

The rule amendments were published in the Iowa Administrative Bulletin on November 3, 2010. Available on the General Assembly's Web site at <http://www.legis.state.ia.us/asp/ACODOCS/DOCS/11-03-2010.Bulletin.pdf> The amendments will become effective on **December 8, 2010**.

ARC 9218B

DENTAL BOARD[650]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Dental Board hereby adopts amendments to Chapter 11, "Licensure to Practice Dentistry or Dental Hygiene," Chapter 13, "Special Licenses," Chapter 25, "Continuing Education," and Chapter 27, "Standards of Practice and Principles of Professional Ethics," Iowa Administrative Code.

Item 1 of the amendments specifies that applications are considered active for 180 days after receipt. An applicant who does not provide all requested materials or who does not meet the requirements for a license, permit, registration, or reinstatement within 180 days must submit a new application and fee.

Items 2 through 6 of the amendments require applicants for licensure or for a faculty permit to submit the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

Item 7 of the amendments requires applicants for a faculty permit to successfully complete the jurisprudence examination administered by the Board.

Item 8 of the amendments eliminates the requirement that Board sponsors submit attendance records for continuing education courses. Continuing education providers must provide proof of attendance to course attendees and make records available at the request of the Board.

Item 9 of the amendments clarifies that an applicant for reinstatement of an inactive license must provide proof of current CPR certification to place the license on active status.

Item 10 of the amendments clarifies acceptable billing practices for a dentist.

Items 11 and 12 of the amendments clarify that it is considered unethical and unprofessional conduct to prohibit a patient from filing a complaint with the Board or cooperating with a Board investigation and to enter into an agreement in which a patient agrees not to file a complaint with the Board.

These amendments are subject to waiver at the sole discretion of the Board in accordance with 650—Chapter 7. However, rules in 650—Chapter 27 are not subject to waiver pursuant to 650—27.12(17A,147,153,272C).

Notice of Intended Action was published in the June 16, 2010, Iowa Administrative Bulletin as **ARC 8846B**. A public hearing was held on July 6, 2010. No comments were received at the public hearing.

Written comments were submitted by the Iowa Dental Association (IDA). IDA expressed concern about Item 10, new subrules 27.7(8) and 27.7(9), which clarify billing practices for a dentist. The proposed subrules prohibit a dentist from billing or collecting money for services not rendered. IDA was concerned that the proposed subrules could unintentionally prohibit a dentist's ability to ensure payment for services that the dentist had rendered to a patient. For example, IDA indicated that a dentist may incur expenses (e.g., lab procedures), whether or not the patient returns to complete the treatment; thus, the dentist should be permitted to obtain payment from the patient for those procedures before the dentist receives the results of the lab procedures and uses those results to treat the patient. In addition, some dentists allow a patient to make voluntary prepayments prior to obtaining services so that the patient will have sufficient money in the patient's account to pay for services at the time the services are provided. The proposed subrules would have prohibited that practice.

The following changes have been made to address the concerns raised by IDA:

- Subrule 27.7(8) was revised to delete the phrase "or collect money," and a sentence was added to clarify that a dentist is not prohibited from billing for services rendered, costs incurred or

charges for missed appointments. The subrule now reads as follows:

“**27.7(8)** A dentist shall not bill for services not rendered. A dentist shall not be prohibited from billing for those services which have been rendered, for actual costs incurred in the treatment of the patient, or for charges for missed appointments.”

- Subrule 27.7(9) was revised by the addition of a sentence stating that a dentist is allowed to draw on a patient’s line of credit for services rendered or actual costs incurred. The subrule now reads as follows:

“**27.7(9)** A dentist shall not bill or draw on a patient’s line of credit prior to services being rendered. A dentist may bill or draw on a patient’s line of credit for those services which have been rendered or for actual costs incurred in the treatment of the patient.”

- New subrule 27.7(10) was added to clarify that a dentist is not prohibited from accepting voluntary prepayments from patients for dental services not yet rendered. The added subrule reads as follows:

“**27.7(10)** A dentist shall not be prohibited from permitting patients to prepay for services, in whole or in part, on a voluntary basis.”

The Iowa Dental Board adopted these amendments on October 14, 2010.

These amendments will become effective on December 8, 2010.

These amendments are intended to implement Iowa Code sections 153.33 and 153.34.

The following amendments are adopted.

ITEM 1. Amend rule 650—11.1(147,153) as follows:

650—11.1(147,153) Applicant responsibilities. An applicant for dental or dental hygiene licensure bears full responsibility for each of the following:

1. and 2. No change.

3. Submitting complete application materials. An application for a license, permit, or registration or reinstatement of a license or registration will be considered active for 180 days from the date the application is received. If the applicant does not submit all materials, including a completed fingerprint packet, within this time period or if the applicant does not meet the requirements for the license, permit, registration or reinstatement, the application shall be considered incomplete. An applicant whose application is filed incomplete must submit a new application and application fee.

ITEM 2. Amend paragraph **11.2(2)“f”** as follows:

f. A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 3. Amend paragraph **11.3(2)“g”** as follows:

g. A statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, complaints, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 4. Amend paragraph **11.5(2)“i”** as follows:

i. A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 5. Amend paragraph **11.6(2)“g”** as follows:

g. A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 6. Amend paragraph **13.2(2)“e”** as follows:

e. A statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges, including the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

ITEM 7. Adopt the following **new** paragraph **13.2(2)“j”**:

j. Evidence of successful completion of the jurisprudence examination administered by the Iowa dental board.

ITEM 8. Amend subrule 25.4(3) as follows:

25.4(3) The person or organization sponsoring continuing education activities shall make a written record of the Iowa licensees or registrants in attendance ~~and send a signed copy of such attendance record to the board office upon completion of the activity, but in no case later than July 1 of even numbered years, maintain the written record for a minimum of five years, and submit the record upon the request of the board. The report shall be sent to the Iowa Board of Dental Examiners, 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.~~ The sponsor of the continuing education activity shall also provide proof of attendance and the number of credit hours awarded to the licensee or registrant who participates in the continuing education activity.

ITEM 9. Adopt the following **new** paragraph **25.9(2)“e”**:

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

ITEM 10. Adopt the following **new** subrules 27.7(8) to 27.7(10):

27.7(8) A dentist shall not bill for services not rendered. A dentist shall not be prohibited from billing for those services which have been rendered, for actual costs incurred in the treatment of the patient, or for charges for missed appointments.

27.7(9) A dentist shall not bill or draw on a patient’s line of credit prior to services being rendered. A dentist may bill or draw on a patient’s line of credit for those services which have been rendered or for actual costs incurred in the treatment of the patient.

27.7(10) A dentist shall not be prohibited from permitting patients to prepay for services, in whole or in part, on a voluntary basis.

ITEM 11. Adopt the following **new** subrule 27.9(5):

27.9(5) Prohibiting a person from filing or interfering with a person’s filing a complaint with the board is considered unethical and unprofessional conduct.

ITEM 12. Adopt the following **new** subrule 27.9(6):

27.9(6) A licensee shall not enter into any agreement with a patient that the patient will not file a complaint with the board.

[Filed 10/15/10, effective 12/8/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/3/10.