

Dear Senators HEIDER, Nuxoll, Bock, and  
Representatives WOOD, Perry, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Board of Dentistry:

IDAPA 19.01.01 - Rules Pertaining To The Idaho State Board of Dentistry (Docket No.  
19-0101-1301).

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 10/21/2013. 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 11/19/2013.

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 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
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:** Senior Legislative Research Analyst - Ryan Bush  
**DATE:** October 1, 2013  
**SUBJECT:** Board of Dentistry

IDAPA 19.01.01 - Rules Pertaining To The Idaho State Board of Dentistry (Docket No. 19-0101-1301)

The Idaho State Board of Dentistry submits notice of proposed rulemaking at IDAPA 19.01.01 - Rules Pertaining To The Idaho State Board of Dentistry. The Board states that this rulemaking reflects and clarifies current practice standards, reduces the application fee for dentists by credentials and performs general house-keeping duties. Specifically, this rulemaking accomplishes the following:

- (1) Clarifies that a dental hygienist is prohibited from taking any type of final impression;
- (2) Clarifies the prohibited duties for a dental assistant and adds the use of an air polisher to the list of prohibited duties;
- (3) Adds failure to release patient records and failure to cooperate with authorities to the rules of unprofessional conduct;
- (4) Revises advertising rules;
- (5) Reduces the hours of continuing education needed for renewal of an extended access dental hygiene license endorsement from twelve to four;
- (6) Requires a dentist to maintain certification in basic life support for health care providers for renewal of a moderate enteral sedation permit; and
- (7) Requires advanced cardiac life support certification for renewal of a moderate parenteral sedation permit.

The Board states that negotiated rulemaking was conducted and that a Notice of Intent to Promulgate Rules was published in the July edition of the Idaho Administrative Bulletin. This rule incorporates by reference the latest edition of The American Association of Oral and Maxillofacial Surgeons, Office Anesthesia Evaluation Manual. The Board states that this rulemaking will negatively impact the Board's dedicated fund by approximately \$4,800 per fiscal year.

The proposed rule appears to be within the statutory authority granted to the Board in Section 54-912, Idaho Code.

cc: Board of Dentistry  
Susan Miller

**IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY**  
**19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY**  
**DOCKET NO. 19-0101-1301 (FEE RULE)**  
**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 54-912, Idaho Code.

**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 16, 2013.

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:

Updates to reflect current practice standards, clarify practice standards, reduce an application fee, and general housekeeping changes. Proposed rules include an edition update to a document included in the list of documents incorporated by reference; a reduction of the application fee for a dentist application by credentials; clarification that a dental hygienist is prohibited from taking any type of final impression; clarification of dental assistant prohibited duties and the addition of the use of an air polisher to prohibited duties; an addition to unprofessional conduct rules of failure to release patient records or failure to cooperate with authorities; revisions to advertising rules; reduction in the number of continuing education hours required for renewal of an extended access dental hygiene license endorsement from twelve (12) to four (4) hours; addition of requirement for dentist to maintain certification in basic life support for healthcare providers for renewal of moderate enteral sedation permit, and advanced cardiac life support certification for renewal of moderate parenteral sedation permit; and various housekeeping changes.

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

Fees for licensure are authorized pursuant to Section 54-916, Idaho Code. The Board is proposing a reduction in the fee for a dentist application by credentials from six hundred dollars (\$600) to three hundred dollars (\$300). The Board does not require applicants to present case histories of patients treated by an applicant as is authorized by Section 54-916B(5), Idaho Code.

**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:

The proposed reduction in the fee for a dentist application by credentials from \$600 to \$300 would negatively impact the Board's dedicated fund by approximately \$4,800 per fiscal year. This figure is based upon the number of applications processed in FY2013.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2013 Idaho Administrative Bulletin, [Vol. 13-7, page 68](#).

**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:

The American Association of Oral and Maxillofacial Surgeons, Office Anesthesia Evaluation Manual, currently incorporated by reference in the Board's rules, is being updated to reflect the 8<sup>th</sup> Edition, 2012.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Susan Miller, Executive director, (208) 334-2369.

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 23, 2013.

DATED this 28<sup>th</sup> day of August, 2013.

Susan Miller, Executive Director  
Board of Dentistry  
350 N. 9<sup>th</sup> St., Ste. M-100  
P. O. Box 83720  
Boise, ID 83720-0021  
Telephone: (208) 334-2369  
Facsimile: (208) 334-3247

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**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 19-0101-1301**

**004. INCORPORATION BY REFERENCE (RULE 4).**

Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the following documents: (7-1-93)

**01. Professional Standards.** (3-29-12)

**a.** American Association of Oral and Maxillofacial Surgeons, Office Anesthesia Evaluation Manual, 7<sup>8</sup>th Edition, 2006~~12~~. (4-7-11)(    )

**b.** American Dental Association, Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, October 2007. (4-7-11)

**c.** American Dental Association, Guidelines for the Use of Sedation and General Anesthesia by Dentists, October 2007. (4-7-11)

**d.** American Dental Association Policy Statement: The Use of Sedation and General Anesthesia by Dentists, October 2007. (4-7-11)

**e.** Centers for Disease Control and Prevention, DHHS, Guidelines for Infection Control in Dental Health-Care Settings, 2003. (4-6-05)

**f.** American Dental Association, Principles of Ethics, Code of Professional Conduct and Advisory Opinions (ADA Code), January 2009. (4-7-11)

**g.** American Dental Hygienists' Association, Code of Ethics for Dental Hygienists (ADHA Code), June 2009. (4-7-11)

**h.** American Dental Hygienists' Association, Standards for Clinical Dental Hygiene Practice, March 10, 2008. (4-7-11)

**i.** American Association of Dental Boards, the Dental Patient Record, June 12, 2009. (4-7-11)

**02. Availability.** These documents are available for public review at the Idaho State Board of Dentistry, 350 North 9th Street, Suite M-100, Boise, Idaho 83720. (3-29-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**012. LICENSE AND APPLICATION FEES (RULE 12).**

The license fees and application fees shall be as follows: (3-30-07)

- 01. Application Fees for Dentists:** (7-1-91)
  - a. General:** (3-18-99)
    - i. By examination -- three hundred dollars (\$300). (3-26-08)
    - ii. By credentials -- ~~six~~ **three** hundred dollars (~~\$6300~~). (~~3-18-99~~)( )
  - b. Specialty:** (7-1-91)
    - i. By examination -- three hundred dollars (\$300). (3-26-08)
    - ii. By credentials -- ~~six~~ **three** hundred dollars (~~\$6300~~). (~~3-18-99~~)( )
- 03. Biennial License Fees for Dentists:** (3-30-07)
  - a. Active** -- three hundred seventy-five dollars (\$375). (3-26-08)
  - b. Inactive** -- one hundred sixty dollars (\$160). (3-26-08)
  - c. Specialty** -- three hundred seventy-five dollars (\$375). (3-26-08)
- 04. Biennial License Fees for Hygienists:** (3-30-07)
  - a. Active** -- one hundred seventy-five dollars (\$175). (3-26-08)
  - b. Inactive** -- eighty-five dollars (\$85). (3-26-08)
- 05. Application Fees for General Anesthesia and Moderate Sedation Permits:** (4-7-11)
  - a. Initial Application** -- three hundred dollars (\$300). (4-2-03)
  - b. Renewal Application** -- three hundred dollars (\$300). (4-2-03)
  - c. Reinstatement Application** -- three hundred dollars (\$300). (4-2-03)

**(BREAK IN CONTINUITY OF SECTIONS)**

**014. EXAMINATION FOR GENERAL DENTAL LICENSES (RULE 14).**

Pursuant to Section 54-918, Idaho Code, the Board shall conduct both written and clinical examinations of such duration and character and upon such subjects in dentistry as the Board shall determine to thoroughly test the fitness and ability of the applicant to practice dentistry in the state of Idaho. The Board may accept as meeting this requirement successful completion of an examination administered by the Board or its agent, and completion of supplementary examinations as the Board deems necessary to determine the competency of the applicant for licensure. Any exam conducted by the Board may include: (7-1-93)

- 01. Written Examination.** Evidence of passing the National Board examination may be required of all candidates applying for a license to practice dentistry. Any other written examination will be specified by the Board. (7-1-93)

**02. Clinical Examination.** All applicants for license to practice general dentistry shall be required to ~~take~~ **pass** a clinical examination. (7-1-93)(    )

**015. EXAMINATION FOR DENTAL HYGIENE LICENSES (RULE 15).**

Pursuant to Section 54-918, Idaho Code, the Board shall conduct both written and clinical examinations, which shall be of such duration and character and upon such subjects in dental hygiene as the Board shall determine to thoroughly test the fitness and ability of the applicants to practice dental hygiene in the state of Idaho. The Board may accept as meeting this requirement successful completion of an examination administered by the Board or its agent, and completion of supplementary examinations as the Board deems necessary to determine the competency of the applicant for licensure. Any examination conducted by the Board may include: (7-1-93)

**01. Written Examination.** Evidence of passing the National Board examination may be required of all candidates applying for a dental hygiene license. Any other written examination will be specified by the Board. (7-1-93)

**02. Clinical Examination.** All applicants for license to practice dental hygiene shall be required to ~~take~~ **pass** a clinical examination including local anesthesia. (7-1-93)(    )

**016. REQUIREMENTS FOR DENTAL LICENSURE (RULE 16).**

~~The Idaho State Board of Dentistry will approve~~ **Applicants** for licensure ~~only graduates of dental schools to practice dentistry must furnish proof of graduation from a school of dentistry~~ accredited by the Commission on Dental Accreditation of the American Dental Association at the time of graduation. (3-18-99)(    )

**017. REQUIREMENTS FOR DENTAL HYGIENE LICENSURE (RULE 17).**

Applicants for licensure to practice dental hygiene must furnish proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association at the time of applicant's graduation. (10-1-65)(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**020. DENTAL HYGIENE LICENSURE BY CREDENTIALS (RULE 20).**

Applications for dental hygiene licensure by credentials must be filed with the Board along with the following: (3-18-99)

**01. Graduation.** Proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association at the time of applicant's graduation. (7-1-92)

**02. National Board Examination.** Evidence of successful completion of the National Board of Dental Hygiene. Any other written examinations will be specified by the Board. (3-18-99)

**03. Cardiopulmonary Resuscitation.** Evidence of current CPR certification. (7-1-92)

**04. Local Anesthesia.** Applicants who are currently licensed in another jurisdiction to practice local anesthesia must submit evidence of satisfactory completion of a Board-approved examination ~~and attest to the regular practice of local anesthesia.~~ (3-18-99)(    )

**05. Provisional License.** Applicants who meet all the requirements to be licensed by credentials, but who have not completed a Board-approved local anesthesia examination, may be provisionally licensed to practice without local anesthesia for a period of not more than one (1) year. Within that year, the applicant must pass a local anesthesia examination approved by the Board. (3-18-99)

**06. Interview.** At the Board's discretion, applicants may be required to appear for a personal interview conducted by the Board. (3-18-99)

(BREAK IN CONTINUITY OF SECTIONS)

**028. VOLUNTEER DENTAL HYGIENE SERVICES (RULE 28).**

A person holding an unrestricted active status dental hygienist's license issued by the Board may provide dental hygiene services in an extended access oral health care program without being issued an extended access dental hygiene license endorsement under the following circumstances: (3-30-07)

**01. Extended Access Oral Health Care Program.** The dental hygiene services must be performed in an extended access oral health care program under the supervision of a dentist who is employed, ~~or~~ retained by, or is a volunteer for the program; (3-30-07)( )

**02. Dental Hygiene Services Performed.** The dental hygiene services performed shall be limited to oral health screening and patient assessment, preventive and oral health education, preparation and review of health history, ~~fluoride treatment~~, non-surgical periodontal treatment, oral prophylaxis, the application of caries preventive agents including fluoride, the application of pit and fissure sealants with recommendation that the patient will be seen examined by a dentist ~~and preventive dental health instruction~~; (3-30-07)( )

**03. Volunteers.** The dental hygienist must perform the dental hygiene services on a volunteer basis and shall not accept any form of remuneration for providing the services; and (3-30-07)

**04. Volunteer Time Limit.** The dental hygienist may not provide dental hygiene services under this provision for more than five (5) days within any calendar month. (3-30-07)

**029. DENTAL HYGIENISTS - LICENSE ENDORSEMENTS (RULE 29).**

Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, and these rules, the Board may grant license endorsements to qualified dental hygienists as follows: (4-6-05)

**01. Extended Access Dental Hygiene Endorsement.** Upon application, the Board may grant an extended access dental hygiene endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that all of the following requirements are met: (4-6-05)( )

**a.** The person has been licensed as a dental hygienist during the two (2) year period immediately prior to the date of application for an extended access dental hygiene endorsement; (4-6-05)

**b.** For a minimum of one thousand (1000) total hours within the previous two (2) years, the person has either been employed as a dental hygienist in supervised clinical practice or has been engaged as a clinical practice educator in an approved dental hygiene school; (4-6-05)

**c.** The person has not been disciplined by the Board or another licensing authority upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under general supervision in an extended access oral health care program; and (4-6-05)( )

**d.** Any person holding an unrestricted active status dental hygienist's license issued by the Board who is employed as a dental hygienist in an extended access oral health care program in this state shall be granted an extended access dental hygiene endorsement without being required to satisfy the experience requirements specified in this rule. (3-30-07)

**02. Extended Access Dental Hygiene Restorative Endorsement.** Notwithstanding any other provision of these rules, a qualified dental hygienist holding an extended access dental hygiene restorative endorsement may perform specified restorative functions under the direct supervision of a dentist in an extended access oral health care program. Permissible restorative functions under this endorsement shall be limited to the placement of a restoration into a tooth prepared by a dentist and the carving, contouring and adjustment of the contacts and occlusion of the restoration. Upon application, the Board may grant an extended access dental hygiene



restorative endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that the following requirements are met: (3-30-07)

**a.** The person has successfully completed the Western Regional Examining Board's restorative examination or an equivalent restorative examination approved by the Board; or (3-30-07)

**b.** The person holds an equivalent restorative permit in another state as of the date of endorsement application which required successful completion of the Western Regional Examining Board's restorative examination or an equivalent restorative examination approved by the Board for its issuance; and (3-30-07)

**c.** The person has not been disciplined by the Board or another licensing authority upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under in an extended access oral health care program. (3-30-07)

**03. Renewal.** Upon payment of the appropriate license fee and completion of required continuing education credits specified for a dental hygiene license endorsement, a person meeting all other requirements for renewal of a license to practice dental hygiene shall also be entitled to renewal of a dental hygiene license endorsement for the effective period of the license. An endorsement shall immediately expire and be cancelled at such time as a person no longer holds an unrestricted active status dental hygienist's license issued by the Board or upon a person's failure to complete the required continuing education credits. (3-30-07)

**030. DENTAL HYGIENISTS - PRACTICE (RULE 30).**

Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, dental hygienists are hereby authorized to perform the activities specified below: (4-6-05)

**01. General Supervision.** A dental hygienist may perform specified duties under general supervision as follows: (4-6-05)

**a.** Oral prophylaxis (~~including~~ removal of ~~supragingival and subgingival calculus~~, stains and plaque biofilm ~~from teeth~~ and if present, supragingival and/or subgingival calculus); (4-11-06)(    )

**b.** Medical history assessments and intra-oral and extra-oral assessments (including charting of the oral cavity and surrounding structures, taking case histories and periodontal assessment); (4-11-06)

**c.** Developing patient care plans for prophylaxis, non-surgical periodontal therapy and supportive and evaluative care in accordance with the treatment parameters set by supervising dentist; (4-11-06)

**d.** Root planing; (4-11-06)

**e.** Non-surgical periodontal therapy; (4-11-06)

**f.** Closed subgingival curettage; (4-11-06)

**g.** Administration of local anesthesia; (4-6-05)

**h.** Removal of marginal overhangs (use of high speed handpieces or surgical instruments is prohibited); (4-6-05)

**i.** Application of topical antibiotics or antimicrobials (used in non-surgical periodontal therapy); (4-6-05)

**j.** ~~Instructing~~ Provide patients education and instruction in ~~techniques of~~ oral hygiene health education and preventive ~~procedures~~ techniques; (4-6-05)(    )

**k.** Placement of antibiotic treated materials pursuant to ~~written order and site specific~~ dentist authorization; and (4-6-05)(    )

- l.** All duties which may be performed by a dental assistant; ~~and~~ (4-11-06)(    )  
~~m.~~ *Such other duties as approved by the Board.* (4-11-06)
- 02. Indirect Supervision.** A dental hygienist may perform specified duties under indirect supervision as follows: (4-6-05)
- a.** Administration and monitoring of nitrous oxide/oxygen; (4-7-11)
- b.** All dental hygienist duties specified under general supervision; and (4-6-05)
- c.** Such other duties as approved by the Board. (4-11-06)
- 03. Direct Supervision.** A dental hygienist may perform specified duties under direct supervision as follows: (4-6-05)
- a.** Use of a laser restricted to gingival curettage and bleaching; (4-6-05)
- b.** All dental hygienist duties specified under general and indirect supervision; and (4-6-05)
- c.** Such other duties as approved by the Board. (4-11-06)
- 031. DENTAL HYGIENISTS - PROHIBITED PRACTICE (RULE 31).**  
Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, and these rules, a dental hygienist may not perform certain specified duties. (4-6-05)
- 01. Prohibited Duties.** A dental hygienist is prohibited from performing the duties specified below: (4-6-05)
- a.** Definitive diagnosis and dental treatment planning; (4-6-05)
- b.** The operative preparation of teeth for the placement of restorative materials; (4-6-05)
- c.** The placement or carving of restorative materials unless authorized by issuance of an extended access restorative license endorsement; (3-29-12)
- d.** Administration of any general anesthesia, minimal sedation, or moderate sedation; (4-7-11)
- e.** Final placement of any fixed or removable appliances; (4-6-05)
- f.** Final removal of any fixed appliance; (4-6-05)
- g.** Cutting procedures utilized in the preparation of the coronal or root portion of the tooth; (4-6-05)
- h.** Cutting procedures involving the supportive structures of the tooth; (4-6-05)
- i.** Placement of the final root canal filling; (4-6-05)
- j.** Final impressions of any type, including digital, of any tissue-bearing area, whether hard or soft tissue; (4-6-05)(    )
- k.** Occlusal equilibration procedures for any prosthetic restoration, whether fixed or removable; ~~and~~ (4-6-05)(    )
- l.** Final placement of prefabricated or cast restorations or crowns; ~~and~~ (4-6-05)(    )  
~~m.~~ *Such other duties as specifically prohibited by the Board.* (4-6-05)

**032. -- 034. (RESERVED)**

**035. DENTAL ASSISTANTS - PRACTICE (RULE 35).**

- 01. Direct Supervision.** A dental assistant may perform specified activities under direct supervision as follows: (4-6-05)
- a.** Recording the oral cavity (existing restorations, missing and decayed teeth); (4-6-05)
  - b.** Placement of topical anesthetic agents (prior to administration of a local anesthetic by a dentist or dental hygienist); (4-6-05)
  - c.** Removal of excess bonding material from temporary and permanent restorations and orthodontic appliances (using hand instruments or contra-angle handpieces with disks or polishing wheels only); (4-6-05)
  - d.** Expose and process radiographs; (4-6-05)
  - e.** ~~FM~~Make impressions for preparation of diagnostic models, bleach trays, fabrication of night guards, temporary appliances, temporary crowns or bridges; ~~(4-6-05)~~( )
  - f.** Record diagnostic bite registration; (4-6-05)
  - g.** Record bite registration for fabrication of restorations; (4-6-05)
  - h.** Provide patient education and instruction in oral hygiene and preventive services; (4-6-05)
  - i.** Placement of cotton pellets and temporary restorative materials into endodontic access openings; (4-6-05)
  - j.** Placement and removal of arch wire; (4-6-05)
  - k.** Placement and removal of orthodontic separators; (4-6-05)
  - l.** Placement and removal of ligature ties; (4-6-05)
  - m.** Cutting arch wires; (4-6-05)
  - n.** Removal of loose orthodontic brackets and bands to provide palliative treatment; (4-6-05)
  - o.** Adjust arch wires; (4-6-05)
  - p.** Etching of teeth prior to placement of restorative materials; (4-6-05)
  - q.** Etching of enamel prior to placement of orthodontic brackets or appliances by a Dentist; (4-6-05)
  - r.** Placement and removal of rubber dam; (4-6-05)
  - s.** Placement and removal of matrices; (4-6-05)
  - t.** Placement and removal of periodontal pack; (4-6-05)
  - u.** Removal of sutures; (4-6-05)
  - v.** Application of cavity liners and bases; (4-6-05)
  - w.** Placement and removal of gingival retraction cord; and ~~(4-6-05)~~( )

- x. Application of topical fluoride agents; ~~and~~ (4-6-05)( )
- y. ~~Performing such other duties as approved by the Board.~~ (4-6-05)
- 02. Prohibited Duties.** Subject to other applicable provisions of these rules and of the Act, dental assistants are hereby prohibited from performing any of the activities specified below: (7-1-93)
- a. Definitive diagnosis and treatment planning. (4-6-05)
- b. The placement or carving of permanent restorative materials ~~in any manner~~ intraorally. (7-1-93)( )
- c. Any irreversible procedure using lasers. (4-6-05)( )
- d. The administration of any general or local injectable anesthetic; ~~infiltration anesthetic or any injectable nerve block procedure.~~ (4-6-05)( )
- e. Any oral prophylaxis; ~~Oral prophylaxis is defined as the~~ (removal of stains and plaque; ~~calculus, biofilm and stains from the exposed~~ if present, supragingival and/or ~~unexposed surfaces of the teeth by sealing and polishing~~ subgingival calculus). (7-1-93)( )
- f. Use of an air polisher. ( )
- fg. Any intra-oral procedure using a high-speed handpiece, except to the extent authorized by a Certificate of Registration or certificate or diploma of course completion issued by an approved teaching entity. (4-6-05)
- gh. The following expanded functions, unless authorized by a Certificate of Registration or certificate or diploma of course completion issued by an approved teaching entity and performed under direct supervision: (4-6-05)
- i. Fabrication and placement of temporary crowns; (4-6-05)
- ii. Perform the mechanical polishing of restorations; (7-1-93)
- iii. Initiating, regulating and monitoring the administration of nitrous oxide/oxygen to a patient; (4-7-11)
- iv. Application of pit and fissure sealants; (7-1-93)
- v. Coronal polishing; ~~unless authorized by a Certificate of Registration; this refers to the technique of removing soft substances~~ (removal of plaque biofilm and stains from the teeth ~~with pumice or other such~~ using an abrasive substances agent with a rubber cup or brush). ~~This in no way authorizes the mechanical removal of calculus nor is it to be considered a complete oral prophylaxis. This technique (coronal polishing) would be applicable only after examination by a dentist and removal of calculus by a dentist or dental hygienist.~~ (7-1-93)( )
- vi. Use of a high-speed handpiece ~~restricted to~~ only for the removal of orthodontic cement or resin. (4-6-05)( )
- 03. Expanded Functions Qualifications.** A dental assistant may be considered Board qualified in expanded functions, authorizing the assistant to perform any or all of the expanded functions described in Subsection 035.02.g. upon satisfactory completion of the following requirements: (4-6-05)
- a. Completion of Board-approved training in each of the expanded functions with verification of completion of the training to be provided to the Board upon request by means of a Certificate of Registration or other certificate evidencing completion of approved training. The required training shall include adequate training in the

fundamentals of dental assisting, which may be evidenced by: (4-6-05)

- i. Current certification by the Dental Assisting National Board; or (7-1-93)
  - ii. Successful completion of Board-approved curriculum in the fundamentals of dental assisting; or (3-29-12)
  - iii. Successfully challenging the fundamentals course. (7-1-93)
- b.** Successful completion of a Board-approved competency examination in each of the expanded functions. There are no challenges for expanded functions. (3-18-99)

**04. Curriculum Approval.** Any school, college, institution, university or other teaching entity may apply to the Board to obtain approval of its course curriculum in expanded functions. Before approving such curriculum, the Board may require satisfactory evidence of the content of the instruction, hours of instruction, content of examinations or faculty credentials. (3-29-12)

**05. Other Credentials.** Assistants, who have completed courses or study programs in expanded functions that have not been previously approved by the Board, may submit evidence of the extent and nature of the training completed, and, if in the opinion of the Board the same is at least equivalent to other Board-approved curriculum, and demonstrates the applicant's fitness and ability to perform the expanded functions, the Board may consider the assistant qualified to perform any expanded function(s). (3-29-12)

**036. -- 039. (RESERVED)**

**040. UNPROFESSIONAL CONDUCT (RULE 40).**

A dentist or dental hygienist shall not engage in unprofessional conduct in the course of his practice. Unprofessional conduct by a person licensed under the provisions of Title 54, Chapter 9, Idaho Code, is defined as, but not limited to, one (1) of the following: ~~(7-1-93)~~( )

**01. Fraud.** Obtaining fees by fraud or misrepresentation, or over-treatment either directly or through an insurance carrier. (7-1-93)

**02. Unlicensed Practice.** Employing directly or indirectly any suspended or unlicensed dentist or dental hygienist to practice dentistry or dental hygiene as defined in Title 54, Chapter 9, Idaho Code. (7-1-93)

**03. Unlawful Practice.** Aiding or abetting licensed persons to practice dental hygiene or dentistry unlawfully. (7-1-93)

**04. Dividing Fees.** A dentist shall not divide a fee for dental services with another party, who is not a partner or associate with him in the practice of dentistry, unless: (7-1-93)

**a.** The patient consents to employment of the other party after a full disclosure that a division of fees will be made; (7-1-93)

**b.** The division is made in proportion to the services performed and responsibility assumed by each dentist or party. (7-1-93)

**05. Controlled Substances.** Prescribing or administering controlled substances not reasonably necessary for, or within the scope of, providing dental services for a patient. In prescribing or administering controlled substances, a dentist shall exercise reasonable and ordinary care and diligence and exert his best judgment in the treatment of his patient as dentists in good standing in the state of Idaho, in the same general line of practice, ordinarily exercised in like cases. A dentist may not prescribe controlled substances for or administer controlled substances to himself. A dentist shall not use controlled substances as an inducement to secure or maintain dental patronage or aid in the maintenance of any person's drug addiction by selling, giving or prescribing controlled substances. (3-18-99)

- 06. Harassment.** The use of threats or harassment to delay or obstruct any person in providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of Title 54, Chapter 9, Idaho Code, or the Board's Rules, or to aid in such compliance. (7-1-93)
- 07. Discipline in Other States.** Conduct himself in such manner as results in a suspension, revocation or other disciplinary proceedings with respect to his license in another state. (3-18-99)
- 08. Altering Records.** Alter a patient's record with intent to deceive. (7-1-93)
- 09. Office Conditions.** Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental profession in the state of Idaho and current recommendations of the American Dental Association and the Centers for Disease Control as referred to in Section 004. (7-1-93)
- 10. Abandonment of Patients.** Abandonment of patients by licensees before the completion of a phase of treatment, as such phase of treatment is contemplated by the customary practice and standards of the dental profession in the state of Idaho, without first advising the patient of such abandonment and of further treatment that is necessary. (7-1-93)
- 11. Use of Intoxicants.** Practicing dentistry or dental hygiene while under the influence of an intoxicant or controlled substance where the same impairs the dentist's or hygienist's ability to practice dentistry or hygiene with reasonable and ordinary care. (7-1-93)
- 12. Mental or Physical Illness.** Continued practice of dentistry or dental hygiene in the case of inability of the licensee to practice with reasonable and ordinary care by reason of one (1) or more of the following: (7-1-93)
- a.** Mental illness; (7-1-93)
  - b.** Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill. (7-1-93)
- 13. Consent.** Revealing personally identifiable facts, data or information obtained in a professional capacity without prior consent of the patient, except as authorized or required by law. (3-18-99)
- 14. Scope of Practice.** Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities that the licensee knows or has reason to know that he or she is not competent to perform. (3-18-99)
- 15. Delegating Duties.** Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or with the exercise of reasonable care and control should know, that such a person is not qualified by training or by licensure to perform them. (3-18-99)
- 16. Unauthorized Treatment.** Performing professional services that have not been authorized by the patient or his legal representative. (3-18-99)
- 17. Supervision.** Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed professional. (7-1-93)
- 18. Legal Compliance.** Failure to comply with any provisions of federal, state or local laws, statutes, rules, and regulations governing or affecting the practice of dentistry or dental hygiene. (3-29-12)
- 19. Exploiting Patients.** Exercising undue influence on a patient in such manner as to exploit a patient for the financial or personal gain of a practitioner or of a third party. (7-1-93)
- 20. Misrepresentation.** Willful misrepresentation of the benefits or effectiveness of dental services. (7-1-93)

21. **Disclosure.** Failure to advise patients or their representatives in understandable terms of the treatment to be rendered, alternatives, and disclosure of reasonably anticipated fees relative to the treatment proposed. (3-18-99)

22. **Sexual Misconduct.** Making suggestive, sexual or improper advances toward a patient or committing any lewd or lascivious act upon or with a patient. (7-1-93)

23. **Patient Management.** Use of unreasonable and/or damaging force to manage patients, including but not limited to hitting, slapping or physical restraints. (7-1-93)

24. **Compliance With Dentist Professional Standards.** Failure by a dentist to comply with professional standards applicable to the practice of dentistry, as incorporated by reference in this chapter. (3-29-12)

25. **Compliance With Dental Hygienist Professional Standards.** Failure by a dental hygienist to comply with professional standards applicable to the practice of dental hygiene, as incorporated by reference in this chapter. (3-29-12)

26. **Failure to Provide Records to a Patient or Patient's Legal Guardian.** Refusal or failure to provide a patient or patient's legal guardian legible copies of dental records. Failure to provide a patient or patient's legal guardian with records under Subsection 040.26 within five (5) business days shall be considered unprofessional conduct. A patient or patient's legal guardian may not be denied a copy of his records for any reason, regardless of whether the person has paid for the dental services rendered. A person may be charged for the actual cost of providing the records but in no circumstances may a person be charged an additional processing or handling fee or any charge in addition to the actual cost. ( )

27. **Failure to Cooperate With Authorities.** Failure to cooperate with authorities in the investigation of any alleged misconduct or interfering with a Board investigation by willful misrepresentation of facts, willful failure to provide information upon request of the Board, or the use of threats or harassment against any patient or witness to prevent them from providing evidence. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**046. ADVERTISING (RULE 46).**

Dentists and dental hygienists licensed to practice in Idaho may advertise in any medium or by other form of public communication so long as any such advertising is not false, deceptive, misleading or not readily subject to verification. ~~In addition to any other applicable grounds, a~~ violation of this advertising rule shall constitute and be considered as ~~unethical and~~ unprofessional conduct pursuant to the Idaho Dental Practice Act and this chapter.

(3-20-04)( )

**01. General Advertising Provisions.** (3-20-04)

a. "Advertisement" shall mean any public communication, made in any form or manner whatsoever, about a licensee's professional services, fees or qualifications for the purpose of soliciting business. ~~"Advertising" or "advertise" shall mean holding out, broadcasting, mailing, publishing, transmitting, announcing, distributing or otherwise disseminating any advertisement, whether directly or indirectly through the efforts of another person or entity. Any sign soliciting business, whether at the location of the dental practice or otherwise, shall be considered as an advertisement.~~ A licensee who engages or authorizes another person or entity to advertise for or on the licensee's behalf is responsible for the content of the advertisement unless the licensee can prove that the content of the advertisement was contrary to the licensee's specific directions. (3-20-04)( )

b. If the form or manner of advertising consists of or contains verbal communication to the public by television, radio, or other means, the advertisement shall be prerecorded and approved for broadcast by the licensee and a recording of the actual advertisement shall be retained by the licensee for a period of two (2) years. Upon

receipt of a written request from the Board, a licensee shall provide any such recorded advertisement to the Board within five (5) working days. (3-20-04)

c. Any advertisement made under or by means of a fictitious or assumed business name ~~or in the name of a professional service corporation~~ shall be the responsibility of all licensees who are owners, members, partners or proprietors of the business ~~or corporation entity~~. (3-20-04)(    )

**02. Prohibited Advertising.** A licensee shall not advertise in any form or manner which is false, misleading or deceptive to the public or which is not readily susceptible to verification. False, misleading or deceptive advertising or advertising that is not readily susceptible to verification includes, but is not limited to, advertising that: (3-20-04)

a. Makes a material misrepresentation of fact or omits a material fact; (3-20-04)

~~b. Makes a representation likely to create an unjustified expectation about the results of a dental procedure;~~ (3-20-04)

~~c. Compares a licensee's services with another licensee's services unless the comparison can be factually substantiated;~~ (3-20-04)

~~d.~~ b. Makes a representation that is misleading false as to the credentials, education, or the licensing status of any licensee; (3-20-04)(    )

~~e.~~ c. Represents that the benefits of a dental insurance plan will be accepted as full payment when deductibles or copayments are required; (3-20-04)

~~f. Refers to benefits of dental procedures or products that involve significant risks without including realistic assessments of the safety and efficacy of those procedures or products.~~ (3-20-04)

**03. Specialty Advertising.** The Board recognizes and licenses the following specialty areas of dental practice: Dental Public Health; Endodontics; Oral and Maxillofacial Pathology; Oral and Maxillofacial Radiology; Oral and Maxillofacial Surgery; Orthodontics; Pediatric Dentistry; Periodontics; and Prosthodontics. The specialty advertising rules are intended to allow the public to be informed about recognized dental specialties and specialization competencies of licensees and to require appropriate disclosures to avoid misperceptions on the part of the public. (4-6-05)

a. An advertisement shall not state that a licensee is a specialist, or specializes in a recognized specialty area of dental practice, or limits his practice to any recognized specialty area of dental practice unless the licensee has been issued a license in that specialty area of dental practice by the Board. Use of words or terms in advertisements such as "Endodontist," "Pedodontist," "Pediatric Dentist," "Periodontist," "Prosthodontist," "Orthodontist," "Oral and Maxillofacial Pathologist," "Oral Pathologist," "Oral and Maxillofacial Radiologist," "Oral Radiologist," "Oral and Maxillofacial Surgeon," "Oral Surgeon," "Specialist," "Board Certified," "Diplomate," "Practice Limited To," and "Limited To Specialty Of" shall be prima facie evidence that the licensee is announcing or holding himself out to the public as a licensed specialist ~~or that the licensee specializes~~ in a recognized specialty area of dental practice. (3-29-12)(    )

b. A licensee who has not been licensed by the Board in a recognized specialty area of dental practice may advertise as being qualified in a recognized specialty area of dental practice so long as each such advertisement, regardless of form, contains a prominent clearly worded disclaimer that the licensee is "licensed as a general dentist" or that the specialty services "will be provided by a general dentist." Any disclaimer in a written advertisement shall be in the same font style and size as that in the listing of the specialty area. (3-29-12)(    )

c. A licensee shall not advertise as being a specialist in or as specializing in any area of dental practice which is not a Board recognized and licensed specialty area unless the advertisement, regardless of form, contains a prominent disclaimer that the advertised area of dental practice is not recognized as a specialty area of dental practice by the Idaho Board of Dentistry. Any disclaimer in a written advertisement shall be in the same font style and size as that in the listing of the specialty area. (3-20-04)



**047. -- 049. (RESERVED)**

**050. CONTINUING EDUCATION FOR DENTISTS (RULE 50).**

Effective October 1994, renewal of any active dental license will require evidence of completion of continuing education or volunteer dental practice that meets the following requirements. (4-6-05)

**01. Requirements:** (3-18-99)

**a.** All active dentists must hold a current CPR card. (7-1-93)

**b.** All active dentists shall acquire thirty (30) credits of verifiable continuing education in each biennial renewal period. One (1) credit is defined as one (1) hour of instruction. (3-29-12)

**c.** Continuing education must be oral health/health-related for the professional development of a dentist. ~~The thirty (30) credits shall be obtained through continuing education courses, correspondence courses, college credit courses, and viewing of videotape or listening to other media devoted to dental education.~~ (3-29-12)( )

**d.** A dentist holding an active status license issued by the Board shall be allowed one (1) credit of continuing education for every two (2) hours of verified volunteer dental practice performed during the biennial renewal period up to a maximum of ten (10) credits. (3-30-07)

**e.** Any person who becomes licensed as an active dentist during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of continuing education credits as specified by the Board. (3-30-07)

**02. Documentation.** In conjunction with license renewal, the dentist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental practice performed and certify that the minimum requirements were completed in the biennial renewal period. (3-30-07)

**051. CONTINUING EDUCATION FOR DENTAL HYGIENISTS (RULE 51).**

Effective April 1994, renewal of any active dental hygiene license or dental hygiene license endorsement will require evidence of completion of continuing education or volunteer dental hygiene practice that meets the following requirements. (4-6-05)

**01. Requirements for Renewal of an Active Status Dental Hygiene License:** (4-6-05)

**a.** All active dental hygienists must hold a current CPR card. (6-2-92)

**b.** All active dental hygienists shall acquire twenty-four (24) credits of verifiable continuing education in each biennial renewal period. One (1) credit is defined as one (1) hour of instruction. (3-29-12)

**c.** Continuing education must be oral health/health-related education for the professional development of a dental hygienist. ~~The twenty-four (24) credits shall be obtained through continuing education courses, correspondence courses, college credit courses, viewing of videotape or listening to other media devoted to dental hygiene education.~~ (3-29-12)( )

**d.** A dental hygienist holding an active status license issued by the Board shall be allowed one (1) credit of continuing education for every two (2) hours of verified volunteer dental hygiene practice performed during the biennial renewal period up to a maximum of ten (10) credits. (3-30-07)

**e.** Any person who becomes licensed as an active dental hygienist during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of continuing education credits as specified by the Board. (3-30-07)

**02. Requirements for Renewal of an Extended Access Dental Hygiene License Endorsement. In**

addition to any other continuing education requirements for renewal of a dental hygiene license, a person granted an extended access dental hygiene license endorsement shall complete ~~twelve~~ four (~~12~~) credits of verifiable continuing education in each biennial renewal period in the specific practice areas of medical emergencies, local anesthesia, oral pathology, care and treatment of geriatric, medically compromised or disabled patients and treatment of children. Any person who is issued an extended access dental hygiene license endorsement during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of those continuing education credits required under this section as specified by the Board. (~~3-29-12~~)(    )

**03. Documentation.** In conjunction with license and endorsement renewal, the dental hygienist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental hygiene practice performed and certify that the minimum requirements were completed in the biennial renewal period. (3-30-07)

**052. -- 053. (RESERVED)**

**054. DEFINITIONS (RULE 54).**

For the purposes of these anesthesia rules, the following terms will be used, as defined below: (4-11-06)

**01. Methods of Anxiety and Pain Control.** (4-11-06)

**a.** Analgesia shall mean the diminution or elimination of pain. (4-7-11)

**b.** Local anesthesia shall mean the elimination of sensation, especially pain, in one (1) part of the body by the topical application or regional injection of a drug. (4-7-11)

**c.** Minimal sedation shall mean a minimally depressed level of consciousness 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, ventilator and cardiovascular functions are unaffected. In accord with this particular definition, the drugs and/or techniques used should carry a margin of safety wide enough never to render unintended loss of consciousness. Further, patients whose only response is reflex withdrawal from repeated painful stimuli would not be considered to be in a state of minimal sedation. (4-7-11)

**d.** Moderate sedation shall mean a drug-induced depression of consciousness 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. (4-7-11)

**e.** Deep sedation shall mean a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilator function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained. (4-7-11)

**f.** General anesthesia shall mean a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilator 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. (4-7-11)

**02. Sedation Terms.** (4-11-06)

**a.** Advanced Cardiac Life Support (ACLS) shall mean an advanced cardiac life support course offered by a recognized accrediting organization. (4-11-06)

**b.** Monitor or monitoring shall mean the direct clinical observation of a patient during the administration of anesthesia by a person trained to observe the physical condition of the patient and capable of assisting with emergency or other procedures. (4-11-06)

**c.** Operator shall mean the supervising dentist or another person who is authorized by these rules or holds a permit to induce and administer the proper level of anesthesia/sedation. (4-11-06)

**d.** Titration shall mean the administration of incremental doses of a drug until a desired effect is reached. Knowledge of each drug's time of onset, peak response and duration of action is essential to avoid over sedation. Although the concept of titration of a drug to effect is critical for patient safety, when the intent is moderate sedation one must know whether the previous dose has taken full effect before administering an additional drug increment. (4-7-11)

**e.** Maximum recommended **dose** (MRD) shall mean maximum FDA-recommended dose of a drug, as printed in FDA-approved labeling for unmonitored home use. (4-7-11)(    )

**f.** Incremental dosing shall mean administration of multiple doses of a drug until a desired effect is reached, but not to exceed the maximum recommended dose (MRD). (4-7-11)

**g.** Supplemental dosing during minimal sedation shall mean a single additional dose of the initial drug that may be necessary for prolonged procedures. The supplemental dose should not exceed one-half of the initial dose and should not be administered until the dentist has determined the clinical half-life of the initial dosing has passed. The total aggregate dose must not exceed one and one-half times (1.5x) MRD on the day of treatment. (4-7-11)

**03. Routes of Administration.** (4-11-06)

**a.** Enteral. Any technique of administration in which the agent is absorbed through the gastrointestinal (GI) tract or oral mucosa (i.e., oral, rectal, sublingual). (4-11-06)

**b.** Inhalation. A technique of administration in which a gaseous or volatile agent is introduced into the lungs and whose primary effect is due to absorption through the gas/blood interface. (4-7-11)

**c.** Parenteral. A technique of administration in which the drug bypasses the gastrointestinal (GI) tract [i.e., intramuscular (IM), intravenous (IV), intranasal (IN), submucosal (SM), subcutaneous (SC), intraosseous (IO)]. (4-7-11)

**d.** Transdermal. A technique of administration in which the drug is administered by patch or iontophoresis through skin. (4-7-11)

**e.** Transmucosal. A technique of administration in which the drug is administered across mucosa such as intranasal, sublingual, or rectal. (4-7-11)

**055. MINIMAL SEDATION (RULE 55).**

Persons licensed to practice dentistry in accordance with the Idaho Dental Practice Act and these rules are not required to obtain a permit to administer minimal sedation to ~~adult~~ patients of sixteen (16) years of age or older. In cases where the patient weighs less than one hundred (100) pounds, or is under the age of sixteen (16) years, minimal sedation may be administered without a permit only if a single enteral dosage is administered without the use of nitrous oxide. When the intent is minimal sedation ~~for adults~~, the appropriate initial dosing of a single enteral drug is no more than the maximum recommended dose (MRD) of a drug that can be prescribed for unmonitored home use. (4-7-11)(    )

055. Minimal Sedation (Rule 55).

**01. Patient Safety.** The administration of minimal sedation is permissible so long as it does not produce an alteration of the state of consciousness in a patient to the level of moderate sedation, deep sedation or general anesthesia. A dentist must first qualify for and obtain the appropriate permit from the Board of Dentistry to be authorized to sedate patients to the level of moderate sedation, deep sedation or general anesthesia. Nitrous oxide/oxygen may be used in combination with a single enteral drug in minimal sedation, except as described in Section 055 of these rules. Notwithstanding any other provision in these rules, a dentist shall initiate and regulate the administration of nitrous oxide/oxygen when used in combination with minimal sedation. (4-7-11)(    )

**02. Personnel.** At least one (1) additional person currently certified in Basic Life Support for

Healthcare Providers must be present in addition to the dentist.

(4-7-11)

**(BREAK IN CONTINUITY OF SECTIONS)**

**057. NITROUS OXIDE/OXYGEN (RULE 57).**

Persons licensed to practice dentistry and dental hygiene and dental assistants certified in accordance with the Idaho Dental Practice Act and these rules are not required to obtain a permit to administer nitrous oxide/oxygen to patients. Nitrous oxide/oxygen when used in combination with other sedative agents may produce an alteration of the state of consciousness in a patient to the level of moderate sedation, deep sedation or general anesthesia. A dentist must first qualify for and obtain the appropriate permit from the Board of Dentistry to be authorized to sedate patients to the level of moderate sedation, deep sedation or general anesthesia. (4-7-11)

**01. Patient Safety.** In connection with the administration of nitrous oxide/oxygen, a dentist shall:

(4-7-11)

**a.** Evaluate the patient to insure that the patient is an appropriate candidate for nitrous/oxygen; and

(4-7-11)

**b.** Insure that any patient under nitrous/oxygen shall be continually monitored; and

(4-7-11)

**c.** Insure that a second person shall be on the office premises who can immediately respond to any request from the person administering the nitrous/oxygen.

(4-7-11)

**02. Required Facilities and Equipment.** Dental offices in which nitrous oxide/oxygen is administered to patients shall, at a minimum and in addition to emergency medications, maintain appropriate facilities and have equipment on site for immediate use as follows: (4-7-11)

**a.** A nitrous oxide delivery system with a fail-safe system that is ~~appropriately checked and calibrated. The equipment must also have either~~ maintained in working order: (4-7-11)(    )

**i.** A functioning device that prohibits the delivery of less than thirty percent (30%) oxygen; or

(4-7-11)

**ii.** An appropriately calibrated and functioning in-line oxygen analyzer with audible alarm; and

(4-7-11)

**b.** An appropriate scavenging system must be available; and

(4-7-11)

**c.** A positive-pressure oxygen delivery system suitable for the patient being treated.

(4-7-11)

**03. Personnel.** For nitrous oxide/oxygen administration, personnel shall include:

(4-7-11)

**a.** An operator; and

(4-11-06)

**b.** An assistant currently certified in Basic Life Support for Healthcare Providers.

(4-7-11)

**c.** Auxiliary personnel must have documented training in Basic Life Support for Healthcare Providers, shall have specific assignments, and shall have current knowledge of the emergency cart inventory. The dentist and all office personnel must participate in periodic reviews of office emergency protocol. (4-7-11)

**058. -- 059. (RESERVED)**

**060. MODERATE SEDATION (RULE 60).**

Dentists licensed in the state of Idaho cannot administer moderate sedation in the practice of dentistry unless they

have obtained the proper moderate sedation permit from the Idaho State Board of Dentistry. A moderate sedation permit may be either enteral or parenteral. A moderate enteral sedation permit authorizes dentists to administer moderate sedation by either enteral or combination inhalation-enteral routes of administration. A moderate parenteral sedation permit authorizes a dentist to administer moderate sedation by any route of administration. A dentist shall not administer moderate sedation to children under sixteen (16) years of age and one hundred (100) pounds unless they have qualified for and been issued a moderate parenteral sedation permit. (3-29-12)

**01. Requirements for a Moderate Enteral Sedation Permit.** To qualify for a moderate enteral sedation permit, a dentist applying for a permit shall provide proof that the dentist has completed training in the administration of moderate sedation to a level consistent with that prescribed in the American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," as incorporated in Section 004 in these rules. The five (5) year requirement regarding the required training for a moderate enteral sedation permit shall not be applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the application date. To obtain a moderate enteral sedation permit, a dentist must provide certification of the following: (4-7-11)

**a.** Completion of an American Dental Association accredited or Board of Dentistry approved post-doctoral training program within five (5) years of the date of application for a moderate enteral sedation permit that included documented training of a minimum of twenty-four (24) hours of instruction plus management of at least ten (10) adult case experiences by the enteral and/or enteral-nitrous oxide/oxygen route. These ten (10) cases must include at least three live clinical dental experiences managed by participants in groups no larger than five (5). The remaining cases may include simulations and/or video presentations, but must include one experience in returning a patient from deep to moderate sedation; and (4-7-11)

**b.** Proof of current certification of Advanced Cardiac Life Support or its equivalent. (4-7-11)

**02. Requirements for a Moderate Parenteral Sedation Permit.** To qualify for a moderate parenteral sedation permit, a dentist applying for a permit shall provide proof that the dentist has completed training in the administration of moderate parenteral sedation as prescribed in the American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," as incorporated in Section 004 of these rules within the five (5) year period immediately prior to the date of application for a moderate parenteral sedation permit. The five (5) year requirement shall not be applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the date of application. The training program shall: (4-7-11)

**a.** Be sponsored by or affiliated with a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or a teaching hospital or facility approved by the Board of Dentistry; and (4-5-00)

**b.** Consist of a minimum of sixty (60) hours of instruction, plus management of at least twenty (20) patients by the intravenous route; and (4-7-11)

**c.** Include the issuance of a certificate of successful completion that indicates the type, number of hours, and length of training received. (3-18-99)

**d.** In addition, the dentist must maintain current certification in Advanced Cardiac Life Support or its equivalent. (4-7-11)

**03. General Requirements for Moderate Enteral and Moderate Parenteral Sedation Permits.** (4-7-11)

**a.** Facility Requirements. The dentist must have a properly equipped facility for the administration of moderate sedation. The qualified dentist is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of moderate sedation and providing the equipment, drugs and protocol for patient rescue. Evaluators appointed by the Idaho State Board of Dentistry will periodically assess the adequacy of the facility and competence of the anesthesia team. The Board adopts the standards incorporated by reference in Section 004.01.c. and Section 004.01.d. of these rules as set forth by the

American Dental Association. (4-7-11)

**b.** Personnel. For moderate sedation, the minimum number of personnel shall be two (2) including: (4-7-11)

i. The operator; and (10-1-87)

ii. An assistant currently certified in Basic Life Support for Healthcare Providers. (4-7-11)

iii. Auxiliary personnel must have documented training in basic life support for healthcare providers, shall have specific assignments, and shall have current knowledge of the emergency cart inventory. The practitioner and all office personnel must participate in documented periodic reviews of office emergency protocol, including simulated exercises, to assure proper equipment function and staff interaction. (4-7-11)

**c.** Permit Renewal. Renewal of the permit will be required every five (5) years. Proof of a minimum of twenty-five (25) credit hours continuing education in moderate sedation which may include training in medical/office emergencies will be required to renew a permit. A fee shall be assessed to cover administrative costs. In addition to the continuing education hours, a dentist must: (~~4-7-11~~)( )

i. For a moderate enteral sedation permit, maintain current certification in basic life support for healthcare providers or advanced cardiac life support; or ( )

ii. For a moderate parenteral sedation permit, maintain current certification in advanced cardiac life support. ( )

**d.** Reinstatement. A dentist may make application for the reinstatement of an expired or surrendered permit issued by the Board under this rule within five (5) years of the date of the permit's expiration or surrender. Applicants for reinstatement of a permit shall satisfy the facility and personnel requirements of this rule and shall be required to verify that they have obtained an average of five (5) credit hours of continuing education in moderate sedation for each year subsequent to the date upon which the permit expired or was surrendered. A fee for reinstatement shall be assessed to cover administrative costs. (4-7-11)