

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 517

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO DENTAL LICENSES; AMENDING SECTION 54-924, IDAHO CODE, TO PROVIDE EXCEPTIONS FOR CERTAIN DISCIPLINARY ACTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-924, Idaho Code, be, and the same is hereby amended to read as follows:

54-924. OTHER GROUNDS OF REFUSAL, REVOCATION OR SUSPENSION OF DENTISTS -- PROBATION AGREEMENTS. The board may refuse to issue or renew a dental license, or may revoke, suspend, place on probation, reprimand or take other disciplinary action with respect to a dental license as the board may deem proper, including administrative penalties not to exceed ten thousand dollars (\$10,000) per violation and assessment of the costs of disciplinary proceedings in the event a dentist shall:

(1) Intentionally misstate, or fail fully to disclose, a fact material to determination of fitness and qualification in an application for licensure to practice dentistry, or cheat in an examination to practice dentistry; or procure a certificate or finding of qualification to practice dentistry or subsequently a license by false, fraudulent or deceitful means or in any other name than his own true name; or

(2) Practice dentistry under any name other than his own true name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to chapter 39, title 41, Idaho Code; or

(3) Practice or in any manner or by any means or at any place hold out or represent himself as practicing dentistry in or under the name of, or as a member, representative, agent or employee of, or in connection with, any company, association, or corporation, or under any trade, fictitious or business name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to chapter 39, title 41, Idaho Code, except for:

(a) A dentist practicing dentistry and providing dentistry services to prisoners in the custody of the Idaho department of correction as an employee of:

(i) The state of Idaho;

(ii) A contractor under contract as defined by section 67-9203, Idaho Code, with the state of Idaho; or

(iii) A subcontractor for a contractor under contract as defined by section 67-9203, Idaho Code, with the state of Idaho; or

(b) A dentist practicing dentistry as an employee or contracting dentist providing dentistry services to any health center as defined and

1 authorized in section 330 of the public health service act, codified as
2 amended at 42 U.S.C. 254b; or

3 (4) (a) Make, or cause to be made, or assist in making, any fraudulent,
4 false, or misleading statement as to his own, or an employee's, asso-
5 ciate's, or other dentist's, dental therapist's, or dental hygienist's
6 skill or lack of skill, or method of practice; or

7 (b) Claim to practice dentistry without causing pain; or

8 (c) Claim superiority over other dentists; or

9 (d) Publish, advertise, or circulate reports, letters, certificates,
10 endorsements, or evidence of cures or corrections of dental conditions
11 by such dentist, his employee, or his associate by reason of his or
12 their skill, experience, or ability or of his or their use of any system,
13 method, technique, device, drug, medicine, material, manipulation or
14 machine; or

15 (e) Advertise the use of, or use, any system, method, technique, de-
16 vice, drug, medicine, material or machine, ~~which~~ that is either falsely
17 advertised or misnamed; or

18 (5) Use intoxicants or drugs to such a degree as to render him unfit to
19 practice; or

20 (6) Commit malpractice, that is, to provide dental care ~~which~~ that
21 fails to meet the standard of dental care provided by other qualified den-
22 tists in the same community or similar communities, taking into account his
23 training, experience and the degree of expertise to which he holds himself
24 out to the public; or

25 (7) Engage in unprofessional conduct, as defined by board rules; or

26 (8) Advertise in such way as to deceive or defraud, or probably deceive
27 or defraud, the public or patrons; or

28 (9) Employ or permit any person not a dentist to practice dentistry, or
29 any person not a dentist or dental therapist to practice dental therapy, or
30 any person not a dentist or dental hygienist to practice dental hygiene, in
31 his office or under his control or direction; or

32 (10) Fail, neglect or refuse to keep his office or equipment, or oth-
33 erwise conduct his work, in accordance with current state and federal laws,
34 rules and regulations; or

35 (11) Violate any other provisions of law or rules adopted by the board;
36 or

37 (12) Falsely identify himself to the public as a specialist in a spe-
38 cialty area of dentistry as defined by rule; or

39 (13) Engage in the practice of dentistry as a member, stockholder, em-
40 ployee, director, partner or proprietor in any business entity in which a
41 person, not duly licensed to practice dentistry in this state, holds an own-
42 ership interest. The provisions of this subsection shall not apply to:

43 (a) Such engagement in a limited managed care plan pursuant to chapter
44 39, title 41, Idaho Code, or to a;

45 (b) A dentist practicing dentistry and providing dentistry services to
46 prisoners in the custody of the Idaho department of correction as an em-
47 ployee of:

48 (i) The state of Idaho;

49 (ii) A contractor under contract as defined by section 67-9203,
50 Idaho Code, with the state of Idaho; or

- 1 (iii) A subcontractor for a contractor under contract as defined
- 2 by section 67-9203, Idaho Code, with the state of Idaho; or
- 3 (c) A dentist practicing dentistry for any health care center as de-
- 4 defined and authorized in section 330 of the public health service act,
- 5 codified as amended at 42 U.S.C. 254b; or
- 6 (14) Supervise more than three (3) dental therapists; or
- 7 (15) Require directly, or as a member, representative, contracted
- 8 agent, or employee of or in connection with any company, association, corpo-
- 9 ration, or partnership, that a patient sign an agreement limiting his right
- 10 or ability to file a complaint with the board.

11 SECTION 2. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after
13 July 1, 2022.