

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 344

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1
2 RELATING TO DENTISTS; AMENDING SECTION 54-903, IDAHO CODE, TO REVISE DEF-
3 INITIONS; AMENDING SECTION 54-904, IDAHO CODE, TO REVISE PROVISIONS
4 REGARDING CERTAIN PROCEDURES PERFORMED BY DENTAL HYGIENISTS; AND
5 AMENDING SECTION 54-935, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A
6 TECHNICAL CORRECTION.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 54-903, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-903. GENERAL DEFINITIONS. As used in this chapter:

11 (1) "Association" means the Idaho state dental association and the
12 Idaho dental hygienists' association.

13 (2) "Board" means the state board of dentistry.

14 (3) "Conviction" or "convicted" means a finding of guilt by a judge
15 or jury, an entry of a guilty plea by a defendant and its acceptance by
16 the court, a forfeiture of a bail bond or collateral deposited to secure a
17 defendant's appearance, a judgment of conviction, a suspended sentence,
18 probation, or a withheld judgment.

19 (4) "Dental assistant" is a person who need not be licensed under this
20 chapter, but who is regularly employed at a dental office, who works under
21 a dentist's supervision, and is adequately trained and qualified according
22 to standards established by the board to perform the dental services permit-
23 ted to be performed by assistants by this chapter and applicable rules of the
24 board.

25 (5) "Dental hygienist" is a person both qualified and licensed by the
26 laws of Idaho to practice dental hygiene.

27 (6) "Dental specialist" is a dentist who limits practice to a specialty
28 recognized by the American dental association, who has graduated from a
29 board-approved postgraduate program in the dentist's specialty and is a
30 person both qualified and licensed by the laws of Idaho to practice a dental
31 specialty.

32 (7) "Dentist" is a person both qualified and licensed by the laws of
33 Idaho to practice dentistry.

34 (8) "Direct supervision" is supervision of a dental assistant or den-
35 tal hygienist requiring that a dentist diagnose the condition to be treated,
36 that a dentist authorize the procedure to be performed, that a dentist remain
37 in the ~~dental office~~ practice setting while the procedure is performed, and
38 that before dismissal of the patient a dentist approves the work performed by
39 the dental assistant or dental hygienist.

40 (9) "Extended access oral health care ~~program~~ setting" means and in-
41 cludes:

1 (a) Dental and dental hygiene treatment and services provided ~~as part~~
 2 ~~of a program conducted by or through~~ at locations including, but not
 3 limited to, a school district, county, state or federal agency, hospi-
 4 tal, medical office, long-term care facility, public health district,
 5 dental or dental hygiene school, tribal clinic, or federally qualified
 6 health center; or

7 (b) Oral health care programs approved by the board and conducted by or
 8 through a nonprofit public or private entity, organized in accordance
 9 with section 501(c)(3) or 501(c)(4) of the federal Internal Revenue
 10 Code, that provide free dental or dental hygiene services to persons
 11 who, due to age, infirmity, indigence, disability or other similar
 12 reason, may be unable to receive regular dental and dental hygiene
 13 treatment. The board may require reapproval of the oral health care
 14 programs on an annual basis or at such other times as may be deemed by the
 15 board to be necessary or appropriate.

16 (10) "General supervision" is supervision of a dental assistant or den-
 17 tal hygienist requiring that a dentist authorize the procedure which is car-
 18 ried out, but not requiring that a dentist be in the ~~office~~ practice setting
 19 when the authorized procedure is performed.

20 (11) "Indirect supervision" is supervision of a dental assistant or
 21 dental hygienist requiring that a dentist authorize a procedure and that a
 22 dentist be in the ~~dental office~~ practice setting while the procedure is per-
 23 formed by the assistant or hygienist.

24 SECTION 2. That Section 54-904, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 54-904. AUTHORIZATION FOR PROCEDURES PERFORMED UNDER GENERAL SUPER-
 27 VISION BY DENTAL HYGIENISTS. A dental hygienist is authorized to practice
 28 under general supervision when:

29 (1) In a ~~private dental~~ office where the dental hygienist works, a
 30 ~~licensed~~ dentist has diagnosed the condition to be treated and determined
 31 the procedure to be performed, or has authorized a ~~qualified~~ dental hygien-
 32 ist to perform the prescribed treatment; or

33 (2) In an extended access oral health care ~~program, a supervisory~~
 34 ~~setting, the supervising dentist, who is employed or retained by or is a~~
 35 ~~volunteer for the program,~~ has determined the ~~treatment to be provided and~~
 36 ~~has authorized dental hygiene procedures that may be performed and has is-~~
 37 ~~sued written orders to a dental hygienist holding a license with an extended~~
 38 ~~access dental hygiene endorsement to provide the~~ prescribed authorized
 39 treatment. The supervising dentist shall be responsible to treat the pa-
 40 tient's dental needs or refer the patient to another dentist for treatment.

41 SECTION 3. That Section 54-935, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 54-935. VOLUNTEER'S LICENSE -- QUALIFICATIONS -- PERMISSIBLE PRAC-
 44 TICE -- IMMUNITY FROM LIABILITY. (1) Upon application and qualification,
 45 the board may issue, without examination, a volunteer's license to a dentist
 46 or dental hygienist who is retired from the active practice of dentistry or
 47 dental hygiene to enable the retired dentist or dental hygienist to provide

1 dental or dental hygiene services at specified locations to persons who, due
2 to age, infirmity, indigence or disability, are unable to receive regular
3 dental treatment.

4 (2) For purposes of this section, a dentist or dental hygienist previ-
5 ously holding a dental or dental hygiene license with active status in Idaho
6 or another state shall be considered to be retired if, prior to the date of
7 application for a volunteer's license, he has surrendered or allowed his li-
8 cense with active status to expire with the intention of ceasing to actively
9 practice as a dentist or dental hygienist for remuneration, he has converted
10 his license with active status to a license with inactive status with the in-
11 tention of ceasing to actively practice as a dentist or dental hygienist for
12 remuneration, or he has converted his license with active or inactive sta-
13 tus to a license with retirement or similar status that proscribed the active
14 practice of dentistry or dental hygiene. A dentist or dental hygienist whose
15 dental or dental hygiene license had been restricted, suspended, revoked,
16 surrendered, resigned, converted, or allowed to lapse or expire as the re-
17 sult of disciplinary action or in lieu of disciplinary action being taken
18 shall not be eligible for a volunteer's license.

19 (3) An application for a volunteer's license shall include, but not be
20 limited to, the following:

21 (a) Verification of graduation from a dental or dental hygiene school
22 accredited by the Commission on Dental Accreditation of the American
23 Dental Association as of the date of the applicant's graduation;

24 (b) Verification from each state board in which the applicant was li-
25 censed that the applicant maintained his dental or dental hygiene li-
26 cense in good standing without disciplinary action that restricted the
27 applicant's license or resulted in the applicant's license being placed
28 on probation, suspended, revoked or being surrendered, resigned or oth-
29 erwise allowed to lapse or expire in lieu of disciplinary action;

30 (c) Verification that the applicant held a dental or dental hygiene
31 license in good standing in Idaho or another state as of the date upon
32 which the dentist or dental hygienist became retired;

33 (d) Verification that the applicant held an active status dental or
34 dental hygiene license in good standing in Idaho or another state within
35 five (5) years of the date of application for a volunteer's license,
36 provided, that the board may waive the five (5) year requirement in the
37 event that the applicant demonstrates he possesses the knowledge and
38 skills requisite to the practice of dentistry or dental hygiene by suc-
39 cessfully completing such examinations as are required by the board;
40 and

41 (e) A notarized statement from the applicant on a form prescribed by
42 the board, that the applicant will not provide any dental or dental hy-
43 giene services to any person or at any location other than as permitted
44 by this section and that the applicant will not accept any amount or form
45 of remuneration, other than as reimbursement for the amount of actual
46 expenses incurred as a volunteer dentist or dental hygienist, for any
47 dental or dental hygiene services provided under the authority of a vol-
48 unteer's license.

49 (4) For purposes of this section, the specified locations at which a
50 dentist or dental hygienist holding a volunteer's license may provide dental

1 or dental hygiene services shall be limited to the premises or sites of ex-
2 tended access oral health care ~~programs~~ settings. The dental services pro-
3 vided ~~at~~ in an extended access oral health care ~~program~~ setting by a dentist
4 holding a volunteer's license shall not require or include the administra-
5 tion of general anesthesia or ~~conscious~~ moderate sedation to a patient un-
6 less otherwise specifically approved in advance by the board.

7 (5) A volunteer's license shall be valid for that period specified for
8 dentists and dental hygienists in section 54-920, Idaho Code, and may be re-
9 newed upon application of the licensee unless the license has been revoked
10 in accordance with this section. The board shall maintain a register of all
11 dentists and dental hygienists who hold a volunteer's license. The board
12 shall not charge an application or licensing fee for issuing or renewing a
13 volunteer's license. A volunteer's license cannot be converted to a license
14 with active, inactive, provisional or special status.

15 (6) The board may revoke a volunteer's license upon receiving proof
16 satisfactory to the board that the holder of a volunteer's license provided
17 dental or dental hygiene services outside the permissible scope of the vol-
18 unteer's license or that grounds existed for enforcement or disciplinary
19 action against the holder of a volunteer's license under other sections of
20 this chapter or the administrative rules promulgated under this chapter.

21 (7) When practicing dentistry or dental hygiene within the permissible
22 scope of a volunteer's license, the holder of a volunteer's license issued
23 pursuant to this section shall be immune from liability for any civil action
24 arising out of the provision of volunteer dental or dental hygiene services.
25 This section does not provide or extend immunity to a holder of a volunteer's
26 license for any acts or omissions constituting negligence.