

Dear Senators HEIDER, Nuxoll, Schmidt, and
Representatives WOOD, Packer, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Bureau of Occupational Licenses - State Board of Dentistry:

IDAPA 24.16.01 - Rules of the State Board of Dentistry - Proposed Rule (Docket No.
24-1601-1601).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/24/2016. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/22/2016.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Principal Legislative Research Analyst - Ryan Bush

DATE: October 4, 2016

SUBJECT: Bureau of Occupational Licenses - State Board of Dentistry

IDAPA 24.16.01 - Rules of the State Board of Dentistry - Proposed Rule (Docket No. 24-1601-1601)

The State Board of Dentistry submits notice of proposed rulemaking at IDAPA 24.16.01 - Rules of the State Board of Dentistry. The proposed rule provides flexibility for meeting dates, clarifies the times and process of examinations, provides requirements for supervisors in the apprenticeship program and provides for standards of conduct and practice in relation to patient records.

The Board states that negotiated rulemaking was not conducted because the proposed changes were discussed during noticed, open meetings of the Board. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Board in Section 54-3309, Idaho Code.

cc: Bureau of Occupational Licenses - State Board of Dentistry
Tana Cory

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.16.01 - RULES OF THE STATE BOARD OF DENTURITRY

DOCKET NO. 24-1601-1601

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-3309.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule changes will allow flexibility on meeting dates, clarify the examination times and process, add supervisor requirements for the apprenticeship program, and clarify the standards of conduct.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Mitchell Toryanski at (208) 334-3233. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 2nd day of September, 2016.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P O Box 83720
Boise, ID 83720-0063
Phone: (208) 334-3233
Fax: (208) 334-3945

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1601-1601
(Only Those Sections With Amendments Are Shown.)**

100. BOARD MEETINGS (RULE 100).

01. ~~Dates~~Meetings. The board shall meet ~~regularly in April and November of each year~~ at least annually and at such other times as may be determined by the chairman or by written request of two (2) members of the board. (4-2-03)()

~~02. **Place.** Meetings shall be held at the Bureau of Occupational Licenses.~~ (7-1-93)

~~03. **Dates and Places.** Dates and places may be changed through notification by the board at least ten (10) days prior to the regular meeting date or the date established for a meeting whichever is earlier.~~ (7-1-93)

101. -- 149. (RESERVED)

150. EXAMINATIONS (RULE 150).

01. **Date of Licensure Examination.** The licensure examination will be held ~~at least semi-annually in June and January~~ no less than two (2) times per year and at such ~~other~~ times and places as may be determined by the Board. (4-2-03)()

~~02. **Place.** All examinations will be administered at the time and place as designated by the board.~~ (3-10-00)

~~03. **Content.** Examinations shall include both a written theory examination and a practical demonstration of skills.~~ (4-2-03)

~~04. **Grading.** An applicant must obtain a score of seventy-five percent (75%) or better on each part of the examination in order to pass the examination.~~ (4-2-03)

~~05. **Re-Examination.**~~ (4-2-03)

a. Applicants who fail either part or all of the examination shall be required to make application and pay the required fees prior to being eligible to retake the failed part of the examination. (4-2-03)

b. Applicants failing either part or all of the examination on the first attempt will not be required to complete any additional instruction prior to being eligible to make application and retake the examination. (4-2-03)

c. Applicants failing either part or all of the examination on a second attempt and all subsequent attempts shall not be eligible to make application and retake the examination within one (1) year of the date of the examination failure The Board may recommend additional course work or clinical work for any applicant who has failed an examination two (2) or more times. (4-2-03)()

151. -- 199. (RESERVED)

200. APPLICATIONS (RULE 200).

01. **Application Filing Date.** Licensure applications must be received in the Bureau of Occupational Licenses ~~ninety (90)~~ at least seven (7) business days prior to the next scheduled ~~examinations~~ meeting of the Board. Applications received after that date ~~will~~ may be held over for the board's next ~~scheduled examination~~ meeting. (3-10-00)()

02. **Application Form for Licensure.** Applications for licensure shall be made on forms approved by the board and furnished by the Bureau of Occupational Licenses and shall include all other documents necessary to establish the applicant meets the requirements for licensure except examination and is eligible to take the licensure examination. (7-1-93)

03. **Application Must Be Complete.** All applications must be complete in every respect and accompanied by the appropriate fees before being considered received by the Bureau of Occupational Licenses.

(7-1-93)

04. Authorization for Examination. ()

a. After the Board evaluates the applicant's qualifications to take the examination the applicant shall be notified in writing of the approval or denial, and, if denied, the reason for the denial. ()

b. At the time the Board approves an applicant to take the examination the Board shall set the date and location(s) of the next examination if it has not already been set. Approved applicants shall be notified of the date and location(s) of the next examination. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. INTERNSHIP (RULE 300).

01. Requirements and Conditions for Internship. (3-10-00)

a. To be eligible for internship the applicant must have completed: (3-10-00)

i. The educational requirements set forth in Section 54-3310(b), Idaho Code; or (3-10-00)

ii. Have dentistry experience of three (3) years within the five (5) years immediately preceding application. (3-10-00)

b. Where an internship is established based on experience, the internship is valid only while the intern is actively pursuing completion of Idaho licensure requirements. (3-10-00)

c. Application shall be made on forms provided by the Bureau of Occupational Licenses and shall: (3-10-00)

i. Document the location of practice; (3-10-00)

ii. Include the name and address of the supervising dentist or dentist; (3-10-00)

iii. Include a sworn or affirmed statement by the supervising dentist or dentist; (3-10-00)

iv. Include a sworn or affirmed statement by the supervisor accepting supervision of the intern; (3-10-00)

v. Include a sworn statement by applicant that he is knowledgeable of law and rules and will abide by all requirements of such law and rules; and (3-10-00)

vi. Include such other information necessary to establish applicant's qualifications for licensure as a dentist and establish compliance with pre-intern requirements. (3-10-00)

d. The supervising dentist or dentist must be present and directly observe any intern interaction with a patient. (3-29-10)

e. Two (2) years of internship under the supervision of a licensed dentist shall be completed in not less than twenty-four (24) months and shall not exceed thirty (30) months except as approved by the board. (4-2-08)

02. Internship Equivalency. A person shall be considered to have the equivalent of two (2) years internship under a licensed dentist who has met and verifies one (1) of the following within the five (5) years immediately preceding application: (3-10-00)

- a. Two (2) years internship as a denture lab technician under a licensed dentist; or (3-10-00)
- b. Two (2) years in the military as a denture lab technician; or (3-10-00)
- c. Three (3) years experience as a denturist under licensure in another state or Canada. (3-10-00)

03. Internship Not to Exceed One Year. Internship not to exceed one (1) year acquired through a formal training program in an acceptable school will be accepted toward the two (2) year required internship for licensure. (7-1-93)

04. Training Requirements. Each year of required internship shall consist of two thousand (2,000) clock hours of training and performance of the following minimum procedures for licensure. (7-1-93)

a. Procedures shall include all steps required in constructing a finished denture but are not limited to the following: (7-1-93)

- i. Patient charting -- thirty-six (36) minimum. (7-1-93)
- ii. Operatory sanitation -- thirty-six (36) minimum. (7-1-93)
- iii. Oral examination -- thirty-six (36) minimum. (7-1-93)
- iv. Impressions, preliminary and final (pour models, custom trays) -- thirty-six (36) minimum. (7-1-93)
- v. Bite registrations -- twelve (12) minimum. (7-1-93)
- vi. Articulations -- twelve (12) minimum. (7-1-93)
- vii. Set ups -- twelve (12) minimum. (7-1-93)
- viii. Try ins -- twelve (12) minimum. (7-1-93)
- ix. Processing (wax up, flask-boil out, packing, grind-polish) -- thirty-six (36) minimum. (7-1-93)
- x. Delivery-post adjustment -- thirty-six (36) minimum. (7-1-93)
- b. Processed relines (one (1) plate = one (1) unit) -- twenty-four (24) units. (7-1-93)
- c. Tooth repairs -- forty-eight (48) minimum. (7-1-93)
- d. Broken or fractured plates or partials -- forty-eight (48) minimum. (7-1-93)

05. Reporting Requirements. Interns must file reports, attested to by the supervisor, with the board on forms provided by the Bureau of Occupational Licenses on a monthly basis and recapped at termination or completion of the training. (7-1-93)

06. Denture Clinic Requirements. Denture clinic requirements for approved internship training: (7-1-93)

a. There shall be not more than one (1) internee per licensed denturist or dentist who is practicing at the clinic on a full time basis. (7-1-93)

b. There shall be a separate work station in the laboratory area for each intern with standard equipment, i.e. lathe, torch and storage space. The intern shall provide necessary hand tools to perform the duties of the denture profession. Use of the operatory facilities and other equipment will be shared with the intern. (7-1-93)

- 07. Internship Supervisor Requirements.** ()
- a. Supervisors. A supervisor must:** ()
- i. Be approved in advance by the Board for each internship.** ()
- ii. Not have been the subject of any disciplinary action by the Board, by the Idaho Board of Dentistry or by any other jurisdiction for five (5) years immediately prior to being approved as the supervisor.** ()
- b. Supervisor that is a denturist. A supervisor that is a denturist must:** ()
- i. Hold an Idaho denturist license that is current and in good standing and is renewed as provided in these rules; and** ()
- ii. Have actively practiced dentistry for at least five (5) years immediately prior to being approved as the supervisor.** ()
- c. Supervisor that is a dentist. A supervisor that is a dentist must:** ()
- i. Hold an Idaho dentist license that is current and in good standing and is renewed as provided in Chapter 9, Title 54, Idaho Code; and** ()
- ii. Have actively practiced general dentistry, or a dental specialty accepted by the Board, for at least five (5) years immediately prior to being approved as a supervisor.** ()
- d. Supervise only one (1) intern. A supervisor will not be approved to supervise more than one (1) intern at a time.** ()
- e. Termination of supervisor approval. Approval of the supervisor immediately terminates if the supervisor is disciplined or ceases to meet supervisor requirements.** ()

301. -- 314. (RESERVED)

315. INACTIVE LICENSURE STATUS (RULE 315).

- 01. Request License e Placed on Inactive Status.** A dentistry licensee may request the board that his license be placed upon inactive status. (3-10-00)
- 02. License Fee for Inactive Status.** A licensee shall be required to submit an annual renewal fee of fifty dollars (\$50) in order to remain on inactive status. (3-10-00)
- 03. While on Inactive Status.** A licensee on inactive status shall not provide or perform denturist services as defined in these rules. (3-10-00)
- 04. Reactivating Inactive License.** A licensee on inactive status may reactivate his license to active status by paying the renewal fee for an active license and providing proof they have completed and obtained such continuing education as required by board rule of not less than twelve (12) hours for each year of inactive licensure. (3-10-00)
- 05. License Inactive over Five Years.** No license may remain on inactive status for more than five (5) years. (3-10-00)

(BREAK IN CONTINUITY OF SECTIONS)

450. STANDARDS OF CONDUCT AND PRACTICE (RULE 450).

- 01. Sanitation.** (7-1-93)
- a.** There shall be three (3) separate rooms; a reception room, and operatory room and a laboratory. (7-1-93)
- b.** The operatory room shall have hot and cold running water, basin with approved disposal system; disinfectant soap; single-use towels, a cuspidor with running water and a closed waste receptacle. (8-24-94)
- c.** The laboratory room shall have hot and cold running water, and basin with approved disposal system. (8-24-94)
- d.** There shall be a method of sterilization and disinfection evident and in use to insure the protection of the public. (8-24-94)
- e.** All floors, walls, ceiling and benches shall be kept in a sanitary condition at all times. (8-24-94)
- f.** Every patient shall have a separate and clean bib and a disposable cup. (7-1-93)
- g.** Every denturist shall wear a clean and professional garment. (7-1-93)
- h.** The hands of every denturist shall be washed in the presence of every patient with germicidal or antiseptic soap and water. Every denturist shall wear disposable gloves. (8-24-94)
- i.** Adequate and conveniently located toilet facilities with hot and cold running water, basin with approved disposal system, soap and single use towels will be provided within the building. (8-24-94)
- j.** All denturist offices shall be open to inspection anytime during the business hours to inspection by the board or its agents. (7-1-93)
- k.** All telephones must have emergency phone numbers placed on the telephone. (7-1-93)
- 02. Office Standards.** (7-1-93)
- a.** Denturists shall take care to use proper sterilization and sanitation techniques in all phases of their work. (7-1-93)
- b.** A complete record of each patient shall be kept. (7-1-93)
- c.** All teeth and materials used shall meet ADA standards. (7-1-93)
- 03. Advertisements.** (4-2-08)
- a.** No denturist shall disseminate or cause the dissemination of any advertisement or advertising which is any way fraudulent, false, deceptive or misleading. (4-2-08)
- 04. General Conditions.** (7-1-93)
- a.** Conditions deemed by investigators to be a menace to the public health will be brought to the attention of the board for consideration and immediate action. (7-1-93)
- b.** These Standards of Conduct and Practice shall be conspicuously posted in every licensed denturist's place of business. (7-1-93)
- 05. Patient Record. A denturist must record, update and maintain documentation for each patient**

relevant to health history, clinical examinations and treatment, and financial data. Documentation must be written or computerized. Records shall be maintained in compliance with any applicable state and federal laws, rules and regulations, including the health insurance portability and accountability act (HIPAA), P.L. 104-191 (1996), and the health information technology for economic and clinical health act (HITECH), P.L. 111-115 (2009). Such records shall be accessible to other providers and to the patient in accordance with applicable laws, rules and regulations. Records must include but are not limited to the following: ()

- a. Patient data, including name, address, date and description of examination; ()
- b. Evidence of informed consent; ()
- c. Date and description of treatment, services rendered, and any complications; ()
- d. Health history as applicable; and ()
- e. Any other information deemed appropriate to patient care. ()

06. Record Retention. Patient documentation, written or archived electronically by computer, must be retained for a minimum of seven (7) years and available upon request by the Board. ()

451. -- 474. (RESERVED)

475. REGISTRATION STATEMENT (RULE 475).

To enable the board to examine or inspect the place of business of any licensed dentist as referred to in Section 54-3314(5)(b), Idaho Code, the filing of an annual statement shall be required of all licensed dentists. (7-1-97)

01. Statement. Shall list the name and principal place of business of the dentist who is responsible for the practice of dentistry at that location. (7-1-97)

02. Other Business Locations. Any other business locations maintained by the principal dentist and all dentists employed at the business. (7-1-97)

03. Date of Filing. Shall be filed with the board ~~no later than August 15th of each year~~ **annually** or within ten (10) days of any change in either location, identity of principal dentist or dentist employees. ~~(7-1-97)~~()

04. Failure to Timely File. Failure to timely file or update this statement will constitute grounds for discipline pursuant to Section 54-3314(a), Idaho Code. (7-1-97)