of medicine may accept in lieu of the examination prescribed in [section 148.3](#) a license to practice medicine and surgery or osteopathic medicine and surgery, issued by the duly constituted authority of another state, territory, or foreign country. Endorsement may be accepted in lieu of further written examination without regard to the existence or nonexistence of a reciprocal agreement, but shall not be in lieu of the standards and qualifications prescribed by [section 148.3](#).

[C97, §2582; S13, §2575-a30, -a39, 2582, 2583-l, 2589-b, 2600-m; C24, 27, 31, 35, 39, §2486; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.49]

[2007 Acts, ch 10, §58](#); [2008 Acts, ch 1088, §26](#)

Referred to in [§152.8](#), [153.36](#), [155.11](#), [157.3](#)

**147.50 Practical examinations.** Repealed by [2008 Acts, ch 1088, §79](#).

**147.51 and 147.52** Repealed by 2008 Acts, ch 1088, §78.

**147.53 Power to adopt rules.**

Each board entering into a reciprocal agreement shall adopt necessary rules, not inconsistent with law, for carrying out the reciprocal relations with other states which are authorized by [this chapter](#).

[C24, 27, 31, 35, 39, §2490; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.53]

[2007 Acts, ch 10, §60](#); [2008 Acts, ch 1088, §27](#)

Referred to in [§152.8, 153.36, 155.11](#)

**147.54 Change of residence.** Repealed by [2008 Acts, ch 1088, §78](#).

## LICENSEE DISCIPLINE

**147.55 Grounds.**

A licensee's license to practice a profession shall be revoked or suspended, or the licensee otherwise disciplined by the board for that profession, when the licensee is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetence.
3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Fraud in representations as to skill or ability.
6. Use of untruthful or improbable statements in advertisements.
7. Willful or repeated violations of the provisions of [this chapter](#), [chapter 272C](#), or a board's enabling statute.
8. Sexual abuse in the fourth degree in violation of [section 709.4A](#).
9. Fraud in assisted reproduction in violation of [section 714I.3](#).
10. Other acts or offenses as specified by board rule.

1. [C97, §2578; S13, §2575-a33, -a41, 2578, 2583-c, 2600-o5; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(1)]

2. [C97, §2578; S13, §2578, 2583-c, -m; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(2)]

3. [C97, §2578; S13, §2575-a33, -a41, 2578, 2583-m, 2600-o5; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(3)]

4. [C97, §2578; S13, §2575-a41, 2578, 2583-c, -m, 2600-o5; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(4)]

5. [C97, §2578; S13, §2578, 2583-c; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(6)]

6. [C97, §2578; S13, §2578, 2583-c, 2600-o5; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(7)]

7. [C97, §2596; S13, §2575-a33, -a41; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §147.55(9); C79, 81, §147.55(8)]

[2008 Acts, ch 1088, §28](#); [2009 Acts, ch 133, §48](#); [2020 Acts, ch 1103, §12, 31](#); [2022 Acts, ch 1123, §5](#)

Referred to in [§148.6, 148.7, 148A.7, 148E.8, 148H.7, 152.10, 152D.6, 153.36, 155.4, 155A.12, 156.9, 272C.3, 272C.4](#)

**147.56 Lyme disease treatment — exemption from discipline.**

A person licensed by a board under this subtitle shall not be subject to discipline under [this chapter](#) or the board's enabling statute based solely on the licensee's recommendation or provision of a treatment method for Lyme disease or other tick-borne disease if the recommendation or provision of such treatment meets all the following criteria:



1. The treatment is provided after an examination is performed and informed consent is received from the patient.

2. The licensee identifies a medical reason for recommending or providing the treatment.

3. The treatment is provided after the licensee informs the patient about other recognized treatment options and describes to the patient the licensee's education, experience, and credentials regarding the treatment of Lyme disease or other tick-borne disease.

4. The licensee uses the licensee's own medical judgment based on a thorough review of all available clinical information and Lyme disease or other tick-borne disease literature to determine the best course of treatment for the individual patient.

5. The treatment will not, in the opinion of the licensee, result in the direct and proximate death of or serious bodily injury to the patient.

[2017 Acts, ch 16, §1, 2](#)

**147.57** Reserved.

**147.58 through 147.71** Repealed by 2008 Acts, ch 1088, §78.

## USE OF TITLES AND DEGREES

### **147.72 Professional titles and abbreviations.**

Any person licensed to practice a profession under this subtitle may append to the person's name any recognized title or abbreviation, which the person is entitled to use, to designate the person's particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise in such a manner as to lead the public to believe that the licensee is engaged in the practice of any other profession than the one which the licensee is licensed to practice.

[S13, §2575-a28, -a31, 2583-q; C24, 27, 31, 35, 39, §2509; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.72]

[94 Acts, ch 1132, §22](#); [96 Acts, ch 1036, §19](#); [98 Acts, ch 1053, §17](#)

Referred to in [§147.73](#)

### **147.73 Titles used by holder of degree.**

Nothing in [section 147.72](#) shall be construed:

1. As authorizing any person licensed to practice a profession under this subtitle to use or assume any degree or abbreviation of the degree unless such degree has been conferred upon the person by an institution of learning accredited by the appropriate board, or by some recognized state or national accredited agency.

2. As prohibiting any holder of a degree conferred by an institution of learning accredited by the appropriate board created in [this chapter](#), or by some recognized state or national accrediting agency, from using the title which such degree authorizes the holder to use, but the holder shall not use such degree or abbreviation in any manner which might mislead the public as to the holder's qualifications to treat human ailments.

[C24, 27, 31, 35, 39, §2510; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.73]

[94 Acts, ch 1132, §23](#); [96 Acts, ch 1036, §20](#); [98 Acts, ch 1053, §18](#); [2008 Acts, ch 1088, §30](#)

### **147.74 Professional titles or abbreviations — false use prohibited.**

1. Any person who falsely claims by the use of any professional title or abbreviation, either in writing, cards, signs, circulars, advertisements, the internet, or other written or electronic means, to be a practitioner of a profession other than the one under which the person holds a license or who fails to use the designations provided in [this section](#) shall be guilty of a simple misdemeanor.

2. A physician or surgeon may use the prefix "Dr." or "Doctor", and shall add after the person's name the letters, "M. D."

3. An osteopathic physician and surgeon may use the prefix "Dr." or "Doctor", and shall

add after the person's name the letters, "D. O.", or the words "osteopathic physician and surgeon".

4. A chiropractor may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters, "D. C." or the word, "chiropractor".

5. A dentist may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters "D. D. S.", or "D. M. D.", or the word "dentist" or "dental surgeon". A dental hygienist may use the words "registered dental hygienist" or the letters "R. D. H." after the person's name. A dental assistant may use the words "registered dental assistant" or the letters "R. D. A." after the person's name.

6. A podiatric physician may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters "D. P. M." or the words "podiatric physician".

7. A graduate of a school accredited by the board of optometry may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters "O. D."

8. A physical therapist registered or licensed under [chapter 148A](#) may use the words "physical therapist" after the person's name or signify the same by the use of the letters "P. T." after the person's name. A physical therapist with an earned doctoral degree from an accredited school, college, or university may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "physical therapist". An occupational therapist registered or licensed under [chapter 148B](#) may use the words "occupational therapist" after the person's name or signify the same by the use of the letters "O. T." after the person's name. An occupational therapist with an earned doctoral degree from an accredited school, college, or university may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "occupational therapist".

9. A physical therapist assistant licensed under [chapter 148A](#) may use the words "physical therapist assistant" after the person's name or signify the same by use of the letters "P. T. A." after the person's name. An occupational therapy assistant licensed under [chapter 148B](#) may use the words "occupational therapy assistant" after the person's name or signify the same by use of the letters "O. T. A." after the person's name.

10. A psychologist who possesses a doctoral degree may use the prefix "Dr." or "Doctor" but shall add after the person's name the word "psychologist".

11. A speech pathologist with an earned doctoral degree in speech pathology obtained beyond a bachelor's degree from an accredited school, college, or university, may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "speech pathologist". An audiologist with an earned doctoral degree in audiology obtained beyond a bachelor's degree from an accredited school, college, or university, may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the word "audiologist".

12. A bachelor social worker licensed under [chapter 154C](#) may use the words "licensed bachelor social worker" or the letters "L. B. S. W." after the person's name. A master social worker licensed under [chapter 154C](#) may use the words "licensed master social worker" or the letters "L. M. S. W." after the person's name. An independent social worker licensed under [chapter 154C](#) may use the words "licensed independent social worker", or the letters "L. I. S. W." after the person's name.

13. A marital and family therapist licensed under [chapter 154D](#) and [this chapter](#) may use the words "licensed marital and family therapist" after the person's name or signify the same by the use of the letters "L. M. F. T." after the person's name. A marital and family therapist licensed under [chapter 154D](#) and [this chapter](#) who possesses a doctoral degree may use the prefix "Doctor" or "Dr." in conjunction with the person's name, but shall add after the person's name the words "licensed marital and family therapist".

14. A mental health counselor licensed under [chapter 154D](#) and [this chapter](#) may use the words "licensed mental health counselor" after the person's name. A mental health counselor licensed under [chapter 154D](#) and [this chapter](#) who possesses a doctoral degree may use the prefix "Doctor" or "Dr." in conjunction with the person's name, but shall add after the person's name the words "licensed mental health counselor".



15. a. A behavior analyst licensed under [chapter 154D](#) may use the letters “LBA” after the person’s name.

b. An assistant behavior analyst licensed under [chapter 154D](#) may use the letters “LABA” after the person’s name.

16. A pharmacist who possesses a doctoral degree recognized by the accreditation council for pharmacy education from a college of pharmacy approved by the board of pharmacy or a doctor of philosophy degree in an area related to pharmacy may use the prefix “Doctor” or “Dr.” but shall add after the person’s name the word “pharmacist” or “Pharm. D.”

17. A physician assistant licensed under [chapter 148C](#) may use the words “physician assistant” after the person’s name or signify the same by the use of the letters “P.A.” after the person’s name.

18. A massage therapist licensed under [chapter 152C](#) may use the words “licensed massage therapist” or the initials “L. M. T.” after the person’s name.

19. An acupuncturist licensed under [chapter 148E](#) may use the words “licensed acupuncturist” or the abbreviation “L. Ac.” after the person’s name.

20. A respiratory care practitioner licensed under [chapter 152B](#) and [this chapter](#) may use the title “respiratory care practitioner” or the letters “R. C. P.” after the person’s name.

21. An athletic trainer licensed under [chapter 152D](#) and [this chapter](#) may use the words “licensed athletic trainer” or the letters “LAT” after the person’s name.

22. A registered nurse licensed under [chapter 152](#) may use the words “registered nurse” or the letters “R. N.” after the person’s name. A licensed practical nurse licensed under [chapter 152](#) may use the words “licensed practical nurse” or the letters “L. P. N.” after the person’s name. An advanced registered nurse practitioner licensed under [chapter 152](#) or [152E](#) may use the words “advanced registered nurse practitioner” or the letters “A.R.N.P.” after the person’s name.

23. A sign language interpreter or transliterator licensed under [chapter 154E](#) and [this chapter](#) may use the title “licensed sign language interpreter” or the letters “L. I.” after the person’s name.

24. a. An orthotist licensed under [chapter 148F](#) may use the words “licensed orthotist” after the person’s name or signify the same by the use of the letters “L.O.” after the person’s name.

b. A pedorthist licensed under [chapter 148F](#) may use the words “licensed pedorthist” after the person’s name or signify the same by the use of the letters “L.ped.” after the person’s name.

c. A prosthetist licensed under [chapter 148F](#) may use the words “licensed prosthetist” after the person’s name or signify the same by the use of the letters “L.P.” after the person’s name.

25. A genetic counselor licensed under [chapter 148H](#) may use the words “genetic counselor” or “licensed genetic counselor” or corresponding abbreviations after the person’s name.

26. A person who is licensed to engage in the practice of polysomnography shall have the right to use the title “polysomnographic technologist” or the letters “P.S.G.T.” after the person’s name. No other person may use that title or letters or any other words or letters indicating that the person is a polysomnographic technologist.

27. No other practitioner licensed to practice a profession under any of the provisions of this subtitle shall be entitled to use the prefix “Dr.” or “Doctor” unless the licensed practitioner possesses an earned doctoral degree. Such a practitioner shall reference the degree held after the person’s name.

28. A midwife licensed under [chapter 148I](#) may use the words “licensed midwife” or the initials “L.M.” after the person’s name.

[C31, 35, §2510-d1; C39, §2510.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.74; [81 Acts, ch 66, §1](#)]

[84 Acts, ch 1075, §11](#); [87 Acts, ch 215, §40](#); [88 Acts, ch 1225, §10](#); [90 Acts, ch 1168, §27](#); [91 Acts, ch 228, §1](#); [91 Acts, ch 229, §4](#); [92 Acts, ch 1137, §7](#); [92 Acts, ch 1183, §4](#); [93 Acts, ch 86, §13](#); [95 Acts, ch 108, §4](#); [96 Acts, ch 1035, §4](#); [96 Acts, ch 1036, §21](#); [98 Acts, ch 1053, §19](#); [99 Acts, ch 101, §1](#); [2000 Acts, ch 1053, §3](#); [2001 Acts, ch 58, §7](#); [2003 Acts, ch 93, §1, 14](#); [2004 Acts, ch 1045, §2](#); [2004 Acts, ch 1175, §424, 433](#); [2007 Acts, ch 10, §61](#); [2007 Acts, ch 215,](#)

§246; 2008 Acts, ch 1088, §31; 2012 Acts, ch 1101, §5; 2014 Acts, ch 1019, §1; 2015 Acts, ch 70, §6; 2018 Acts, ch 1052, §4, 12; 2018 Acts, ch 1106, §6, 14; 2023 Acts, ch 127, §3

Referred to in §148A.7

**147.75 Itinerants.** Repealed by 2008 Acts, ch 1088, §78.

## RULES

### 147.76 Rules.

The boards for the various professions shall adopt all necessary and proper rules to administer and interpret [this chapter](#) and [chapters 148 through 157](#), except [chapter 148D](#).

[C77, 79, 81, §147.76]

89 Acts, ch 83, §28; 92 Acts, ch 1097, §4; 2007 Acts, ch 10, §62; 2008 Acts, ch 1088, §32; 2023 Acts, ch 99, §6

### 147.77 Powers, privileges, rights, or duties provided by rule — applicability to physician assistants.

1. The following agencies that adopt rules pursuant to [chapter 17A](#) providing a power, privilege, right, or duty to a physician licensed under [chapter 148](#) or other profession licensed under [this subtitle](#) relating to the following subjects shall, consistent with the scope of practice of physician assistants licensed under [chapter 148C](#), and unless otherwise inconsistent with state or federal law, provide the same power, privilege, right, or duty by rule to a physician assistant licensed under [chapter 148C](#):

a. The department of administrative services, with respect to rules relating to the following:

(1) Retroactive conversion of vacation time to sick leave for vacation time spent under the care of a physician.

(2) Certification of a catastrophic illness by a physician for purposes of donation of leave and second medical opinions and updates sought from a physician relating to such certifications.

b. The department of corrections, with respect to rules relating to the following:

(1) That a parolee shall not use, purchase, possess, or transfer any drugs unless prescribed by a physician.

(2) That a serious medical need is one that has been diagnosed by a physician as requiring treatment or is one so obvious that a lay person would easily recognize the necessity for a physician's attention.

(3) That each jail shall have a designated licensed physician, licensed osteopathic physician, or medical resource designated for the medical supervision, care, and treatment of prisoners as deemed necessary and appropriate.

(4) That prescription medication, as ordered by a licensed physician, licensed osteopathic physician, or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Prisoners with medication from a personal physician, osteopathic physician, or dentist may be evaluated by a physician, osteopathic physician, or dentist selected by the jail administrator to determine if the present medication is appropriate.

(5) That expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the jail administrator or designee in the presence of a witness.

(6) That special diets in jails prescribed by a physician shall be followed and documented, that the physician who prescribes the special diet shall specify a date on which the diet will be reviewed for renewal or discontinuation, and that unless specified by the prescribing physician, a certified dietitian shall develop the menu.

(7) That special diets prescribed by a physician for the care and treatment of juveniles in nonsecure hold shall be followed and documented.

(8) For medical services in temporary holding facilities, that a serious medical need is one

that has been diagnosed by a physician as requiring treatment or one that is so obvious that a lay person would easily recognize the necessity for a physician's attention.

(9) For medical resources in temporary holding facilities, that each facility shall have a designated licensed physician, licensed osteopathic physician, or medical resource designated for the medical supervision, care, and treatment of detainees as deemed necessary and appropriate.

(10) Medication procedures in temporary holding facilities, that prescription medication, as ordered by a licensed physician, licensed osteopathic physician, or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Detainees with medication from a personal physician, osteopathic physician, or dentist may be evaluated by a physician, osteopathic physician, or dentist selected by the facility administrator to determine if the present medication is appropriate.

(11) For medication storage in temporary holding facilities, that expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the facility administrator or designee in the presence of a witness.

(12) For medical diets in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented.

(13) For medical care and treatment for juveniles in nonsecure holds in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented.

c. The economic development authority, with respect to rules relating to the certification of a person with a disability for the purpose of the targeted small business program, that in order to be considered a person with a disability for the purpose of the targeted small business program, the person must qualify and receive certification as having a disability from a licensed medical physician or must have been found eligible for vocational rehabilitation services by the department of workforce development, division of vocational rehabilitation services, or by the department for the blind.

d. The department of education, with respect to rules relating to the following:

(1) For statements relating to medication administration policies, that a statement that persons administering medication shall include authorized practitioners, such as licensed registered nurses and physicians, and persons to whom authorized practitioners have delegated the administration of prescription and nonprescription drugs. Individuals shall self-administer asthma or other airway constricting disease medication or possess and have use of an epinephrine auto-injector with parent and physician consent on file, without the necessity of demonstrating competency to self-administer these medications.

(2) For medication administration courses relating to medication administration policies, that a medication administration course be conducted by a registered nurse or licensed pharmacist and include an annual medication administration procedural skills check completed with a registered nurse or pharmacist.

(3) For school-based youth services programs, that preventive and primary health care services shall be delivered by specifically credentialed providers as specified.

e. The department of health and human services, with respect to rules relating to the following:

(1) That an incident for purposes of accreditation of providers of services to persons with mental illness, intellectual disabilities, or developmental disabilities includes but is not limited to an occurrence involving the individual using the service that results in a physical injury to or by the individual that requires a physician's treatment or admission to a hospital.

(2) That a mental health professional, for purposes of accreditation of providers of services to persons with mental illness, intellectual disabilities, or developmental disabilities, includes a medical professional licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(3) That home health aide services for purposes of disability services management and regional services may include medications specifically ordered by a physician.

(4) That payment relating to the state supplementary assistance program for residential care shall only be made when there is on file an order written by a physician certifying that the

applicant or recipient being admitted requires residential care but does not require nursing services.

(5) That a case folder for a facility participating in the state supplementary assistance program must include a physician's statement certifying that a resident does not require nursing services.

(6) That personnel providing psychological evaluations and counseling or psychotherapy services for area education agencies under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(7) That personnel providing psychological evaluations and counseling or psychotherapy services for providers of infant and toddler program services under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(8) That personnel providing other services for providers of infant and toddler program services under the medical assistance program include specified professions recognized, endorsed, or licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(9) That personnel providing psychological evaluations and counseling or psychotherapy services for providers of local education agency services under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(10) That personnel providing other services for providers of local education agency services under the medical assistance program include specified professions recognized, endorsed, or licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(11) For payment for medically necessary home health agency services under the medical assistance program, that payment shall be approved for medically necessary home health agency services prescribed by a physician in a plan of home health care provided by a Medicare-certified home health agency.

(12) For authorization for medically necessary home health agency services under the medical assistance program, that services shall be authorized by a physician, evidenced by the physician's signature and date on a plan of treatment.

(13) For treatment plans of home health agencies under the medical assistance program, that a member's medical condition shall be reflected by the date last seen by a physician, if available.

(14) For items included in treatment plans of home health agencies under the medical assistance program, that a plan of care shall include a physician's signature and date and that the plan of care must be signed and dated by the physician before the claim for service is submitted for reimbursement.

(15) For skilled nursing services provided by a home health agency under the medical assistance program, that medical documentation shall be submitted justifying the need for continued visits, including the physician's estimate of the length of time that additional visits will be necessary, and that daily skilled nursing visits or multiple daily visits for wound care or insulin injections shall be covered when ordered by a physician and included in the plan of care.

(16) For physical therapy services provided by a home health agency under the medical assistance program, that payment shall be made for physical therapy services when the services follow a treatment plan established by the physician after any needed consultation with the qualified physical therapist.

(17) For occupational therapy services provided by a home health agency under the medical assistance program, that payment shall be made for occupational therapy services when the services follow a treatment plan established by the physician.

(18) For speech therapy services provided by a home health agency under the medical

assistance program, that payment shall be made for speech therapy services when the services follow a treatment plan established by the physician.

(19) For home health aide services provided by a home health agency under the medical assistance program, that the service as well as the frequency and duration are stated in a written plan of treatment established by a physician.

(20) For home health aide services provided by a home health agency under the medical assistance program, that services provided for specified durations when ordered by a physician and included in a plan of care shall be allowed as intermittent services.

(21) For home health aide services provided by a home health agency under the medical assistance program, that personal care services include helping the member take medications specifically ordered by a physician.

(22) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that private duty nursing services are those services which are provided by a registered nurse or a licensed practical nurse under the direction of the member's physician to a member in the member's place of residence or outside the member's residence, when normal life activities take the member outside the place of residence.

(23) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that services shall be provided according to a written plan of care authorized by a licensed physician.

(24) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that personal care services are those services provided by a home health aide or certified nurse's aide and which are delegated and supervised by a registered nurse under the direction of the member's physician to a member in the member's place of residence or outside the member's residence, when normal life activities take the member outside the place of residence, and that these services shall be in accordance with the member's plan of care and authorized by a physician.

(25) For requirements for private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that private duty nursing or personal care services shall be ordered in writing by a physician as evidenced by the physician's signature on the plan of care.

(26) For obtaining prescription medications for children in juvenile detention and shelter care homes, that prescription medication provided to residents shall be dispensed only from a licensed pharmacy in this state in accordance with state law, from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician.

(27) For health and dental programs provided by agencies providing foster care services, that a child's physical examination shall be performed by a licensed physician or licensed nurse practitioner.

(28) For health and dental programs provided by agencies providing foster care services, that if documentation of prior immunization is unavailable, immunizations required by the department shall begin within thirty days of placement, unless contraindicated and unless a statement from a physician to that effect is included in the child's medical record, and that a statement from a physician, referring agency, parent, or guardian indicating immunizations are current is sufficient documentation of immunizations.

(29) For the dispensing, storage, authorization, and recording of medications in child care centers, that all medications shall be stored in their original containers, with accompanying physician or pharmacist's directions and label intact and stored so they are inaccessible to children and the public.

(30) For an infants' area in a child care center, that upon the recommendation of a child's physician or the area education agency serving the child, a child who is two years of age or older with a disability that results in significant developmental delays in physical and cognitive functioning who does not pose a threat to the safety of the infants may, if appropriate and for a limited time approved by the department, remain in the infant area.

(31) For facility requirements for a child development home, that the telephone number for each child's physician shall be written on paper and readily accessible by the telephone.

(32) For medications and hazardous materials in a child development home, that

medications shall be given only with the parent's or doctor's written authorization, and that each prescribed medication shall be accompanied by a physician's or pharmacist's direction.

(33) For medical reports regarding the health of a family in a family life home, that a medical report shall provide significant findings of a physician, such as the presence or absence of any communicable disease.

(34) For medical reexaminations of a family in a family life home, that medical reexaminations may be required at the discretion of a physician.

(35) For medical examinations of a client in a family life home, that a physician shall certify that the client is free from any communicable disease and does not require a higher level of care than that provided by a family life home.

(36) For the records of a client in a family life home, that the family shall have available at all times, the name, address, and telephone number of the client's physician.

(37) For the facility requirements for a child care home, that the telephone number for each child's physician shall be written on paper and readily accessible by the telephone.

(38) For the administration of medications at a child care home, that medications shall be given only with the parent's or doctor's written authorization and each prescribed medication shall be accompanied by a physician's or pharmacist's direction.

(39) For payments for foster care, that an intellectual disabilities professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as an intellectual disabilities professional.

(40) For payments for foster care, that a mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(41) For the subsidized adoption program, that a qualified intellectual disability professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disability professional.

(42) For the subsidized adoption program, that a qualified mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified mental health professional.

(43) For the information provided to a foster care provider by a department worker at the time of placement, that the information shall include the names, addresses, and telephone numbers of the child's physician and dentist.

(44) A written order from a physician for an older individual requesting a therapeutic diet, and the interpretation of such orders.

(45) That "*impaired glucose tolerance*", for purposes of outpatient diabetes education programs, means a condition in which blood glucose levels are higher than normal, diagnosed by a physician, and treated with a food plan, exercise, or weight control.

(46) For instructors for programs not recognized by the American diabetes association or accredited by the American association of diabetes educators, that the primary instructors shall be one or more of specified health care professionals who are knowledgeable about the disease process of diabetes and the treatment of diabetes.

(47) For the written form for participation in the prescription drug donation repository program, that the form shall include the name and telephone number of the responsible pharmacist, physician, or nurse practitioner who is employed by or under contract with the pharmacy or medical facility, and shall also include a statement, signed and dated by the responsible pharmacist, physician, or nurse practitioner, indicating that the pharmacy or medical facility meets the eligibility requirements and shall comply with the requirements established by rule.

(48) For the dispensing of donated prescription drugs and supplies, that donated drugs and supplies may be dispensed only if the drugs or supplies are prescribed by a health care practitioner for use by an eligible individual and are dispensed by a licensed pharmacist, physician, or nurse practitioner.

f. The department of inspections, appeals, and licensing, with respect to rules relating to the following:

(1) For the qualifications of an attending physician at a hospice, that the person shall have an active Iowa license to practice medicine.

(2) For residential care facilities for persons with intellectual disabilities, that a qualified intellectual disability professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disability professional.

(3) For nursing facilities, that a qualified intellectual disabilities professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disabilities professional.

(4) For intermediate care facilities for persons with mental illness, that a qualified mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified mental health professional.

(5) For notifications submitted to the department from a subacute mental health care facility in the event of an accident causing a major injury, including as a major injury an injury which requires consultation with the attending physician or designee of the physician or advanced registered nurse practitioner who determines that an injury is a major injury.

(6) For applications for a license to practice asbestos removal, that except as noted in rule, only worker and contractor/supervisor license applicants must submit the respiratory protection and physician's certification forms.

(7) For documentation held by persons licensed for asbestos abatement in an area that is subject to a disaster emergency proclamation, that the director of the department of inspections, appeals, and licensing deems an individual contractor, supervisor, or worker to be licensed and authorized for asbestos abatement if the individual, in addition to other specified conditions, makes immediately available on the work site a copy of a physician's statement indicating that, consistent with federal law, a licensed physician has examined the individual within the past twelve months and approved the individual to work while wearing a respirator.

(8) That the contents of an application for an event license for a covered athletic event other than a professional wrestling event shall contain, along with other requirements, a copy of the medical license of the ringside physician and the date, time, and location of the ringside physician's examination of the contestants.

(9) For the responsibilities of the promoter of an athletic event, that the promoter submit test results to the ringside physician no later than at the time of the physical showing that each contestant scheduled for the event tested negative for the human immunodeficiency, hepatitis B, and hepatitis C viruses within the one-year period prior to the event, and that the contestant shall not participate and the physician shall notify the promoter that the contestant is prohibited from participating for medical reasons if specified circumstances occur.

(10) For injuries during a professional boxing match, that if a contestant claims to be injured during the bout, the referee shall stop the bout and request the attending physician to make an examination. If the physician decides that the contestant has been injured as the result of a foul, the physician shall advise the referee of the injury. If the physician is of the opinion that the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. It shall be the duty of the promoter to have an approved physician in attendance during the entire duration of all bouts.

(11) For persons allowed in a ring during a professional boxing match, that no person other than the contestants and the referee shall enter the ring during the bout, excepting the seconds between the rounds or the attending physician if asked by the referee to examine an injury to a contestant.

(12) For the weighing of contestants in a professional boxing match, that contestants shall be weighed and examined on the day of the scheduled match by the attending ring physician at a time and place to be determined by the state commissioner of athletics.

(13) For attending ring physicians during a professional boxing match, that when a boxer has been injured seriously, knocked out, or technically knocked out, the referee shall immediately summon the attending ring physician to aid the stricken boxer, and that managers, handlers, and seconds shall not attend to the stricken boxer, except at the request of the physician.

(14) For the keeping of time during a professional boxing match, that the timekeeper shall

keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

(15) For the suspension of contestants during a professional boxing match that is an elimination tournament, that a contestant who for specified reasons is not permitted to box in the state for a period of time shall be examined by a physician approved by the state commissioner of athletics before being permitted to fight again.

(16) For the designation of officials for professional kickboxing, that the designation of physicians is subject to the approval of the state commissioner of athletics or designee.

(17) For officials for a mixed martial arts event, that officials shall include a physician.

(18) For the keeping of time for a mixed martial arts event, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

(19) For persons allowed in the cage during a mixed martial arts event, that a physician may enter the cage to examine a contestant upon the request of the referee.

(20) For the decorum of persons involved in a mixed martial arts event, that a contestant is exempt from prohibitions on specified conduct while interacting with the contestant's opponent during a round, but if the round is stopped by the physician or referee for a time out, the prohibitions shall apply to the contestant.

(21) For the examination of contestants in a mixed martial arts event, that on the day of the event, at a time and place to be approved by the state commissioner of athletics, the ringside physician shall conduct a rigorous physical examination to determine the contestant's fitness to participate in a mixed martial arts match, and that a contestant deemed not fit by the physician shall not participate in the event.

(22) For injuries during a mixed martial arts event, that if a contestant claims to be injured or when a contestant has been injured seriously or knocked out, the referee shall immediately stop the fight and summon the attending ring physician to make an examination of the stricken fighter. If the physician decides that the contestant has been injured, the physician shall advise the referee of the severity of the injury. If the physician is of the opinion the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. Managers, handlers, and seconds shall not attend to the stricken fighter, except at the request of the physician.

g. The racing and gaming commission, with respect to rules relating to the following:

(1) For the grounds for denial, suspension, or revocation of an occupational or vendor license, that a license shall be denied if the applicant has a history of mental illness without demonstrating successful treatment by a licensed medical physician.

(2) For the qualifications for jockeys, that a jockey shall pass a physical examination by a licensed physician affirming fitness to participate as a jockey.

(3) For the regulation of licensees in restricted areas of a racing facility, that licensees whose duties require them to be in a restricted area of a racing facility shall not have present within their systems any controlled substance as listed in schedules I to V of section 202 of the federal Controlled Substances Act, 21 U.S.C. §812, [chapter 124](#), or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice.

h. The Iowa law enforcement academy, with respect to rules relating to the following:

(1) For the minimum standards for law enforcement officers, that an officer is examined by a licensed physician or surgeon.

(2) For hiring standards must be reverified if an individual is not hired by an Iowa law enforcement agency during a specified period of time following completion of the course of study, that the individual must be examined by a licensed physician or surgeon.

(3) For the selection or appointment of reserve peace officers, that the person shall be examined by a licensed physician or surgeon.

i. The natural resource commission, with respect to rules relating to the following:

(1) That the grounds for revoking or suspending an instructor license include participation in a course while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician.



(2) For applications for use of a crossbow for deer and turkey hunting by handicapped individuals, that an application must include a statement signed by the applicant's physician declaring that the individual is not physically capable of shooting a bow and arrow.

(3) For authorization for the use of a crossbow for deer and turkey hunting by handicapped individuals, that if a conservation officer has probable cause to believe the person's handicapped status has improved, making it possible for the person to shoot a bow and arrow, the department of natural resources may, upon the officer's request, require the person to obtain in writing a current physician's statement.

(4) For licenses for nonresidents to participate in a special deer hunting season for severely disabled persons, that a nonresident applying for the license must have on file with the department of natural resources either a copy of a disabilities parking permit issued by a state department of transportation or an Iowa department of natural resources form signed by a physician that verifies their disability.

j. The department of public safety, with respect to rules relating to permits to carry weapons, that a person who is an unlawful user of or addicted to any controlled substance includes any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician.

k. The department of transportation, with respect to rules relating to exemptions from motor vehicle window transparency requirements, that a motor vehicle fitted with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance before July 4, 2012, may continue to be maintained and operated with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance on or after July 4, 2012, so long as the vehicle continues to be used for the transport of a passenger or operator who documented in the manner specified by the department a medical need for such reduced transparency, which document was signed by the person's physician before July 4, 2012.

l. The Iowa department of veterans affairs, with respect to rules relating to expenses relating to the purchase of durable equipment or services, that individuals requesting reimbursement who need durable equipment as a medical necessity should provide information from a physician.

m. The department of workforce development, with respect to rules relating to the following:

(1) That a voluntary quit shall be presumed to be without good cause attributable to the employer for purposes of unemployment compensation if a claimant left employment because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to obtain the advice of a licensed and practicing physician, obtain certification of release for work from a licensed and practicing physician, or return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician.

(2) That for purposes of unemployment compensation, it is a reason for a claimant leaving employment with good cause attributable to the employer if the claimant left employment because of illness, injury, or pregnancy upon the advice of a licensed and practicing physician, and upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available.

(3) That for purposes of unemployment compensation it is a reason for a claimant leaving employment with good cause attributable to the employer if the claimant left employment upon the advice of a licensed and practicing physician for the sole purpose of taking a family member to a place having a different climate and subsequently returned to the claimant's regular employer and offered to perform services, but the claimant's regular or comparable work was not available.

n. The labor services division of the department of inspections, appeals, and licensing, with respect to rules relating to the following:

(1) For the disclosure of a trade secret relating to a hazardous chemical during a medical emergency, that where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately

disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement.

(2) For the disclosure of a trade secret relating to a hazardous chemical in a nonemergency situation, that in nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld by rule, to a specified health professional providing medical or other occupational health services to exposed employees or designated representatives in specified circumstances.

2. [This section](#) shall not be construed to expand, diminish, or otherwise modify the scope of practice of any profession licensed under [this subtitle](#).

3. The rulemaking requirements provided in [this section](#) shall not be construed to prohibit the agencies listed in [subsection 1](#) from engaging in further rulemaking not in conflict with [this section](#) or state or federal law relating to the subject matter of [this section](#) or to otherwise diminish the authority to engage in rulemaking provided to those agencies by any other statute.

[2022 Acts, ch 1066, §51; 2022 Acts, ch 1153, §8, 9; 2023 Acts, ch 19, §263, 1910 – 1913; 2023 Acts, ch 64, §19](#)

**147.78 and 147.79** Reserved.

## FEES

### **147.80 Establishment of fees — administrative costs.**

1. Each board, following approval by the department, may, or at the direction of the department, shall by rule establish or revise fees for the following:

- a. Examinations.
- b. Licensure, certification, or registration.
- c. Renewal of licensure, certification, or registration.
- d. Renewal of licensure, certification, or registration during the grace period.
- e. Reinstatement or reactivation of licensure, certification, or registration.
- f. Issuance of a certified statement that a person is licensed, registered, or has been issued a certificate to practice in this state.
- g. Issuance of a duplicate license, registration, or certificate, which shall be so designated on its face. A board may require satisfactory proof that the original license, registration, or certificate issued by the board has been lost or destroyed.
- h. Issuance of a renewal card.
- i. Verification of licensure, registration, or certification.
- j. Returned checks.
- k. Inspections.

2. The department shall annually prepare estimates of projected revenues to be generated by all fees collected as well as a projection of the aggregate administrative costs and rental expenses attributable to all boards and the division of the department responsible for licensing related to such boards. The department shall annually review and, if necessary, direct the boards to adjust the schedule of fees to cover aggregate projected expenses and ensure fees imposed in this state are not greater than similar fees imposed by similar boards or agencies in other states. The department shall annually provide to each appropriate board a comparison of the amount of the board's fees as compared to similar fees imposed by similar boards or agencies in other states.

[C97, §2576, 2597, 2590; S13, §2575-a30, -a38, -a39, 2582, 2583-a, -l, 2589-d, 2600-d; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.80; [81 Acts, ch 2, §10\(5\), ch 5, §4\(5\)](#)]

1. [C97, §2597; S13, §2600-d, -m; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, §147.80(1, 2, 7); C66, 71, 73, §147.80(1, 7); C75, 77, 79, 81, §147.80(1)]

2. [C97, §2590; S13, §2589-b, -d; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, §147.80(5 – 7); C66, 71, 73, §147.80(1, 7); C75, 77, 79, 81, §147.80(2)]

- 3. [C97, §2576; S13, §2576, 2582, 2583-a; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, §147.80(1 – 4); C66, 71, 73, §147.80(2, 7); C75, 77, 79, 81, §147.80(3)]
  - 4. [C75, 77, 79, 81, §147.80(4)]
  - 6. [C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(3, 4, 7); C75, 77, 79, 81, §147.80(5)]
  - 7. [C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(3, 4, 7); C75, 77, 79, 81, §147.80(6)]
  - 8. [C66, 71, 73, §147.80(3, 4, 7); C75, 77, 79, 81, §147.80(7)]
  - 10. [S13, §2583-l, -n; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(3, 4, 7); C75, 77, 79, 81, §147.80(8)]
  - 11. [C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(5 – 7); C75, 77, 79, 81, §147.80(9)]
  - 12. [S13, §2575-a38, -a39; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(5 – 7); C75, 77, 79, 81, §147.80(10)]
  - 13. [S13, §2575-a30; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, §147.80(5 – 7); C66, §147.80(6, 7, 16, 17); C71, 73, §147.80(6, 7, 19, 20); C75, 77, 79, 81, §147.80(11)]
  - 14. [C66, §147.80(19); C71, 73, §147.80(22); C75, 77, 79, 81, §147.80(12)]
  - 15. [C27, §2516(5 – 7); C31, 35, 39, §2516(5 – 7, 11, 13); C46, 50, 54, 58, 62, §147.80(5 – 7, 11, 13); C66, 71, 73, §147.80(5 – 7, 10, 11); C75, 77, 79, 81, §147.80(13)]
  - 16. [C27, 31, 35, 39, §2516; C46, 50, 54, §147.80(5 – 7, 12, 13); C58, 62, 66, §147.80(5 – 7, 12 – 14); C71, 73, §147.80(5 – 7, 12 – 17); C75, 77, 79, 81, §147.80(14)]
  - 17. [C77, 79, 81, §147.80(15)]
  - 18. [C81, §147.80(16)]
  - 19. [C81, §147.80(17)]
  - 24. [S13, §2600-n; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(8); C75, §147.80(15); C77, 79, §147.80(16); C81, §147.80(18)]
  - 25. [C66, 71, 73, §147.80(18); C75, §147.80(16); C77, 79, §147.80(17); C81, §147.80(19)]
- 84 Acts, ch 1075, §12; 85 Acts, ch 168, §7; 85 Acts, ch 246, §1; 88 Acts, ch 1225, §11; 89 Acts, ch 240, §1; 91 Acts, ch 228, §2; 91 Acts, ch 229, §5; 92 Acts, ch 1183, §5; 92 Acts, ch 1205, §17; 93 Acts, ch 86, §14; 96 Acts, ch 1036, §22; 98 Acts, ch 1053, §20; 2000 Acts, ch 1002, §2; 2000 Acts, ch 1053, §4; 2001 Acts, ch 24, §31; 2001 Acts, ch 58, §8; 2003 Acts, ch 93, §2, 14; 2004 Acts, ch 1175, §425, 433; 2005 Acts, ch 175, §85; 2006 Acts, ch 1155, §5, 15; 2007 Acts, ch 10, §63; 2007 Acts, ch 218, §199, 200; 2008 Acts, ch 1088, §33; 2009 Acts, ch 133, §49; 2019 Acts, ch 85, §60; 2023 Acts, ch 108, §39; 2024 Acts, ch 1170, §59; 2024 Acts, ch 1182, §8
- Referred to in §147.82, 148F.3, 154A.13, 155A.43, 157.4, 157.8, 157.11  
See Code editor's note on simple harmonization at the beginning of this Code volume  
Section amended

**147.81** Reserved.

**147.82 Disposition of fees.**

All fees collected by a board listed in [section 147.13](#) or by the department, and fees collected pursuant to [sections 124.301](#) and [147.80](#) and [chapter 155A](#) by the board of pharmacy, shall be deposited in the licensing and regulation fund created in [section 10A.507](#).

[C97, §2583; S13, §2575-a44, 2583-a, -s; C24, 27, 31, 35, 39, §2518; C46, 50, 54, 58, 62, 66, §147.82; C71, 73, §147.82, 153.4; C75, 77, 79, 81, §147.82]

2005 Acts, ch 175, §86; 2006 Acts, ch 1155, §6, 15; 2006 Acts, ch 1184, §86; 2007 Acts, ch 10, §184; 2008 Acts, ch 1088, §34; 2023 Acts, ch 19, §1624; 2023 Acts, ch 108, §40

Referred to in §147.25, 153.37, 155A.43

## VIOLATIONS — CRIMES — PUNISHMENT

**147.83 Injunction.**

Any person engaging in any business or in the practice of any profession for which a license is required by this subtitle without such license may be restrained by permanent injunction.

[C24, 27, 31, 35, 39, §2519; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.83]

[94 Acts, ch 1132, §24](#); [96 Acts, ch 1036, §23](#); [98 Acts, ch 1053, §21](#)

Referred to in [§154C.2, 156.16](#)

Injunctions, [R.C.P. 1.1501 – 1.1511](#)

**147.84 Forgeries.**

Any person who files or attempts to file with a board any false or forged diploma, certificate or affidavit of identification or qualification, or other document shall be guilty of a fraudulent practice.

[C97, §2580, 2595; S13, §2583-d; C24, 27, 31, 35, 39, §2520; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.84]

[2008 Acts, ch 1088, §35](#)

Referred to in [§148.6](#)

Fraudulent practices, see [§714.8](#)

Forgery generally, see [chapter 715A](#)

**147.85 Fraud.**

Any person who presents to a board a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who falsely impersonates anyone to whom a license has been issued by the board shall be guilty of a serious misdemeanor.

[C97, §2580, 2581, 2595; S13, §2575-a45, 2581, 2583-c, -d; C24, 27, 31, 35, 39, §2521; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.85]

[2008 Acts, ch 1088, §36](#); [2009 Acts, ch 133, §50](#)

Referred to in [§148.6](#)

**147.86 Penalties.**

Any person violating any provision of [this subtitle](#), except insofar as the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is otherwise provided, shall be guilty of a serious misdemeanor.

[C97, §2580, 2581, 2588, 2590, 2591, 2595; S13, §2575-a35, -a45, 2581, 2583-d, -r, 2589-d, 2600-o4; SS15, §2588; C24, 27, 31, 35, 39, §2522; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.86]

[92 Acts, ch 1183, §6](#); [94 Acts, ch 1023, §12](#); [94 Acts, ch 1132, §25](#); [96 Acts, ch 1036, §24](#); [98 Acts, ch 1053, §22](#); [2015 Acts, ch 30, §61](#)

Referred to in [§147.107, 147.108, 147.109, 147.114](#)

## ENFORCEMENT PROVISIONS

**147.87 Enforcement.**

1. A board shall enforce the provisions of [this chapter](#) and the board's enabling statute and for that purpose may request the department of inspections, appeals, and licensing to make necessary investigations. Every licensee and member of a board shall furnish the board or the department of inspections, appeals, and licensing such evidence as the member or licensee may have relative to any alleged violation which is being investigated.

2. The department of inspections, appeals, and licensing may administratively close a complaint that does not allege a violation of [this chapter](#), the board's enabling statute, or a rule of the board.

[C24, 27, 31, 35, 39, §2523; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.87]

[90 Acts, ch 1204, §19](#); [94 Acts, ch 1132, §26](#); [96 Acts, ch 1036, §25](#); [98 Acts, ch 1053, §23](#); [2007 Acts, ch 10, §64](#); [2008 Acts, ch 1088, §37](#); [2009 Acts, ch 41, §53](#); [2023 Acts, ch 19, §1914](#); [2024 Acts, ch 1170, §60](#)

Referred to in [§152.10, 156.9](#)

Section amended

**147.88 Inspections and investigations.**

The department of inspections, appeals, and licensing may perform inspections and investigations as required by [this subtitle](#).

[C31, 35, §2523-c1; C39, §2523.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.88]  
[90 Acts, ch 1204, §20](#); [94 Acts, ch 1132, §27](#); [96 Acts, ch 1036, §26](#); [98 Acts, ch 1053, §24](#);  
[2007 Acts, ch 10, §65](#); [2007 Acts, ch 218, §201](#); [2008 Acts, ch 1088, §38](#); [2023 Acts, ch 19, §1915](#); [2024 Acts, ch 1170, §61](#)

Referred to in [§152.10](#)

Section amended

**147.89 Report of violators.**

Every licensee and member of a board shall report to the board the name of any person without the required license if the licensee or member of the board has reason to believe the person is practicing the profession without a license.

[C24, 27, 31, 35, 39, §2524; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.89]  
[2007 Acts, ch 10, §66](#); [2008 Acts, ch 1088, §39](#); [2009 Acts, ch 41, §54](#)

Referred to in [§152.10](#)

**147.90 Rules and forms.** Repealed by [2008 Acts, ch 1088, §78](#).

**147.91 Publications.**

Each board shall provide access to the laws and rules regulating the board to the public upon request and shall make this information available through the internet.

[C24, 27, 31, 35, 39, §2526; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.91]  
[90 Acts, ch 1204, §22](#); [2001 Acts, ch 58, §9](#); [2007 Acts, ch 10, §67](#); [2008 Acts, ch 1088, §40](#)

**147.92 Attorney general.**

Upon request of a board the attorney general shall institute in the name of the state the proper proceedings against any person charged by the board with violating any provision of this or the following chapters of this subtitle.

[S13, §2600-o7; C24, 27, 31, 35, 39, §2527; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.92]

[94 Acts, ch 1132, §29](#); [94 Acts, ch 1173, §8](#); [96 Acts, ch 1036, §28](#); [98 Acts, ch 1053, §26](#);  
[2008 Acts, ch 1088, §41](#)

**147.93 Prima facie evidence.**

The opening of an office or place of business for the practice of any profession for which a license is required by this subtitle, the announcing to the public in any way the intention to practice any such profession, the use of any professional degree or designation, or of any sign, card, circular, device, internet site, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima facie evidence of engaging in the practice of such profession.

[S13, §2575-a28, -a31, 2600-o; C24, 27, 31, 35, 39, §2528; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.93]

[94 Acts, ch 1132, §30](#); [96 Acts, ch 1036, §29](#); [98 Acts, ch 1053, §27](#); [2008 Acts, ch 1088, §42](#);  
[2013 Acts, ch 90, §257](#)

**147.94 through 147.96** Repealed by [2008 Acts, ch 1088, §79](#).

**147.97** Reserved.

**147.98 through 147.100** Repealed by [2008 Acts, ch 1088, §79](#).

**147.101** Reserved.

**147.102 through 147.103A** Repealed by [2008 Acts, ch 1088, §79](#).

**147.104 Records.** Repealed by [2008 Acts, ch 1088, §78](#).

**147.105** Reserved.

ANATOMIC PATHOLOGY  
SERVICES BILLING

**147.106 Anatomic pathology services — billing.**

1. A physician or a clinical laboratory located in this state or in another state that provides anatomic pathology services to a patient in this state shall present or cause to be presented a claim, bill, or demand for payment for such services only to the following persons:

- a. The patient who is the recipient of the services.
- b. The insurer or other third-party payor responsible for payment of the services.
- c. The hospital that ordered the services.
- d. The public health clinic or nonprofit clinic that ordered the services.
- e. The referring clinical laboratory, other than the laboratory of a physician's office or group practice, that ordered the services. A laboratory of a physician's office or group practice that ordered the services may be presented a claim, bill, or demand for payment if a physician in the physician's office or group practice is performing the professional component of the anatomic pathology services.
- f. A governmental agency or a specified public or private agent, agency, or organization that is responsible for payment of the services on behalf of the recipient of the services.

2. Except as provided under [subsections 5 and 6](#), a clinical laboratory or a physician providing anatomic pathology services to patients in this state shall not, directly or indirectly, charge, bill, or otherwise solicit payment for such services unless the services were personally rendered by the clinical laboratory or the physician or under the direct supervision of the clinical laboratory or the physician in accordance with section 353 of the federal Public Health Service Act, 42 U.S.C. §263a.

3. A person to whom a claim, bill, or demand for payment for anatomic pathology services is submitted is not required to pay the claim, bill, or demand for payment if the claim, bill, or demand for payment is submitted in violation of [this section](#).

4. [This section](#) shall not be construed to mandate the assignment of benefits for anatomic pathology services as defined in [this section](#).

5. [This section](#) does not prohibit claims or charges presented to a referring clinical laboratory, other than a laboratory of a physician's office or group practice unless in accordance with [subsection 1](#), paragraph "e", by another clinical laboratory when samples are transferred between laboratories for the provision of anatomic pathology services.

6. [This section](#) does not prohibit claims or charges for anatomic pathology services presented on behalf of a public health clinic or nonprofit clinic that ordered the services provided that the clinic is identified on the claim or charge presented.

7. A violation of [this section](#) by a physician shall subject the physician to the disciplinary provisions of [section 272C.3, subsection 2](#).

8. As used in [this section](#):

a. "Anatomic pathology services" includes all of the following:

(1) Histopathology or surgical pathology, meaning the gross and microscopic examination and histologic processing of organ tissue performed by a physician or under the supervision of a physician.

(2) Cytopathology, meaning the examination of cells from fluids, aspirates, washings, brushings, or smears, including the Pap test examination, performed by a physician or under the supervision of a physician.

(3) Hematology, meaning the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician or under the supervision of a physician, and the examination of peripheral blood smears performed by a physician or under the supervision of a physician upon the request of an attending or treating physician or technologist that a blood smear be reviewed by a physician.

(4) Subcellular pathology and molecular pathology services performed by a physician or under the supervision of a physician.

(5) Bloodbanking services performed by a physician or under the supervision of a physician.

b. “Physician” means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state or in another state.

2005 Acts, ch 10, §1; 2005 Acts, ch 179, §120; 2006 Acts, ch 1185, §73, 74; 2008 Acts, ch 1088, §95

#### DRUG AND LENS DISPENSING, SUPPLYING, AND PRESCRIBING

##### **147.107 Drug dispensing, supplying, and prescribing — limitations.**

1. A person, other than a pharmacist, physician, dentist, podiatric physician, prescribing psychologist, or veterinarian who dispenses as an incident to the practice of the practitioner’s profession, shall not dispense prescription drugs or controlled substances.

2. a. A prescriber who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the dispensing is determined by the practitioner in the practitioner’s physical presence. However, the physical presence requirement does not apply when a practitioner is utilizing an automated dispensing system. When using an automated dispensing system, the practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing accuracy and completeness remains the responsibility of the practitioner and shall be determined in accordance with rules adopted by the board of medicine, the dental board, the board of podiatry, and the board of behavioral health professionals for their respective licensees.

b. A prescriber who dispenses prescription drugs, other than drug samples, pursuant to [this subsection](#), shall report the fact that they dispense prescription drugs with the practitioner’s respective board at least biennially.

c. A prescriber who dispenses prescription drugs, other than drug samples, pursuant to [this subsection](#), shall provide the patient with a prescription, if requested, that may be dispensed from a pharmacy of the patient’s choice or offer to transmit the prescription orally, electronically, or by facsimile in accordance with [section 155A.27](#) to a pharmacy of the patient’s choice.

d. A pharmacist who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions only when verification of the accuracy and completeness of the dispensing is determined by the pharmacist in the pharmacist’s physical presence. The pharmacist’s verification of the accuracy of the prescription drug dispensed shall not be required when verified by a certified pharmacy technician in a technician product verification program as defined in [section 155A.3](#). The pharmacist’s physical presence shall not be required when the pharmacist is remotely supervising pharmacy personnel operating in a licensed telepharmacy site or when utilizing an automated dispensing system that utilizes an internal quality control assurance plan. When utilizing a technician product verification program, or when remotely supervising pharmacy personnel operating at a licensed telepharmacy site, the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy, that ensures accuracy for dispensing. Automated dispensing verification, technician product verification, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board of pharmacy.

3. A registered nurse may supply, when pharmacist services are not reasonably available or when it is in the best interests of the patient, on the direct order of the supervising physician, a quantity of properly packaged and labeled prescription drugs, controlled substances, or contraceptive devices necessary to complete a course of therapy. However,



a remote clinic, staffed by a registered nurse, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices.

4. Notwithstanding [subsection 1](#) and any other provision of [this section](#) to the contrary, a physician assistant may prescribe, dispense, order, administer, or procure prescription drugs, controlled substances, or medical devices necessary to complete a course of therapy pursuant to [section 148C.4](#). Rules relating to the authority of physician assistants to prescribe drugs, controlled substances, and medical devices pursuant to [this subsection](#) shall be adopted by the board of physician assistants after consultation with the board of medicine and board of pharmacy.

5. Notwithstanding [subsection 1](#), a family planning clinic may dispense birth control drugs and devices upon the order of a physician. [Subsections 2 and 3](#) do not apply to a family planning clinic under [this subsection](#).

6. Notwithstanding [subsection 1](#), but subject to the limitations contained in [subsections 2 and 3](#), a registered nurse who is licensed as an advanced registered nurse practitioner may prescribe substances or devices, including controlled substances or devices, if the nurse is engaged in the practice of a nursing specialty regulated under rules adopted by the board of nursing in consultation with the board of medicine and the board of pharmacy.

7. Notwithstanding [section 147.86](#), a person, including a pharmacist, who violates [this section](#) is guilty of a simple misdemeanor.

84 Acts, ch 1006, §1; 88 Acts, ch 1232, §1; 91 Acts, ch 238, §1; 91 Acts, ch 239, §1; 92 Acts, ch 1163, §37; 92 Acts, ch 1183, §10; 94 Acts, ch 1134, §1; 95 Acts, ch 108, §5; 2002 Acts, ch 1108, §13; 2003 Acts, ch 93, §3, 14; 2003 Acts, ch 108, §39; 2004 Acts, ch 1036, §8; 2004 Acts, ch 1101, §22; 2006 Acts, ch 1094, §1; 2007 Acts, ch 10, §78; 2007 Acts, ch 218, §202; 2008 Acts, ch 1016, §1; 2008 Acts, ch 1088, §43; 2015 Acts, ch 56, §3; 2016 Acts, ch 1093, §1; 2016 Acts, ch 1112, §3; 2018 Acts, ch 1142, §1; 2020 Acts, ch 1020, §1, 12; 2021 Acts, ch 68, §1; 2023 Acts, ch 73, §5, 6; 2024 Acts, ch 1170, §490

Referred to in §148G.1, 152B.1, 154.1, 155A.2, 155A.4, 155A.47  
Subsection 2, paragraph a amended

#### **147.108 Contact lens prescribing and dispensing.**

1. A person shall not dispense or adapt contact lenses without first receiving authorization to do so by a written, electronic, or facsimile prescription, except when authorized orally under [subsection 2](#), from a person licensed under [chapter 148](#) or [154](#). The board of optometry shall adopt rules relating to electronic or facsimile transmission of a prescription under [this section](#).

2. After contact lenses have been adequately adapted and the patient released from initial follow-up care by a person licensed under [chapter 148](#) or [154](#), the patient may request a copy, at no cost, of the contact lens prescription from that licensed person. A person licensed under [chapter 148](#) or [154](#) shall not withhold a contact lens prescription after the requirements of [this section](#) have been met. The prescription, at the option of the prescriber, may be given orally only to a person who is actively practicing and licensed under [chapter 148](#), [154](#), or [155A](#). The contact lens prescription shall contain an expiration date, at the discretion of the prescriber, but not to exceed eighteen months. The contact lens prescription shall contain the necessary requirements of the ophthalmic lens, and the prescription validation requirements as defined by rules adopted pursuant to [this section](#). The prescription may contain adapting and material guidelines and may also contain specific instructions for use by the patient. For the purpose of [this section](#), “*ophthalmic lens*” means one which has been fabricated to fill the requirements of a particular contact lens prescription, including pharmaceutical-delivering contact lenses as defined in [section 154.1, subsection 3](#).

3. A person who fills a contact lens prescription shall maintain a file of a valid prescription for a period of two years.

4. Notwithstanding [section 147.86](#), a person who violates [this section](#) is guilty of a simple misdemeanor for a first violation. Subsequent violations are governed by [section 147.86](#).

94 Acts, ch 1098, §1; 2004 Acts, ch 1036, §9; 2007 Acts, ch 10, §79; 2008 Acts, ch 1088, §96; 2010 Acts, ch 1010, §1; 2012 Acts, ch 1004, §1



**147.109 Ophthalmic spectacle lens prescribing and dispensing.**

1. A person shall not dispense or adapt an ophthalmic spectacle lens or lenses without first receiving authorization to do so by a written, electronic, or facsimile prescription from a person licensed under [chapter 148](#) or [154](#). For the purpose of [this section](#), “*ophthalmic spectacle lens*” means one which has been fabricated to fill the requirements of a particular spectacle lens prescription. The board of optometry shall adopt rules relating to electronic or facsimile transmission of a prescription under [this section](#).

2. Upon completion of an eye examination, a person licensed under [chapter 148](#) or [154](#) shall furnish the patient a copy of their ophthalmic spectacle lens prescription at no cost. The ophthalmic spectacle lens prescription shall contain an expiration date. The ophthalmic spectacle lens prescription shall contain the requirements of the ophthalmic spectacle lens and the prescription validation requirements as defined by rules adopted pursuant to [this section](#). The prescription, at the option of the prescriber, may contain adapting and material guidelines and may also contain specific instructions for use by the patient.

3. Upon request of a patient, a person licensed under [chapter 148](#) or [154](#) shall provide the prescription of the patient, if the prescription has not expired, at no cost to another person licensed under [chapter 148](#) or [154](#). The person licensed under [chapter 148](#) or [154](#) shall accept the prescription and shall not require the patient to undergo an eye examination unless, due to observation or patient history, the licensee has reason to require an examination.

4. A dispenser shall maintain a file of a valid prescription for a period of two years.

5. Notwithstanding [section 147.86](#), a person who violates [this section](#) is guilty of a simple misdemeanor for a first violation. Subsequent violations are governed by [section 147.86](#).

[94 Acts, ch 1098, §2; 2004 Acts, ch 1036, §10; 2007 Acts, ch 10, §80; 2008 Acts, ch 1088, §97](#)

**147.110** Reserved.

**WOUNDS BY CRIMINAL VIOLENCE OR MOTOR VEHICLE****147.111 Report of treatment of wounds and other injuries.**

1. A person licensed under the provisions of [this subtitle](#) who administers any treatment to any person suffering a gunshot or stab wound or other serious injury, as defined in [section 702.18](#), which appears to have been received in connection with the commission of a criminal offense, or a motor vehicle accident or crash, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury, as defined in [section 702.18](#), shall at once but not later than twelve hours thereafter, report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or an application for treatment was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab wound or other serious injury occurred, stating the name of such person, the person’s residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious injury.

2. A person certified under the provisions of [chapter 147A](#) who administers any treatment to any person suffering a gunshot or stab wound or other serious injury, as defined in [section 702.18](#), which appears to have been received in connection with the commission of a criminal offense, or a motor vehicle accident or crash, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury, may report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or application for treatment was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab wound or other serious injury occurred, stating the name of the person, the person’s residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious injury.

3. Any provision of law or rule of evidence relating to a confidential communication is suspended for communications under [this section](#).

[C31, 35, §2537-d1; C39, §2537.7; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.111]  
[93 Acts, ch 100, §2](#); [94 Acts, ch 1132, §31](#); [96 Acts, ch 1036, §30](#); [98 Acts, ch 1053, §28](#); [99 Acts, ch 114, §8](#); [2010 Acts, ch 1127, §1](#)

Referred to in [§147.112, 331.653](#)

#### **147.112 Investigation and report by law enforcement agency.**

The law enforcement agency who has received any report required by [this chapter](#) and who has any reason to believe that the person injured was involved in the commission of any crime, either as perpetrator or victim, shall at once commence an investigation into the circumstances of the gunshot or stab wound or other serious injury and make a report of the investigation to the county attorney in whose jurisdiction the gunshot or stab wound or other serious injury occurred. Law enforcement personnel shall not divulge any information received under the provisions of [this section](#) and [section 147.111](#) to any person other than a law enforcing officer, and then only in connection with the investigation of the alleged commission of a crime.

[C31, 35, §2537-d2; C39, §2537.8; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.112]  
[93 Acts, ch 100, §3](#); [99 Acts, ch 114, §9](#)

Referred to in [§331.653](#)

“Serious injury” definition, see [§702.18](#)

#### **147.113 Violations.**

Any person failing to make the report required herein shall be guilty of a simple misdemeanor.

[C31, 35, §2537-d3; C39, §2537.9; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.113]

## BURN INJURIES

#### **147.113A Report of burn injuries.**

Any person licensed under the provisions of this subtitle who administers any treatment to a person suffering a burn which appears to be of a suspicious nature on the body, a burn to the upper respiratory tract, a laryngeal edema due to the inhalation of super-heated air, or a burn injury that is likely to result in death, which appears to have been received in connection with the commission of a criminal offense, or to whom an application is made for treatment of any nature because of any such burn or burn injury shall at once but not later than twelve hours after treatment was administered or application was made report the fact to law enforcement. The report shall be made to the law enforcement agency within whose jurisdiction the treatment was administered or application was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the burn or burn injury occurred, stating the name of such person, the person’s residence if ascertainable, and giving a brief description of the burn or burn injury. Any provision of law or rule of evidence relative to confidential communications is suspended insofar as the provisions of [this section](#) are concerned.

[2003 Acts, ch 134, §1](#)

## PELVIC EXAMINATIONS — INFORMED CONSENT

#### **147.114 Prior informed consent relative to pelvic examinations — patient under anesthesia or unconscious — penalties.**

1. A person licensed or certified to practice a profession, or a student undertaking a course of instruction or participating in a clinical training or residency program for a profession, shall not perform a pelvic examination on an anesthetized or unconscious patient unless one of the following conditions is met:

a. The patient or the patient’s authorized representative provides prior written informed

consent to the pelvic examination, and the pelvic examination is necessary for preventive, diagnostic, or treatment purposes.

b. The patient or the patient's authorized representative has provided prior written informed consent to a surgical procedure or diagnostic examination to be performed on the patient, and the performance of a pelvic examination is within the scope of care ordered for that surgical procedure or diagnostic examination.

c. The patient is unconscious and incapable of providing prior informed consent, and the pelvic examination is necessary for diagnostic or treatment purposes.

d. A court has ordered the performance of the pelvic examination for the purposes of collection of evidence.

2. A person who violates [this section](#) is subject to the penalty specified under [section 147.86](#), and any professional disciplinary provisions, as applicable.

[2017 Acts, ch 174, §111](#)

**147.115 through 147.134** Reserved.

## MALPRACTICE

### **147.135 Peer review committees — nonliability — records and reports privileged and confidential.**

1. A person shall not be civilly liable as a result of acts, omissions, or decisions made in connection with the person's service on a peer review committee. However, such immunity from civil liability shall not apply if an act, omission, or decision is made with malice.

2. As used in [this subsection](#), "*peer review records*" means all complaint files, investigation files, reports, and other investigative information relating to licensee discipline or professional competence in the possession of a peer review committee or an employee of a peer review committee. As used in [this subsection](#), "*peer review committee*" does not include licensing boards. Peer review records are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release to a person other than an affected licensee or a peer review committee, and are not admissible in evidence in a judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review record and whose competence is at issue. A person shall not be liable as a result of filing a report or complaint with a peer review committee or providing information to such a committee, or for disclosure of privileged matter to a peer review committee. A person present at a meeting of a peer review committee shall not be permitted to testify as to the findings, recommendations, evaluations, or opinions of the peer review committee in any judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review committee meeting and whose competence is at issue. Information or documents discoverable from sources other than the peer review committee do not become nondiscoverable from the other sources merely because they are made available to or are in the possession of a peer review committee. However, such information relating to licensee discipline may be disclosed to an appropriate licensing authority in any jurisdiction in which the licensee is licensed or has applied for a license. If such information indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. [This subsection](#) shall not preclude the discovery of the identification of witnesses or documents known to a peer review committee. Any final written decision and finding of fact by a licensing board in a disciplinary proceeding is a public record. Upon appeal by a licensee of a decision of a board, the entire case record shall be submitted to the reviewing court. In all cases where privileged and confidential information under [this subsection](#) becomes discoverable, admissible, or part of a court record the identity of an individual whose privilege has been involuntarily waived shall be withheld.

3. a. A full and confidential report concerning any final hospital disciplinary action approved by a hospital board of trustees that results in a limitation, suspension, or revocation of a physician's privilege to practice for reasons relating to the physician's professional

competence or concerning any voluntary surrender or limitation of privileges for reasons relating to professional competence shall be made to the board of medicine by the hospital administrator or chief of medical staff within ten days of such action. The board of medicine shall investigate the report and take appropriate action. These reports shall be privileged and confidential as though included in and subject to the requirements for peer review committee information in [subsection 2](#). Persons making these reports and persons participating in resulting proceedings related to these reports shall be immune from civil liability with respect to the making of the report or participation in resulting proceedings. As used in [this subsection](#), “physician” means a person licensed pursuant to [chapter 148](#).

b. Notwithstanding [subsection 2](#), if the board of medicine conducts an investigation based on a complaint received or upon its own motion, a hospital pursuant to subpoena shall make available information and documents requested by the board, specifically including reports or descriptions of any complaints or incidents concerning an individual who is the subject of the board’s investigation, even though the information and documents are also kept for, are the subject of, or are being used in peer review by the hospital. However, the deliberations, testimony, decisions, conclusions, findings, recommendations, evaluations, work product, or opinions of a peer review committee or its members and those portions of any documents or records containing or revealing information relating thereto shall not be subject to the board’s request for information, subpoena, or other legal compulsion. All information and documents received by the board from a hospital under [this section](#) shall be confidential pursuant to [section 272C.6, subsection 4](#).

[C77, 79, 81, §147.135]

[86 Acts, ch 1211, §14; 90 Acts, ch 1086, §7; 2007 Acts, ch 10, §82; 2009 Acts, ch 133, §51](#)

Referred to in [§139A.22, 147.1, 147A.23](#)

#### **147.136 Scope of recovery.**

1. Except as otherwise provided in [subsection 2](#), in an action for damages for personal injury against a physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse licensed to practice that profession in this state, or against a hospital licensed for operation in this state, based on the alleged negligence of the practitioner in the practice of the profession or occupation, or upon the alleged negligence of the hospital in patient care, in which liability is admitted or established, the damages awarded shall not include actual economic losses incurred or to be incurred in the future by the claimant by reason of the personal injury, including but not limited to the cost of reasonable and necessary medical care, rehabilitation services, and custodial care, and the loss of services and loss of earned income, to the extent that those losses are replaced or are indemnified by insurance, or by governmental, employment, or service benefit programs or from any other source.

2. [This section](#) shall not bar recovery of economic losses replaced or indemnified by any of the following:

a. Benefits received under the medical assistance program under [chapter 249A](#).

b. The assets of the claimant or of the members of the claimant’s immediate family.

[C77, 79, 81, §147.136]

[95 Acts, ch 108, §6; 2008 Acts, ch 1088, §141; 2011 Acts, ch 129, §85, 156; 2020 Acts, ch 1020, §2, 12](#)

Referred to in [§668.14, 668.14A](#)

#### **147.136A Noneconomic damage awards against health care providers.**

1. For purposes of this section:

a. “Health care provider” means a hospital as defined in [section 135B.1](#), a health care facility as defined in [section 135C.1](#), a health facility as defined in [section 135P.1](#), a physician or an osteopathic physician licensed under [chapter 148](#), a physician assistant licensed under [chapter 148C](#), a podiatrist licensed under [chapter 149](#), a chiropractor licensed under [chapter 151](#), a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed under [chapter 152](#) or [152E](#), a dentist licensed under [chapter 153](#), an optometrist licensed under [chapter 154](#), a pharmacist licensed under [chapter 155A](#), a

professional corporation under [chapter 496C](#) that is owned by persons licensed to practice a profession listed in this paragraph, or any other person or entity who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

b. (1) “Noneconomic damages” means damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance, loss of consortium, or any other nonpecuniary damages.

(2) “Noneconomic damages” does not include the loss of dependent care, including the loss of child care, due to the death of or severe injury to a spouse or parent who is the primary caregiver of a child under the age of eighteen or a disabled adult. Such damages shall be considered economic damages.

c. “Occurrence” means the event, incident, or happening, and the acts or omissions incident thereto, which proximately caused injuries or damages for which recovery is claimed by the patient or the patient’s representative.

2. Subject to [subsection 4](#), the total amount recoverable in any civil action for noneconomic damages for personal injury or death, whether in tort, contract, or otherwise, against a health care provider for any occurrence resulting in injury or death of a patient regardless of the number of plaintiffs, derivative claims, theories of liability, or defendants in the civil action, shall not exceed two hundred fifty thousand dollars unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, loss of pregnancy, or death, which warrants a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained, in which case the amount recoverable shall not exceed one million dollars, or two million dollars if the civil action includes a hospital as defined in [section 135B.1](#).

3. The limitation on damages contained in [this section](#) shall not apply as to a defendant if that defendant’s actions constituted actual malice.

4. The limitations on damages contained in [subsection 2](#) shall increase by two and one-tenth percent on January 1, 2028, and each January 1 thereafter. In any civil action described in [this section](#), such limitations on damages shall be the amount effective at the time of the occurrence. The commissioner of insurance shall publish the amount of the limitations on damages contained in [this section](#) on the insurance division’s internet site and shall update the published amount annually.

[2017 Acts, ch 107, §2, 5; 2018 Acts, ch 1041, §46; 2023 Acts, ch 4, §1 – 3, 5, 6; 2023 Acts, ch 73, §7](#)

Referred to in [§147.139](#), [147.140](#)

Section applies to causes of action that accrue on or after July 1, 2017; [2017 Acts, ch 107, §5](#)

2023 amendments to subsection 1, paragraph b, subsection 2, and new subsection 4, by [2023 Acts, ch 4](#), apply to causes of action accrued on or after February 16, 2023; [2023 Acts, ch 4, §6](#)

### **147.137 Consent in writing.**

A consent in writing to any medical or surgical procedure or course of procedures in patient care which meets the requirements of [this section](#) shall create a presumption that informed consent was given. A consent in writing meets the requirements of [this section](#) if it:

1. Sets forth in general terms the nature and purpose of the procedure or procedures, together with the known risks, if any, of death, brain damage, quadriplegia, paraplegia, the loss or loss of function of any organ or limb, or disfiguring scars associated with such procedure or procedures, with the probability of each such risk if reasonably determinable.

2. Acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.

3. Is signed by the patient for whom the procedure is to be performed, or if the patient for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that patient in those circumstances.

[C77, 79, 81, §147.137]

**147.138 Contingent fee of attorney reviewed by court.**

In any action for personal injury or wrongful death against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse licensed under [this chapter](#) or against any hospital licensed under [chapter 135B](#), based upon the alleged negligence of the licensee in the practice of that profession or occupation, or upon the alleged negligence of the hospital in patient care, the court shall determine the reasonableness of any contingent fee arrangement between the plaintiff and the plaintiff's attorney.

[C77, 79, 81, §147.138]

[95 Acts, ch 108, §7](#); [2008 Acts, ch 1088, §141](#); [2020 Acts, ch 1020, §3, 12](#)

**147.139 Expert witness standards.**

If the standard of care given by a health care provider, as defined in [section 147.136A](#), is at issue, the court shall only allow a person the plaintiff designates as an expert witness to qualify as an expert witness and to testify on the issue of the appropriate standard of care or breach of the standard of care if all of the following are established by the evidence:

1. The person is licensed to practice in the same or a substantially similar field as the defendant, is in good standing in each state of licensure, and in the five years preceding the act or omission alleged to be negligent, has not had a license in any state revoked or suspended.

2. In the five years preceding the act or omission alleged to be negligent, the person actively practiced in the same or a substantially similar field as the defendant or was a qualified instructor at an accredited university in the same field as the defendant.

3. If the defendant is board-certified in a specialty, the person is certified in the same or a substantially similar specialty by a board recognized by the American board of medical specialties, the American osteopathic association, or the council on podiatric medical education.

4. *a.* If the defendant is a licensed physician or osteopathic physician under [chapter 148](#), the person is a physician or osteopathic physician licensed in this state or another state.

*b.* If the defendant is a licensed podiatric physician under [chapter 149](#), the person is a physician, osteopathic physician, or a podiatric physician licensed in this state or another state.

[86 Acts, ch 1211, §16](#); [2008 Acts, ch 1088, §98](#); [2017 Acts, ch 107, §3, 5](#); [2018 Acts, ch 1172, §46](#)

Referred to in [§147.140](#)

2017 amendment applies to causes of action that accrue on or after July 1, 2017; [2017 Acts, ch 107, §5](#)

**147.140 Expert witness — certificate of merit affidavit.**

1. *a.* In any action for personal injury or wrongful death against a health care provider based upon the alleged negligence in the practice of that profession or occupation or in patient care, which includes a cause of action for which expert testimony is necessary to establish a prima facie case, the plaintiff shall, prior to the commencement of discovery in the case and within sixty days of the defendant's answer, serve upon the defendant a certificate of merit affidavit signed by an expert witness with respect to the issue of standard of care and an alleged breach of the standard of care. The expert witness must meet the qualifying standards of [section 147.139](#).

*b.* A certificate of merit affidavit must be signed by the expert witness and certify the purpose for calling the expert witness by providing under the oath of the expert witness all of the following:

(1) The expert witness's statement of familiarity with the applicable standard of care.

(2) The expert witness's statement that the standard of care was breached by the health care provider named in the petition.

*c.* A plaintiff shall serve a separate certificate of merit affidavit on each defendant named in the petition.

2. An expert witness's certificate of merit affidavit does not preclude additional discovery and supplementation of the expert witness's opinions in accordance with the rules of civil procedure.



3. The parties shall comply with the requirements of [section 668.11](#) and all other applicable law governing certification and disclosure of expert witnesses.

4. The parties by agreement or the court for good cause shown and in response to a motion filed prior to the expiration of the time limits specified in [subsection 1](#) may provide for extensions of the time limits. Good cause shall include but not be limited to the inability to timely obtain the plaintiff's medical records from health care providers when requested prior to filing the petition.

5. If the plaintiff is acting pro se, the plaintiff shall have the expert witness sign the certificate of merit affidavit or answers to interrogatories referred to in [this section](#) and the plaintiff shall be bound by those provisions as if represented by an attorney.

6. Failure to substantially comply with [subsection 1](#) shall result, upon motion, in dismissal with prejudice of each cause of action as to which expert witness testimony is necessary to establish a prima facie case.

7. For purposes of [this section](#), “*health care provider*” means the same as defined in [section 147.136A](#).

[2017 Acts, ch 107, §4, 5](#)

Section applies to causes of action that accrue on or after July 1, 2017; [2017 Acts, ch 107, §5](#)

**147.141 through 147.150** Reserved.

#### SPEECH PATHOLOGISTS AND AUDIOLOGISTS

**147.151 and 147.152** Repealed by 2008 Acts, ch 1088, §79. See §154F.1, 154F.2.

**147.153 through 147.156** Repealed by 2008 Acts, ch 1088, §78. See §154F.3 through 154F.6.

**147.157 through 147.160** Reserved.

#### MENTAL HEALTH PROFESSIONALS EMPLOYMENT AGREEMENTS

##### **147.161 Mental health professionals — limitations on competition prohibited.**

1. As used in [this section](#):

a. “*Employer*” means a person, as defined in [chapter 4](#), who in this state employs for wages an employee.

b. “*Mental health professional*” means the same as defined in [section 228.1](#), and includes all of the following:

(1) Individuals who are completing their supervisory requirement under a temporary license.

(2) Licensed master social workers with a current and active supervision plan on file with the board of behavioral health professionals.

2. An employer shall not enter into an agreement with a licensed mental health professional that limits the location at which the licensee may practice, prohibits the licensee from contacting for professional services a person previously treated by the licensee, or imposes a time restriction on the practice of the licensee.

3. A provision of an agreement entered into between an employer and a licensed mental health professional prior to, on, or after June 1, 2023, that is contrary to [this section](#) shall be void and unenforceable.

[2023 Acts, ch 120, §1, 2; 2024 Acts, ch 1170, §491](#)

Subsection 1, paragraph b, subparagraph (2) amended

## OPIOID PRESCRIPTION RULES

**147.162 Rules and directives relating to opioids.**

1. Any board created under [this chapter](#) that licenses a prescribing practitioner shall adopt rules under [chapter 17A](#) establishing penalties for prescribing practitioners that prescribe opioids in dosage amounts exceeding what would be prescribed by a reasonably prudent prescribing practitioner engaged in the same practice.

2. For the purposes of [this section](#), “*prescribing practitioner*” means a licensed health care professional with the authority to prescribe prescription drugs including opioids.

[2018 Acts, ch 1138, §21](#)

## AMBULATORY SURGICAL CENTERS

**147.163 Provision of information — referral to ambulatory surgical center — licensee discipline.**

1. A health care provider who determines that a patient is a candidate for outpatient surgery based on the patient’s medical status and surgical service needs, and refers the patient to an ambulatory surgical center as an option for the surgery, shall provide the patient with a written document listing the factors the patient should consider to make a fully informed decision about the patient’s recommended course of care. The considerations shall include all of the following:

a. The differences in ownership; licensure, certification, or accreditation; and payment alternatives between the ambulatory surgical center and a hospital.

b. The types of medical personnel generally involved in the patient’s surgical service and the capacity of the ambulatory surgical center and a hospital to comply with the personnel requirements.

c. The capacity of the ambulatory surgical center and a hospital to respond to medical complications and emergencies that may arise from the surgical service.

d. The proximity of the ambulatory surgical center to a hospital and the protocols in place for transfer of a patient from the ambulatory surgical center to the hospital for emergency care.

e. The type of anesthesia generally used for the patient’s surgical service and the capacity of the ambulatory surgical center and a hospital to comply with requirements relative to the use of anesthesia.

2. For the purposes of [this section](#):

a. “*Ambulatory surgical center*” means a distinct facility that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services does not exceed twenty-four hours following an admission. “*Ambulatory surgical center*” includes a facility that otherwise meets the definition of ambulatory surgical center whether or not licensed, certified, or accredited as an ambulatory surgical center and which may or may not operate on a partially cash-only or completely cash-only basis. “*Ambulatory surgical center*” does not include individual or group practice offices of private physicians or podiatrists that do not contain a distinct area used for outpatient surgical treatment on a regular basis, or that only provide surgery routinely provided in a physician’s or podiatrist’s office using local anesthesia or conscious sedation; individual or group practice offices of private dentists; or a portion of a licensed hospital designated for outpatient surgical treatment.

b. “*Health care provider*” means a person who is licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care in the ordinary course of business or in the practice of a profession.

c. “*Hospital*” means the same as defined in [section 135B.1](#).

3. A health care provider who violates [this section](#) is subject to licensee discipline by the appropriate licensing or disciplinary authority.

[2022 Acts, ch 1153, §48](#)



## GENDER TRANSITION PROCEDURES AND MINORS

**147.164 Gender transition procedure-related activities — minors — prohibitions.**

1. As used in [this section](#):

a. “*Gender*” means the psychological, behavioral, social, and cultural aspects of being male or female.

b. “*Health care professional*” means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

c. “*Minor*” means an unemancipated person under eighteen years of age.

d. “*Sex*” means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth without regard to an individual’s psychological, chosen, or subjective experience of gender.

2. a. Except as otherwise provided in paragraph “c”, a health care professional shall not knowingly engage in or cause any of the following practices to be performed on a minor if the practice is performed for the purpose of attempting to alter the appearance of, or affirm the minor’s perception of, the minor’s gender or sex, if that appearance or perception is inconsistent with the minor’s sex:

(1) Prescribing or administering gonadotropin-releasing hormone analogues or other synthetic drugs used to stop luteinizing hormone and follicle-stimulating hormone secretion, synthetic antiandrogen drugs used to block the androgen receptor, or any drug to suppress or delay normal puberty.

(2) Prescribing or administering testosterone, estrogen, or progesterone to a minor in an amount greater than would normally be produced endogenously in a healthy individual of that individual’s age and sex.

(3) Performing surgeries that sterilize, including castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy.

(4) Performing surgeries that artificially construct tissue with the appearance of genitalia that differs from the individual’s sex, including metoidioplasty, phalloplasty, and vaginoplasty.

(5) Removing any healthy or nondiseased body part or tissue.

b. A health care professional shall not knowingly engage in conduct that aids or abets the practices described in paragraph “a”. This paragraph shall not be construed to impose liability on any speech protected by federal or state law.

c. Paragraphs “a” and “b” do not apply to any of the following:

(1) Services provided to a minor born with a medically verifiable disorder of sex development, including a minor with external biological sex characteristics that are irresolvably ambiguous, such as a minor born with forty-six XX chromosomes with virilization, forty-six XY chromosomes with undervirilization, or having both ovarian and testicular tissue.

(2) Services provided to a minor who has otherwise been diagnosed with a disorder of sexual development by a physician, when the physician has determined through genetic or biochemical testing that the minor does not have a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a biological male or biological female.

(3) The treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law.

(4) Any procedure undertaken because a minor suffers from a physical disorder, physical injury, or physical illness that is certified by a physician and that would place the minor in imminent danger of death or impairment of a major bodily function unless surgery is performed.

d. A violation of the prohibitions under paragraph “a” or “b” by a health care professional is considered unprofessional conduct and subject to licensee discipline by the appropriate licensing board or entity.

3. a. A person may assert an actual or threatened violation of [this section](#) as a claim or defense in a judicial or administrative proceeding and may obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief.

b. An action brought for a violation of [this section](#) shall be brought within two years after the cause of action accrues. However, a minor may bring an action during the minor's minority through a parent or legal guardian, and may bring an action in the minor's own name upon reaching majority and for twenty years after reaching majority.

c. Notwithstanding any other law to the contrary, an action under [this section](#) may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the person commencing the action has sought or exhausted available administrative remedies. In an action or proceeding to enforce [this section](#), a prevailing party may recover reasonable attorney fees.

d. The attorney general may bring an action to enforce [this section](#).

e. Nothing in [this section](#) shall be construed to deny, impair, or otherwise affect any right or authority of the attorney general, the state, or any agency, officer, or employee of the state to institute or intervene in any proceeding.

f. Compliance with, or enforcement or implementation of, [this section](#) shall not constitute a violation of any provision of [chapter 216](#).

[2023 Acts, ch 9, §1 – 3](#); [2023 Acts, ch 119, §39, 47, 49](#)

Referred to in [§601.1](#)

Section applies one hundred eighty days after March 22, 2023; [2023 Acts, ch 9, §3](#)

## CHAPTER 272C

## REGULATION OF LICENSED PROFESSIONS AND OCCUPATIONS

Referred to in [§10A.902](#), [105.22](#), [105.23](#), [147.55](#), [147A.7](#), [148.6](#), [148.14](#), [148C.13](#), [148E.3](#), [148G.5](#), [148G.8](#), [148I.2](#), [151.9](#), [152.4](#), [152.11](#), [153.33](#), [153.34](#), [154C.4](#), [154D.3](#), [154E.3](#), [155.9](#), [155A.7](#), [203.16](#), [203C.24](#), [235B.16](#), [542.3](#), [542.17](#), [543D.5](#), [543D.12](#), [543D.17](#)

Identifying and reporting of dependent adult abuse to be included in continuing education; see [§235B.16](#)

272C.1	Definitions.	272C.7	Executive secretary and personnel.
272C.2	Continuing education — rules.	272C.8	Immunities.
272C.2A	Continuing education minimum requirements — cosmetology arts and sciences.	272C.9	Duties of licensees.
272C.2B	Continuing education minimum requirements — mortuary science.	272C.10	Rules for revocation or suspension of license.
272C.2C	Continuing education minimum requirements — medicine and surgery and osteopathic medicine and surgery, nursing, dentistry, podiatry, and physician assistants.	272C.11	Insurers of professional and occupational licensees — reports.
272C.3	Authority of licensing boards.	272C.12	Licensure of persons licensed in other jurisdictions.
272C.4	Duties of board.	272C.12A	Licensure of military spouses and veterans.
272C.5	Licensee disciplinary procedure — rulemaking delegation.	272C.13	Educational requirements — work experience.
272C.6	Hearings — power of subpoena — decisions.	272C.14	Waiver of fees.
		272C.15	Disqualifications for criminal convictions limited.
		272C.16	Apprenticeships — licensure.

**272C.1 Definitions.**

1. “*Continuing education*” means that education which is obtained by a professional or occupational licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge. This education may be obtained through formal or informal education practices, self-study, research, and participation in professional, technical, and occupational societies, and by other similar means as authorized by the board.

2. “*Disciplinary proceeding*” means any proceeding under the authority of a licensing board pursuant to which licensee discipline may be imposed.

3. “*Inactive licensee re-entry*” means that process a former or inactive professional or occupational licensee pursues to again be capable of actively and competently practicing as a professional or occupational licensee.

4. “*Licensee discipline*” means any sanction a licensing board may impose upon its licensees for conduct which threatens or denies citizens of this state a high standard of professional or occupational care.

5. The term “*licensing*” and its derivations include the terms “*registration*” and “*certification*” and their derivations.

6. “*Licensing board*” or “*board*” includes the following boards:

a. The state board of engineering and land surveying examiners, created pursuant to [chapter 542B](#).

b. The board of examiners of shorthand reporters created pursuant to [article 3 of chapter 602](#).

c. The Iowa accountancy examining board, created pursuant to [chapter 542](#).

d. The Iowa real estate commission, created pursuant to [chapter 543B](#).

e. The board of architectural examiners, created pursuant to [chapter 544A](#).

f. The Iowa board of landscape architectural examiners, created pursuant to [chapter 544B](#).

g. The board of barbering and cosmetology arts and sciences, created pursuant to [chapter 147](#).

h. The board of chiropractic, created pursuant to [chapter 147](#).

i. The dental board, created pursuant to [chapter 147](#).

j. The board of mortuary science, created pursuant to [chapter 147](#).

- k. The board of medicine, created pursuant to [chapter 147](#).
- l. The board of physician assistants, created pursuant to [chapter 148C](#).
- m. The board of nursing, created pursuant to [chapter 147](#).
- n. The board of nursing home administrators, created pursuant to [chapter 155](#).
- o. The board of optometry, created pursuant to [chapter 147](#).
- p. The board of pharmacy, created pursuant to [chapter 147](#).
- q. The board of physical and occupational therapy, created pursuant to [chapter 147](#).
- r. The board of podiatry, created pursuant to [chapter 147](#).
- s. The board of behavioral health professionals, created pursuant to [chapter 147](#).
- t. The board of speech pathology and audiology, created pursuant to [chapter 147](#).
- u. The board of veterinary medicine, created pursuant to [chapter 169](#).
- v. The director of the department of natural resources in certifying water treatment operators as provided in [sections 455B.211 through 455B.224](#).
- w. Any professional or occupational licensing board created after January 1, 1978.
- x. The board of respiratory care and polysomnography in licensing respiratory care practitioners pursuant to [chapter 152B](#), respiratory care and polysomnography practitioners pursuant to [chapter 152B](#), and polysomnographic technologists pursuant to [chapter 148G](#).
- y. The board of athletic training in licensing athletic trainers pursuant to [chapter 152D](#).
- z. The board of massage therapy in licensing massage therapists pursuant to [chapter 152C](#).
- aa. The board of sign language interpreters and transliterators, created pursuant to [chapter 154E](#).
- ab. The director of health and human services in certifying emergency medical care providers and emergency medical care services pursuant to [chapter 147A](#).
- ac. The plumbing and mechanical systems board, created pursuant to [chapter 105](#).
- ad. The department of inspections, appeals, and licensing, in licensing fire protection system installers and maintenance workers pursuant to [chapter 100D](#).
- ae. The director of the department of inspections, appeals, and licensing in registering and supervising appraisal management companies pursuant to [chapter 543E](#).
- af. The real estate appraiser examining board, created pursuant to [chapter 543D](#).
- 7. “*Malpractice*” means any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care by a licensee in the course of practice of the licensee’s occupation or profession, pursuant to [this chapter](#).
- 8. “*Offense directly relates*” refers to either of the following:
  - a. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.
  - b. The circumstances under which an offense was committed are circumstances customary to a licensed profession.
- 9. “*Peer review*” means evaluation of professional services rendered by a professional practitioner.
- 10. “*Peer review committee*” means one or more persons acting in a peer review capacity pursuant to [this chapter](#).

[C79, 81, §258A.1]

[83 Acts, ch 186, §10063, 10201](#); [84 Acts, ch 1067, §26](#); [87 Acts, ch 165, §3](#); [88 Acts, ch 1134, §61](#); [88 Acts, ch 1225, §25](#); [89 Acts, ch 83, §36](#); [90 Acts, ch 1193, §8](#); [92 Acts, ch 1205, §23](#)

[C93, §272C.1](#)

[94 Acts, ch 1132, §32](#); [96 Acts, ch 1036, §40](#); [98 Acts, ch 1053, §41, 42](#); [2001 Acts, ch 16, §1, 37](#); [2001 Acts, ch 55, §25, 38](#); [2004 Acts, ch 1110, §1](#); [2004 Acts, ch 1175, §430, 433](#); [2005 Acts, ch 3, §57](#); [2006 Acts, ch 1184, §119](#); [2007 Acts, ch 10, §171](#); [2007 Acts, ch 218, §205](#); [2007 Acts, ch 198, §31](#); [2008 Acts, ch 1089, §10, 12](#); [2008 Acts, ch 1094, §14, 18](#); [2009 Acts, ch 151, §31](#); [2010 Acts, ch 1037, §15](#); [2015 Acts, ch 57, §17](#); [2015 Acts, ch 70, §16](#); [2016 Acts, ch 1124, §21, 32](#); [2020 Acts, ch 1103, §23, 31](#); [2023 Acts, ch 19, §1028, 1652](#); [2023 Acts, ch 99, §46, 47](#); [2024 Acts, ch 1169, §28](#); [2024 Acts, ch 1170, §297, 509](#); [2024 Acts, ch 1182, §12](#)

Referred to in [§232.69, 235B.16, 622.31](#)

See Code editor’s note on simple harmonization at the beginning of this Code volume  
Subsection 6, paragraph s amended

Subsection 6, paragraph u stricken and former paragraphs v – af redesignated as u – ae  
Subsection 6, NEW paragraph af

### **272C.2 Continuing education — rules.**

1. Each licensing board may require and issue rules for continuing education requirements as a condition to license renewal.

2. The rules may create continuing education requirements at a minimum level prescribed by each licensing board. These boards may also establish continuing education programs to assist a licensee in meeting such continuing education requirements. If adopted, such rules shall also:

a. Give due attention to the effect of continuing education requirements on interstate and international practice.

b. Place the responsibility for arrangement of financing of continuing education on the licensee, while allowing the board to receive any other available funds or resources that aid in supporting a continuing education program.

c. Attempt to express continuing education requirements in terms of uniform and widely recognized measurement units.

d. Establish guidelines, including guidelines in regard to the monitoring of licensee participation, for the approval of continuing education programs that qualify under the continuing education requirements prescribed.

e. Not be implemented for the purpose of limiting the size of the profession or occupation.

f. Define the status of active and inactive licensure and establish appropriate guidelines for inactive licensee reentry.

g. Be promulgated solely for the purpose of assuring a continued maintenance of skills and knowledge by a professional or occupational licensee directly related and commensurate with the current level of competency of the licensee's profession or occupation.

h. Allow a licensee to apply continuing education credit obtained in excess of the requirements for a renewal period to the continuing education requirements for the following renewal period in an amount not to exceed fifty percent of the continuing education credits required for a renewal period. A licensing board may adopt rules specifying types of continuing education credits earned in a renewal period that cannot be applied to the continuing education requirements for the following renewal period.

3. The state board of engineering and land surveyors, the board of architectural examiners, the board of landscape architectural examiners, and the economic development authority shall cooperate with each other and with persons who typically offer continuing education courses for design professionals to make available energy efficiency related continuing education courses, and to encourage interdisciplinary cooperation and education concerning available energy efficiency strategies for employment in the state's construction industry.

4. A person licensed to practice an occupation or profession in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate licensing board.

5. A person licensed to sell real estate in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, if the state or district accords the same privilege to Iowa residents, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty

outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate licensing board.

[C79, 81, §258A.2]

89 Acts, ch 292, §5; 90 Acts, ch 1252, §16

C93, §272C.2

2007 Acts, ch 10, §172; 2009 Acts, ch 108, §13, 41; 2011 Acts, ch 118, §50, 89; 2024 Acts, ch 1169, §29, 30; 2024 Acts, ch 1182, §13

Referred to in §153.36, 155A.7, 543D.16

Subsection 1 amended

Subsection 2, unnumbered paragraph 1 amended

Subsection 2, NEW paragraph h

### **272C.2A Continuing education minimum requirements — cosmetology arts and sciences.**

The board of cosmetology arts and sciences created pursuant to [chapter 147](#) shall require as a condition of license renewal a minimum of six hours of continuing education in the two years immediately prior to a licensee's license renewal. The board of cosmetology arts and sciences may notify cosmetology arts and sciences licensees on a quarterly basis regarding continuing education opportunities.

88 Acts, ch 1274, §40

C89, §258A.2A

92 Acts, ch 1205, §24

C93, §272C.2A

2007 Acts, ch 10, §173; 2015 Acts, ch 63, §2

### **272C.2B Continuing education minimum requirements — mortuary science.**

1. The board of mortuary science, created pursuant to [chapter 147](#), shall require, as a condition of license renewal, a minimum number of hours of continuing education in the two years immediately prior to a licensee's license renewal as prescribed by rule.

2. A person licensed to practice mortuary science in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the board of mortuary science.

2010 Acts, ch 1067, §1

### **272C.2C Continuing education minimum requirements — medicine and surgery and osteopathic medicine and surgery, nursing, dentistry, podiatry, and physician assistants.**

1. The board of medicine, board of dentistry, board of physician assistants, board of podiatry, and board of nursing shall establish rules requiring a person licensed pursuant to [section 148.3](#), [148C.3](#), [149.3](#), or [152.6](#) or [chapter 153](#) who has prescribed opioids to a patient during the previous licensure cycle to receive continuing education credits regarding the United States centers for disease control and prevention guideline for prescribing opioids for chronic pain, including recommendations on limitations on dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacologic therapy options, as a condition of license renewal. Each licensing board shall have the authority to determine how often a licensee must receive continuing education credits.

2. The rules established pursuant to [this section](#) shall include the option for a licensee to attest as part of the license renewal process that the licensee is not subject to the requirement to receive continuing education credits pursuant to [this section](#), due to the fact that the licensee did not prescribe opioids to a patient during the previous licensure cycle.

2018 Acts, ch 1138, §22

### **272C.3 Authority of licensing boards.**

1. Notwithstanding any other provision of [this chapter](#), each licensing board shall have the powers to:

a. Administer and enforce the laws and administrative rules provided for in [this chapter](#) and any other statute to which the licensing board is subject.

b. Adopt and enforce administrative rules which provide for the partial reexamination of the professional licensing examinations given by each licensing board.

c. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline.

d. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted. Notwithstanding the provisions of [chapter 17A](#), a determination by a licensing board that an investigation is not warranted or that an investigation should be closed without initiating a disciplinary proceeding is not subject to judicial review pursuant to [section 17A.19](#).

e. Initiate and prosecute disciplinary proceedings.

f. Impose licensee discipline.

g. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering.

h. Register or establish and register peer review committees.

i. Refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction.

j. Determine and administer the renewal of licenses for periods not exceeding three years.

k. Establish a licensee review committee for the purpose of evaluating and monitoring licensees who are impaired as a result of substance use disorder, dependency, or addiction, or by any mental or physical disorder or disability, and who self-report the impairment to the committee, or who are referred by the board to the committee. Members of the committee shall receive actual expenses for the performance of their duties and shall be eligible to receive per diem compensation pursuant to [section 7E.6](#). The board shall adopt rules for the establishment and administration of the committee, including but not limited to establishment of the criteria for eligibility for referral to the committee and the grounds for disciplinary action for noncompliance with committee decisions. Information in the possession of the board or the licensee review committee, under this paragraph, shall be subject to the confidentiality requirements of [section 272C.6](#). Referral of a licensee by the board to a licensee review committee shall not relieve the board of any duties of the board and shall not divest the board of any authority or jurisdiction otherwise provided. A licensee who violates [section 272C.10](#) or the rules of the board while under review by the licensee review committee shall be referred to the board for appropriate action.

2. Each licensing board may impose one or more of the following as licensee discipline:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in [section 100D.5](#), [105.22](#), [147.55](#), [148.6](#), [148B.7](#), [152.10](#), [153.34](#), [154A.24](#), [169.13](#), [455B.219](#), [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#), or [602.3203](#) or [chapter 151](#) or [155](#), as applicable, or upon any other grounds specifically provided for in [this chapter](#) for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline.

b. Revoke, or suspend either until further order of the board or for a specified period, the privilege of a licensee to engage in one or more specified procedures, methods, or acts incident to the practice of the profession, if pursuant to hearing or stipulated or agreed settlement the board finds that because of a lack of education or experience, or because of negligence, or careless acts or omissions, or because of one or more intentional acts or omissions, the licensee has demonstrated a lack of qualifications which are necessary to assure the residents of this state a high standard of professional and occupational care.

c. Impose a period of probation under specified conditions, whether or not in conjunction with other sanctions.



d. Require additional professional education or training, or reexamination, or any combination, as a condition precedent to the reinstatement of a license or of any privilege incident thereto, or as a condition precedent to the termination of any suspension.

e. Impose civil penalties by rule, if the rule specifies which offenses or acts are subject to civil penalties. The amount of civil penalty shall be in the discretion of the board, but shall not exceed one thousand dollars. Failure to comply with the imposition of a civil penalty may be grounds for further license discipline.

f. Issue a citation and warning respecting licensee behavior which is subject to the imposition of other sanctions by the board.

3. The powers conferred by [this section](#) upon a licensing board shall be in addition to powers specified elsewhere in the Code. The powers of any other person specified elsewhere in the Code shall not limit the powers of a licensing board conferred by [this section](#), nor shall the powers of such other person be deemed limited by the provisions of [this section](#).

4. a. Nothing contained in [this section](#) shall be construed to prohibit informal stipulation and settlement by a board and a licensee of any matter involving licensee discipline. However, licensee discipline shall not be agreed to or imposed except pursuant to a written decision which specifies the sanction and which is entered by the board and filed.

b. All health care boards shall file written decisions which specify the sanction entered by the board with the department of inspections, appeals, and licensing which shall be available to the public upon request. All non-health care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

[C79, 81, §258A.3]

83 Acts, ch 186, §10064, 10201; 84 Acts, ch 1056, §1; 84 Acts, ch 1067, §27; 86 Acts, ch 1245, §1880; 90 Acts, ch 1086, §16

C93, §272C.3

95 Acts, ch 72, §1; 2000 Acts, ch 1008, §10; 2001 Acts, ch 16, §2, 37; 2001 Acts, ch 55, §26, 38; 2002 Acts, ch 1108, §26; 2002 Acts, ch 1119, §149; 2003 Acts, ch 78, §6; 2004 Acts, ch 1110, §2; 2004 Acts, ch 1176, §13; 2007 Acts, ch 198, §32; 2008 Acts, ch 1089, §10, 12; 2008 Acts, ch 1094, §15, 18; 2009 Acts, ch 41, §263; 2023 Acts, ch 19, §1029, 1653

Referred to in §147.106, 148.6, 153.34, 155A.18, 155A.39, 169.34, 272C.4, 272C.6, 543B.48, 543D.17

Civil penalty for real estate brokers and salespersons, see §543B.48

#### **272C.4 Duties of board.**

Each licensing board shall have the following duties in addition to other duties specified by [this chapter](#) or elsewhere in the Code:

1. Establish procedures by which complaints which relate to licensure or to licensee discipline shall be received and reviewed by the board.

2. Establish procedures by which disputes between licensees and clients which result in judgments or settlements in or of malpractice claims or actions shall be investigated by the board.

3. Establish procedures by which any recommendation taken by a peer review committee shall be reported to and reviewed by the board if a peer review committee is established.

4. Establish procedures for registration with the board of peer review committees if a peer review committee is established.

5. Define by rule those recommendations of peer review committees which shall constitute disciplinary recommendations which must be reported to the board if a peer review committee is established.

6. Define by rule acts or omissions that are grounds for revocation or suspension of a license under [section 100D.5](#), [105.22](#), [147.55](#), [148.6](#), [148B.7](#), [152.10](#), [153.34](#), [154A.24](#), [169.13](#), [455B.219](#), [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#), or [602.3203](#) or [chapter 148I](#), [151](#), or [155](#), as applicable, and to define by rule acts or omissions that constitute negligence, careless acts, or omissions within the meaning of [section 272C.3, subsection 2](#), paragraph “b”, which licensees are required to report to the board pursuant to [section 272C.9, subsection 2](#).

7. Establish the procedures by which licensees shall report those acts or omissions specified by the board pursuant to [subsection 6](#).



8. Give written notice to another licensing board or to a hospital licensing agency if evidence received by the board either alleges or constitutes reasonable cause to believe the existence of an act or omission which is subject to discipline by that other board or agency.

9. Require each health care licensing board to file with the department of inspections, appeals, and licensing a copy of each decision of the board imposing licensee discipline. Each non-health care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form consistent with clearness and comprehensiveness of subject matter.

10. Adopt rules under [chapter 17A](#) to prohibit the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

[C79, 81, §258A.4]

[83 Acts, ch 186, §10065, 10201](#); [84 Acts, ch 1067, §28](#); [90 Acts, ch 1086, §17](#)

[C93, §272C.4](#)

[97 Acts, ch 203, §16](#); [98 Acts, ch 1119, §8](#); [2000 Acts, ch 1008, §11](#); [2001 Acts, ch 16, §3, 37](#); [2001 Acts, ch 55, §27, 38](#); [2002 Acts, ch 1057, §1](#); [2002 Acts, ch 1111, §1](#); [2002 Acts, ch 1119, §150](#); [2004 Acts, ch 1110, §3](#); [2005 Acts, ch 89, §35](#); [2007 Acts, ch 198, §33](#); [2008 Acts, ch 1089, §10, 12](#); [2008 Acts, ch 1094, §16, 18](#); [2010 Acts, ch 1069, §37](#); [2014 Acts, ch 1116, §34](#); [2019 Acts, ch 9, §4](#); [2019 Acts, ch 13, §2](#); [2020 Acts, ch 1103, §24, 31](#); [2022 Acts, ch 1134, §17](#); [2023 Acts, ch 19, §1654](#); [2023 Acts, ch 127, §11](#)

Referred to in [§169.34, 272C.9](#)

#### **272C.5 Licensee disciplinary procedure — rulemaking delegation.**

1. Each licensing board may establish by rule licensee disciplinary procedures. Each licensing board may impose licensee discipline under these procedures.

2. Rules promulgated under [subsection 1](#) of [this section](#):

a. Shall comply with the provisions of [chapter 17A](#).

b. Shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the licensing board of findings of fact if a majority of the licensing board does not hear the disciplinary proceeding.

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in [sections 100D.5, 105.23, 105.24, 148.6 through 148.9, 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16](#).

d. Shall specify methods by which the final decisions of the board relating to disciplinary proceedings shall be published.

[C79, 81, §258A.5]

[87 Acts, ch 215, §45](#)

[C93, §272C.5](#)

[2000 Acts, ch 1008, §12](#); [2001 Acts, ch 55, §28, 38](#); [2002 Acts, ch 1108, §27](#); [2007 Acts, ch 198, §34](#); [2008 Acts, ch 1088, §116](#); [2008 Acts, ch 1089, §10, 12](#); [2008 Acts, ch 1094, §17, 18](#)

#### **272C.6 Hearings — power of subpoena — decisions.**

1. Disciplinary hearings held pursuant to [this chapter](#) shall be heard by the board sitting as the hearing panel, or by an administrative law judge, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to [subsection 2](#). Notwithstanding [chapters 17A](#) and [21](#) a disciplinary hearing shall be open to the public at the discretion of the licensee.

2. When, in the opinion of a majority of the board, it is desirable to obtain specialists within an area of practice of a profession when holding disciplinary hearings, a licensing board may appoint licensees not having a conflict of interest to make findings of fact and to report to the board. Such findings shall not include any recommendation for or against licensee discipline.

3. a. The presiding officer of a hearing panel may issue subpoenas pursuant to rules of

the board on behalf of the board or on behalf of the licensee. A licensee may have subpoenas issued on the licensee's behalf.

(1) A subpoena issued under the authority of a licensing board may compel the attendance of witnesses and the production of professional records, books, papers, correspondence and other records, whether or not privileged or confidential under law, which are deemed necessary as evidence in connection with a disciplinary proceeding.

(2) Nothing in [this subsection](#) shall be deemed to enable a licensing board to compel an attorney of the licensee, or stenographer or confidential clerk of the attorney, to disclose any information when privileged against disclosure by [section 622.10](#).

(3) In the event of a refusal to obey a subpoena, the licensing board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court the person may be found guilty of contempt of court.

b. The presiding officer of a hearing panel may also administer oaths and affirmations, take or order that depositions be taken, and pursuant to rules of the board, grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. a. In order to assure a free flow of information for accomplishing the purposes of [this section](#), and notwithstanding [section 622.10](#), all complaint files, investigation files, other investigation reports, and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the licensee and the boards, their employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. However, investigative information in the possession of a licensing board or its employees or agents which relates to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authority in another state, the coordinated licensure information system provided for in the nurse licensure compact contained in [section 152E.1](#) or the advanced practice registered nurse compact contained in [section 152E.3](#), the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. If the investigative information in the possession of a licensing board or its employees or agents indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in [section 272C.3, subsection 4](#), is a public record.

b. Pursuant to the provisions of [section 17A.19, subsection 6](#), a licensing board upon an appeal by the licensee of the decision by the licensing board, shall transmit the entire record of the contested case to the reviewing court.

c. Notwithstanding the provisions of [section 17A.19, subsection 6](#), if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.

5. Licensee discipline shall not be imposed except upon the affirmative vote of a majority of the licensing board.

6. a. A board created pursuant to [chapter 147, 154A, 155, 169, 542, 542B, 543B, 543D, 544A, or 544B](#) may charge a fee not to exceed seventy-five dollars for conducting a disciplinary hearing pursuant to [this chapter](#) which results in disciplinary action taken against the licensee by the board, and in addition to the fee, may recover from a licensee the costs for the following procedures and associated personnel:

- (1) Transcript.
- (2) Witness fees and expenses.
- (3) Depositions.
- (4) Medical examination fees incurred relating to a person licensed under [chapter 147, 154A, 155, or 169](#).

b. The department of agriculture and land stewardship, the department of insurance and

financial services, the department of inspections, appeals, and licensing, and the department of health and human services shall each adopt rules pursuant to [chapter 17A](#) which provide for the allocation of fees and costs collected pursuant to [this section](#) to the board under its jurisdiction collecting the fees and costs. The fees and costs shall be considered appropriated receipts as defined in [section 8.2](#).

[C79, 81, §258A.6; 82 Acts, ch 1005, §8]

[86 Acts, ch 1211, §15; 92 Acts, ch 1125, §1](#)

C93, §272C.6

[2000 Acts, ch 1008, §13; 2001 Acts, ch 55, §29, 38; 2005 Acts, ch 53, §10; 2010 Acts, ch 1061, §94; 2023 Acts, ch 19, §1030; 2024 Acts, ch 1170, §65; 2024 Acts, ch 1185, §164](#)

Referred to in [§10A.506, 105.23, 139A.22, 147.135, 147A.23, 148.2A, 148.7, 153.36, 155A.39, 155A.40, 155A.45, 156.16, 203.16, 203C.24, 272C.3, 272C.7, 542.11, 543D.21, 543E.18, 543E.20, 602.3205](#)

Board of medicine procedure for licensee discipline, see [§148.7](#)

Subsection 1 amended

Subsection 6, paragraph b amended

### **272C.7 Executive secretary and personnel.**

1. As an alternative to authority contained elsewhere in [this chapter](#), a licensing board may employ within the limits of available funds an executive secretary, one or more inspectors, and such clerical personnel as may be necessary for the administration of the duties of the board. Employees of the board shall be employed subject to [chapter 8A, subchapter IV](#). The qualifications of the executive secretary shall be determined by the board.

2. All employees of a licensing board shall be reimbursed subject to the rules of the director of the department of administrative services for their expenses incurred in the performance of official duties. All reimbursements shall constitute costs of sustaining the board.

3. Licensees appointed to serve on a hearing panel pursuant to [section 272C.6, subsection 2](#), shall be compensated at the rate specified in [section 7E.6](#) for each day of actual duty, and shall be reimbursed for actual expenses reasonably incurred in the performance of duties.

4. Salaries, per diem, and expenses incurred in the performance of official duties of the board or its employees shall be paid from funds appropriated by the general assembly.

[C79, 81, §258A.7]

[90 Acts, ch 1256, §43](#)

C93, §272C.7

[2003 Acts, ch 145, §233, 286](#)

### **272C.8 Immunities.**

1. *a.* A person shall not be civilly liable as a result of the person's acts, omissions, or decisions in good faith as a member of a licensing board or as an employee or agent in connection with the person's duties.

*b.* A person shall not be civilly liable as a result of filing a report or complaint with a licensing board or peer review committee, or for the disclosure to a licensing board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony, or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

*c.* A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a licensing board or peer review committee, or because the person participated as a member, agent, or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.

2. Any employer who violates the terms of [this section](#) shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees.

[C79, 81, §258A.8]

C93, §272C.8

[2010 Acts, ch 1069, §74](#)

**272C.9 Duties of licensees.**

1. Each licensee of a licensing board, as a condition of licensure, is under a duty to submit to a physical, mental, or clinical competency examination when directed in writing by the board for cause. All objections shall be waived as to the admissibility of the examining physician's testimony or reports on the grounds of privileged communications. The medical testimony or report shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board, or one commenced in district court for revocation of the licensee's privileges. The licensing board, upon probable cause, shall have the authority to order a physical, mental, or clinical competency examination, and upon refusal of the licensee to submit to the examination the licensing board may order that the allegations pursuant to which the order of physical, mental, or clinical competency examination was made shall be taken to be established.

2. A licensee has a continuing duty to report to the licensing board by whom the person is licensed those acts or omissions specified by rule of the board pursuant to [section 272C.4, subsection 6](#), when committed by another person licensed by the same licensing board. [This subsection](#) does not apply to licensees under [chapter 542](#) when the observations are a result of participation in programs of practice review, peer review and quality review conducted by professional organizations of certified public accountants, for educational purposes and approved by the accountancy examining board.

3. A licensee shall have a continuing duty and obligation, as a condition of licensure, to report to the licensing board by which the licensee is licensed every adverse judgment in a professional or occupational malpractice action to which the licensee is a party, and every settlement of a claim against the licensee alleging malpractice.

4. A licensee who willfully fails to comply with [subsection 2 or 3 of this section](#) commits a violation of [this chapter](#) for which licensee discipline may be imposed.

[C79, 81, §258A.9; [81 Acts, ch 84, §1](#)]

C93, §272C.9

[2001 Acts, ch 55, §30, 38](#); [2005 Acts, ch 89, §36](#)

Referred to in [§135P.4, 272C.4, 543E.12](#)

**272C.10 Rules for revocation or suspension of license.**

A licensing board established after January 1, 1978, and pursuant to the provisions of [this chapter](#) shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony offense, if the offense directly relates to the profession or occupation of the licensee, in the courts of this state or another state, territory, or country. Conviction as used in [this subsection](#) includes a conviction of an offense which if committed in this state would be a felony without regard to its designation elsewhere, and includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication of guilt is withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of [this chapter](#).

[C79, 81, §258A.10]

C93, §272C.10

[2020 Acts, ch 1103, §25, 31](#)

Referred to in [§152D.6, 156.9, 272C.3, 542.10, 543E.17](#)

**272C.11 Insurers of professional and occupational licensees — reports.**

Insurance carriers which insure professional and occupational licensees for acts or omissions that constitute negligence, careless acts, or omissions in the practice of a profession or occupation shall file reports with the appropriate licensing board. The reports shall include information pertaining to any lawsuit filed against a licensee which may affect the licensee as defined by rule, involving an insured of the insurer.

2010 Acts, ch 1069, §38

**272C.12 Licensure of persons licensed in other jurisdictions.**

1. Notwithstanding any other provision of law, an occupational or professional license, certificate, or registration, including a license, certificate, or registration issued by the board of educational examiners, shall be issued without an examination to a person if all of the following conditions are met:

a. The person is currently licensed, certified, or registered by at least one other issuing jurisdiction in the occupation or profession applied for with a substantially similar scope of practice and the license, certificate, or registration is in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration.

b. For a license issued pursuant to [chapter 103](#) or [105](#), the person has established residency in this state or is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in this state.

c. When the person was licensed by the issuing jurisdiction, the issuing jurisdiction imposed minimum educational requirements and, if applicable, work experience and clinical supervision requirements, and the issuing jurisdiction verifies that the person met those requirements in order to be licensed in that issuing jurisdiction.

d. The person previously passed an examination required by the other issuing jurisdiction for licensure, certification, or registration, if applicable.

e. The person has not had a license, certificate, or registration revoked and has not voluntarily surrendered a license, certificate, or registration in any other issuing jurisdiction or country while under investigation for unprofessional conduct.

f. The person has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the person, the appropriate licensing board shall determine if the cause for the action was corrected and the matter resolved. If the licensing board determines that the matter has not been resolved by the jurisdiction imposing discipline, the licensing board shall not issue or deny a license, certificate, or registration to the person until the matter is resolved.

g. The person does not have a complaint, allegation, or investigation pending before any regulating entity in another issuing jurisdiction or country that relates to unprofessional conduct. If the person has any complaints, allegations, or investigations pending, the appropriate licensing board shall not issue or deny a license, certificate, or registration to the person until the complaint, allegation, or investigation is resolved.

h. The person pays all applicable fees.

i. The person does not have a criminal history that would prevent the person from holding the license, certificate, or registration applied for in this state.

2. A person licensed pursuant to [this section](#) is subject to the laws regulating the person's practice in this state and is subject to the jurisdiction of the appropriate licensing board.

3. [This section](#) does not apply to any of the following:

a. The ability of a licensing board, agency, or department to require the submission of fingerprints or completion of a criminal history check.

b. Criteria for a license, certificate, or registration that is established by an interstate compact.

c. The ability of a licensing board, agency, or department to require a person to take and pass an examination specific to the laws of this state prior to issuing a license. A licensing board, agency, or department that requires an applicant to take and pass an examination specific to the laws of this state shall issue an applicant a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months.



- d. A license issued by the department of transportation.
  - e. A person who is licensed by another issuing jurisdiction and may be granted a privilege to practice in this state by another provision of law without receiving a license in this state.
  - f. A person applying for a license through a national licensing organization.
4. A license, certificate, or registration issued pursuant to [this section](#) does not grant the person receiving the license, certificate, or registration eligibility to practice pursuant to an interstate compact. A licensing board shall determine eligibility for a person to hold a license, certificate, or registration pursuant to [this section](#) regardless of the person's eligibility to practice pursuant to an interstate compact.
5. For the purposes of [this section](#), “*issuing jurisdiction*” means the duly constituted authority in another state that has issued a professional license, certificate, or registration to a person.

[2020 Acts, ch 1103, §26, 31; 2022 Acts, ch 1134, §18 – 20](#)

Referred to in [§272C.12A](#)

#### **272C.12A Licensure of military spouses and veterans.**

1. A licensing board, agency, or department shall expedite the application for an occupational or professional license, certificate, or registration, including a license, certificate, or registration issued by the board of educational examiners, by a person who is licensed in a profession or occupation with a similar scope of practice in another state and who is married to an active duty member of the military forces of the United States or is a veteran, as defined in [section 35.1](#).

2. a. If the licensing board, agency, or department determines that the applicant does not qualify for licensure pursuant to [section 272C.12](#) because the person is not licensed, certified, or registered in an occupation or profession with a substantially similar scope of practice, the licensing board, agency, or department shall issue a temporary license to the applicant for a period of time deemed necessary by the board, agency, or department for the applicant to complete education or training substantially similar to the education or training required for the issuance of the occupational or professional license, certificate, or registration required of this state.

b. The licensing board, agency, or department shall advise the applicant of the required education or training necessary to obtain a professional license, certificate, or registration in this state.

3. After an applicant submits records of completing the requirements identified in [subsection 2](#), the licensing board, agency, or department shall issue an occupational or professional license, certificate, or registration to the applicant.

4. A licensing board, agency, or department shall adopt rules to provide credit toward qualifications for licensure to practice an occupation or profession in this state for education, training, and service obtained or completed by a person while serving honorably on federal active duty, state active duty, or national guard duty, as defined in [section 29A.1](#), to the extent consistent with the qualifications required by the appropriate licensing board, agency, or department. The rules shall also provide credit toward qualifications for initial licensure for education, training, or service obtained or completed by a person while serving honorably in the military forces of another state or the organized reserves of the armed forces of the United States, to the extent consistent with the qualifications required by the appropriate licensing board, agency, or department.

5. A licensing board, agency, or department shall annually file a report with the governor and the general assembly providing information and statistics on licenses and temporary licenses issued under [this section](#) and information and statistics on credit received by individuals for education, training, and service pursuant to [subsection 4](#).

[2022 Acts, ch 1134, §21](#)

#### **272C.13 Educational requirements — work experience.**

1. Except as provided in [subsection 2](#), a person applying for a professional or occupational license, certificate, or registration in this state who relocates to this state from another state that did not require a professional or occupational license, certificate, or registration to

practice the person's profession or occupation may be considered to have met any education, training, or work experience requirements imposed by a licensing board in this state if the person has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application as determined by the board.

2. [This section](#) does not apply to a license, certificate, or registration issued by the board of medicine, the board of nursing, the dental board, the board of pharmacy, or the board of educational examiners.

3. If this Code or administrative rules require a person applying for a professional or occupational license, certificate, or registration in this state to pass an examination to obtain the license, certificate, or registration, a person applying for licensure, certification, or registration under [this section](#) shall be required to pass the same examination.

[2020 Acts, ch 1103, §27, 31](#)

#### **272C.14 Waiver of fees.**

1. A licensing board, agency, or department shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed two hundred percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

2. A licensing board, agency, or department shall waive an initial application fee and one renewal fee for an applicant that has been honorably or generally discharged from federal active duty or national guard duty, as those terms are defined in [section 29A.1](#), that would otherwise be charged within five years of the discharge.

[2020 Acts, ch 1103, §28, 31; 2022 Acts, ch 1134, §22; 2022 Acts, ch 1149, §24](#)

#### **272C.15 Disqualifications for criminal convictions limited.**

1. Notwithstanding any other provision of law to the contrary, except for [chapter 256, subchapter VII, part 3](#), a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the appropriate licensing board, agency, or department does not grant an exception pursuant to [subsection 4](#).

2. A licensing board, agency, or department that may deny a license on the basis of an applicant's conviction record shall provide a list of the specific convictions that may disqualify an applicant from receiving a license. Any such offense shall be an offense that directly relates to the duties and responsibilities of the profession.

3. A licensing board, agency, or department shall not deny an application for a license on the basis of an arrest that was not followed by a conviction or based on a finding that an applicant lacks good character, suffers from moral turpitude, or on other similar basis.

4. A licensing board, agency, or department shall grant an exception to an applicant who would otherwise be denied a license due to a criminal conviction if the following factors establish by clear and convincing evidence that the applicant is rehabilitated and an appropriate candidate for licensure:

a. The nature and seriousness of the crime for which the applicant was convicted.

b. The amount of time that has passed since the commission of the crime. There is a rebuttable presumption that an applicant is rehabilitated and an appropriate candidate for licensure five years after the date of the applicant's release from incarceration, provided that the applicant was not convicted of sexual abuse in violation of [section 709.4](#), a sexually violent offense as defined in [section 229A.2](#), dependent adult abuse in violation of [section 726.26](#), a forcible felony as defined in [section 702.11](#), or domestic abuse assault in violation of [section 708.2A](#), and the applicant has not been convicted of another crime after release from incarceration.

c. The circumstances relative to the offense, including any aggravating and mitigating circumstances or social conditions surrounding the commission of the offense.

d. The age of the applicant at the time the offense was committed.

e. Any treatment undertaken by the applicant.

f. Whether a certification of employability has been issued to the applicant pursuant to [section 906.19](#).

g. Any letters of reference submitted on behalf of the applicant.

h. All other relevant evidence of rehabilitation and present fitness of the applicant.

5. An applicant may petition the relevant licensing board, agency, or department, in a form prescribed by the board, agency, or department, for a determination as to whether the applicant's criminal record will prevent the applicant from receiving a license. The board, agency, or department shall issue such a determination at the next regularly scheduled meeting of the board, agency, or department or within thirty days of receiving the petition, whichever is later. The board, agency, or department shall hold a closed session while determining whether an applicant's criminal record will prevent the applicant from receiving a license and while determining whether to deny an applicant's application on the basis of an applicant's criminal conviction. A board, agency, or department may charge a fee to recoup the costs of such a determination, provided that such fee shall not exceed twenty-five dollars.

6. a. A licensing board, agency, or department that denies an applicant a license solely or partly because of the applicant's prior conviction of a crime shall notify the applicant in writing of all of the following:

(1) The grounds for the denial or disqualification.

(2) That the applicant has the right to a hearing to challenge the licensing authority's decision.

(3) The earliest date the applicant may submit a new application.

(4) That evidence of rehabilitation of the applicant may be considered upon reapplication.

b. A determination by a licensing board, agency, or department that an applicant's criminal conviction is specifically listed as a disqualifying conviction and the offense directly relates to the duties and responsibilities of the applicant's profession must be documented in written findings for each factor specified in [subsection 4](#) sufficient for a review by a court.

c. In any administrative or civil hearing authorized by [this section](#) or [chapter 17A](#), a licensing board, agency, or department shall carry the burden of proof on the question of whether the applicant's criminal offense directly relates to the duties and responsibilities of the profession for which the license is sought.

7. A board, agency, or department may require an applicant with a criminal record to submit the applicant's complete criminal record detailing an applicant's offenses with an application. A board, agency, or department may also require an applicant with a criminal record to submit a personal statement regarding whether each offense directly relates to the duties and performance of the applicant's occupation. For the purposes of [this subsection](#), "complete criminal record" includes the complaint and judgment of conviction for each offense of which the applicant has been convicted.

[2020 Acts, ch 1103, §29, 31; 2022 Acts, ch 1132, §11; 2023 Acts, ch 19, §2580](#)

#### **272C.16 Apprenticeships — licensure.**

1. Notwithstanding any provision of law to the contrary, except as provided in [chapters 100C, 100D, 103, and 105](#), beginning on January 1, 2022, a board shall grant a license to a person who completes an apprenticeship program in the relevant occupation or profession and submits an application pursuant to [this section](#).

2. A board may require an applicant to pass an examination prior to licensure if the board requires an applicant who has completed an educational program to pass an examination prior to licensure. A board shall not require an applicant to receive a higher score on the examination than the score required of an applicant who completes an educational program.

3. A board may require an applicant to pay a licensing fee if the board requires an applicant who has completed an educational program to pay a licensing fee. A board shall not impose a licensing fee greater than the licensing fee imposed on an applicant who completes an educational program.

4. A board shall not require an applicant to complete an apprenticeship program of a greater duration than is required by federal law for that program.

5. For the purposes of [this section](#), "apprenticeship program" means the same as defined in [section 84E.2](#).



6. *a.* A board shall adopt rules to implement [this section](#) upon receipt of a petition for rulemaking submitted pursuant to [section 17A.7](#).

*b.* A board shall not grant a license pursuant to [this section](#) prior to the effective date of rules adopted by the board to implement [this section](#).

[2021 Acts, ch 115, §1, 2](#)