

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 142, As Amended in the Senate, As Amended in the Senate

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO DENTISTS; AMENDING SECTION 54-924, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A DENTIST WHO PRACTICES OR REPRESENTS HIMSELF AS PRACTICING DENTISTRY UNDER ANY NAME OTHER THAN HIS OWN TRUE NAME OR UNDER A BUSINESS NAME, TO PROVIDE THAT ENGAGING IN THE PRACTICE OF DENTISTRY AS PART OF A BUSINESS IN WHICH A PERSON NOT DULY LICENSED HOLDS AN OWNERSHIP INTEREST MAY BE SUBJECT TO DISCIPLINE AND TO PROVIDE FOR EXEMPTIONS.

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 authorized by the provisions of the a professional service corporation act 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 authorized by the provisions of the a professional service corporation act or professional limited liability company or as a limited managed care plan pursuant to chapter 39, title 41, Idaho Code, except for a dentist practicing dentistry as an employee or contracting dentist providing dentistry services to any health center as defined and authorized in section 330 of the public health service act as amended codified at 42 U.S.C. 254b; or

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

- 1 (b) Claim to practice dentistry without causing pain; or
2 (c) Claim superiority over other dentists; or
3 (d) Publish, advertise, or circulate reports, letters, certificates,
4 endorsements, or evidence of cures or corrections of dental conditions
5 by such dentist, his employee or associate by reason of his or their
6 skill, experience, or ability or of his or their use of any system,
7 method, technique, device, drug, medicine, material, manipulation or
8 machine; or
9 (e) Advertise the use of, or use, any system, method, technique, de-
10 vice, drug, medicine, material or machine, which is either falsely ad-
11 vertised or misnamed; or
12 (5) Employ any person to obtain patronage, or call or seek to call,
13 the attention of the public to him, his office, his skill, or his practice,
14 by public exhibition, use, reproduction, or representation of specimens
15 or samples, of dental work, or by demonstrations in public. This shall not
16 apply to teaching in dental or dental hygiene schools, or demonstrations or
17 exhibitions before meetings of other dentists or dental hygienists; or
18 (6) Use intoxicants or drugs to such a degree as to render him unfit to
19 practice; or
20 (7) Commit malpractice, that is, to provide dental care which fails to
21 meet the standard of dental care provided by other qualified dentists in the
22 same community or similar communities, taking into account his training, ex-
23 perience and the degree of expertise to which he holds himself out to the pub-
24 lic; or
25 (8) Engage in unprofessional, unethical or immoral conduct, as defined
26 by board rules; or
27 (9) Advertise in such way as to deceive or defraud, or probably deceive
28 or defraud, the public or patrons; or
29 (10) Employ or permit any person not a dentist to practice dentistry, 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 (11) 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 (12) Violate any other provisions of law or rules adopted by the board;
36 or
37 (13) Falsely identify himself to the public as a specialist in a spe-
38 cialty area of dentistry as defined by rule; or
39 (14) 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 such
43 engagement in a limited managed care plan pursuant to chapter 39, title 41,
44 Idaho Code, or to a dentist practicing dentistry for any health care center
45 as defined and authorized in section 330 of the public health service act as
46 codified at 42 U.S.C. section 254b.