

IN THE SENATE

SENATE BILL NO. 1226

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO DENTISTS; AMENDING SECTION 54-902, IDAHO CODE, TO REVISE THE
2 DEFINITION OF THE PRACTICE OF DENTAL HYGIENE; AMENDING SECTION 54-911,
3 IDAHO CODE, TO REVISE THE NUMBER OF BOARD MEMBERS NECESSARY FOR A QUO-
4 RUM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-912, IDAHO
5 CODE, TO REVISE A PROVISION RELATING TO THE APPOINTMENT OF AN EXECUTIVE
6 DIRECTOR AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-915,
7 IDAHO CODE, TO REVISE A PROVISION RELATING TO THE DEGREE REQUIRED FOR
8 LICENSURE AS A DENTIST; AMENDING SECTION 54-916A, IDAHO CODE, TO PRO-
9 VIDE FOR LICENSURE TO PRACTICE DENTAL HYGIENE BY CREDENTIALS; AMENDING
10 SECTION 54-916B, IDAHO CODE, TO PROVIDE FOR LICENSURE TO PRACTICE DEN-
11 TISTRY BY CREDENTIALS; AMENDING SECTION 54-918, IDAHO CODE, TO PROVIDE
12 THAT AN EXAMINATION MAY BE CONDUCTED BY AN AGENT OF THE BOARD; AMENDING
13 SECTION 54-920, IDAHO CODE, TO REVISE A PROVISION RELATING TO RENEWAL
14 OF A LICENSE AND TO REVISE A PROVISION RELATING TO THE REQUIREMENTS
15 FOR CONVERTING A LICENSE FROM INACTIVE TO ACTIVE; AND AMENDING SECTION
16 54-924, IDAHO CODE, TO REMOVE A PROVISION RELATING TO GROUNDS FOR DISCI-
17 PLINARY ACTION AND TO MAKE TECHNICAL CORRECTIONS.
18

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

20 SECTION 1. That Section 54-902, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 54-902. DEFINITION -- PRACTICE OF DENTAL HYGIENE. The practice of
23 dental hygiene is the doing by one (1) person for a direct or indirect con-
24 sideration of one (1) or more of the following: ~~with respect to the teeth~~
25 ~~or dental health~~ Clinical and therapeutic services under the supervision
26 ~~of another person, namely, cleaning, polishing, removing stains or concre-~~
27 ~~tions; performing a licensed dentist, including prophylaxis, radiography,~~
28 administration of medications, nonsurgical periodontal therapy, admin-
29 istering prescribed local anesthetics or medicaments; applying preventive
30 agents; performing nonsurgical, clinical and laboratory oral diagnostic
31 tests for interpretation by a dentist; preparation of preliminary, patient
32 assessment, including records of oral conditions, dental education at
33 chairside and in the community, and such other dental services as specified
34 by the dentist unless prohibited by and listed in the adopted rules of the
35 board in its adopted rules.

36 SECTION 2. That Section 54-911, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 54-911. BOARD OF DENTISTRY -- ORGANIZATION -- MEETINGS -- EXPENSES
39 -- PER DIEM. The board of dentistry shall select from its dentist members a
40 chairman who shall serve at the pleasure of the board. The board may meet at

1 stated times, and shall meet upon the call of its chairman or a majority of
 2 the members. It shall keep minutes of its meetings and actions thereat. Five
 3 (5) members, three (3) of whom must be dentists and ~~one~~ two (±2) of whom must
 4 be ~~a~~ nondentists, shall constitute a quorum, and the vote of the majority of
 5 the members present at a meeting at which a quorum is present shall determine
 6 the action of the board.

7 Out of any appropriation applicable to the administration of this ~~aet~~
 8 chapter, each member of the board shall be compensated as provided by section
 9 59-509(n), Idaho Code.

10 SECTION 3. That Section 54-912, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have
 13 the following powers and duties:

14 (1) To ascertain the qualifications and fitness of applicants to prac-
 15 tice dentistry, a dental specialty or dental hygiene; to prepare, conduct
 16 and grade qualifying examinations; to require and accept passing results of
 17 written and clinical examinations from approved dental and dental hygiene
 18 testing organizations; to issue in the name of the board a certificate of
 19 qualification to applicants found to be fit and qualified to practice den-
 20 tistry or dental hygiene.

21 (2) To prescribe rules for a fair and wholly impartial method of licen-
 22 sure and examination of applicants to practice dentistry, a dental specialty
 23 or dental hygiene.

24 (3) To define by rule what shall constitute accepted and approved
 25 schools, colleges, institutions, universities or departments thereof for
 26 the teaching of dentistry or dental hygiene and to determine, accept and
 27 approve those that comply therewith.

28 (4) To promulgate other rules required by law or necessary or desirable
 29 for its enforcement and administration; to define by rule the terms unpro-
 30 fessional conduct or practices injurious to the public as the terms are used
 31 in section 54-924, Idaho Code, to furnish applications, certificates, li-
 32 censes and other necessary forms.

33 (5) To inspect or cause to be inspected the offices or operating rooms
 34 of all persons licensed under this chapter.

35 (6) Upon its own motion or upon any complaint, to initiate and conduct
 36 investigations on all matters relating to the practice of dentistry or den-
 37 tal hygiene and to conduct hearings or proceedings on its own or through its
 38 designated hearing officer, to revoke, suspend or otherwise condition cer-
 39 tificates of qualification or licenses of persons practicing dentistry or
 40 dental hygiene and, on such terms as the board shall deem appropriate, to re-
 41 voke, suspend, or otherwise condition such licenses, provided such hearings
 42 and proceedings shall be had in conformance with the provisions of chapter
 43 52, title 67, Idaho Code. Final decisions of the board shall be subject to
 44 judicial review as provided in chapter 52, title 67, Idaho Code.

45 (7) The board, its designated hearing officer, or representative shall
 46 have power to administer oaths, the power to engage in discovery as provided
 47 in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code,
 48 including, but not limited to, the power to take depositions of witnesses
 49 within or without the state in the manner provided by law in civil cases, and

1 shall have power throughout the state of Idaho to require the attendance of
 2 witnesses and the production of books, records and papers as it may desire
 3 at any hearing before it of any matter which it has authority to investigate,
 4 and for that purpose the board or its designated hearing officer may issue
 5 a subpoena for any witness or a subpoena duces tecum to compel the produc-
 6 tion of any books, records or papers, directed to the sheriff of any county of
 7 the state of Idaho, where the witness resides, or may be found, which shall
 8 be served and returned in the same manner as a subpoena in a criminal case is
 9 served and returned. The fees and mileage of the witnesses shall be the same
 10 as that allowed in the district courts in criminal cases and shall be paid
 11 from the state board of dentistry fund in the same manner as other expenses of
 12 the board are paid. In any case of disobedience to, or neglect of, any sub-
 13 poena or subpoena duces tecum served upon any person, or the refusal of any
 14 witness to testify to any matter regarding which he may lawfully be interro-
 15 gated, it shall be the duty of the district court, or any judge thereof, of
 16 any county in this state in which the disobedience, neglect or refusal oc-
 17 curs, upon application by the board to compel obedience by proceedings for
 18 contempt as in the case of disobedience of the requirements of a subpoena is-
 19 sued from the court or for refusal to testify. The licensed person accused
 20 in the proceedings shall have the same right of subpoena upon making applica-
 21 tion to the board.

22 (8) The board shall establish an office and may appoint an executive di-
 23 rector ~~who need not be a member of the board or a person licensed to practice~~
 24 ~~dentistry or dental hygiene,~~ and may employ other personnel, including at-
 25 torneys and hearing officers, as may be necessary to assist the board. The
 26 board shall prescribe the duties of the executive director and these duties
 27 shall include the preparation of all papers and records under law for the
 28 board, and shall include enforcement activities as to the board may from time
 29 to time appear advisable, and the executive director shall act for and on be-
 30 half of the board in such manner as the board may authorize, keep records,
 31 property and equipment of the board and discharge other duties as the board
 32 may from time to time prescribe. The compensation of the executive director
 33 or other personnel shall be determined by the board and the executive direc-
 34 tor shall be bonded to the state in the time, form and manner prescribed in
 35 chapter 8, title 59, Idaho Code.

36 (9) To report annually to the associations on the status of the state
 37 board of dentistry ~~account~~ fund and furnish the associations a written re-
 38 port on all receipts and expenditures during the preceding year.

39 (10) Provide, by rule, for reasonable fees for administrative costs and
 40 assess costs reasonably and necessarily incurred in the enforcement of this
 41 chapter when a licensee has been found to be in violation of this chapter.

42 SECTION 4. That Section 54-915, Idaho Code, be, and the same is hereby
 43 amended to read as follows:

44 54-915. QUALIFICATIONS REQUIRED FOR DENTIST OR DENTAL HYGIENIST LI-
 45 CENSURE. No person hereafter shall be eligible for licensure to practice
 46 dentistry or dental hygiene in this state unless the applicant:

47 (1) Is of good moral character and has not pled guilty to or been con-
 48 victed of any felony, or of any misdemeanor involving moral turpitude, un-

1 less the person demonstrates that he has been sufficiently rehabilitated to
2 warrant the public trust;

3 (2) Shall, for dentistry, have successfully completed the course of
4 study in dentistry, and graduated and received a degree of doctor of dental
5 surgery, or doctor of dental medicine, or equivalent degree from a dental
6 school accepted and approved by the board;

7 (3) Shall, for dental hygiene, have successfully completed the course
8 of study in dental hygiene, and received a degree from a dental hygiene
9 school accepted and approved by the board;

10 (4) Shall, for dentistry and dental hygiene, pass the examinations pro-
11 vided for in section 54-918, Idaho Code.

12 SECTION 5. That Section 54-916A, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 54-916A. ~~DENTAL HYGIENE APPLICANTS LICENSED IN OTHER STATES~~ LICENSURE
15 BY CREDENTIALS. The board may issue a license to practice dental hygiene
16 without further examination to an applicants licensed to practice dental
17 hygiene in another state upon evidence that:

18 (1) The applicant ~~is currently holds~~ an active dental hygienist who
19 holds a valid license in good standing to practice dental hygiene in
20 another state, with no disciplinary proceedings or unresolved complaints pending
21 before the state's licensing board;

22 (2) The applicant has been licensed for at least one (1) year and the
23 hygienist applicant has practiced a minimum of one thousand (1,000) hours in
24 the two (2) years immediately preceding the date of application;

25 (3) ~~No disciplinary proceeding or unresolved complaint is pending at~~
26 ~~the time a license is to be issued by this state.~~ The applicant has graduated
27 from a dental hygiene school accredited by the commission on dental accred-
28 itation of the American dental association as of the date of the applicant's
29 graduation;

30 (4) The applicant has successfully completed a board approved clinical
31 examination; which is at least equivalent to that required by this state, as
32 determined by the board.

33 (5) The applicant has successfully completed the national board dental
34 hygiene examination; and

35 (6) The applicant has paid the application fee as set by board rule.

36 SECTION 6. That Section 54-916B, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 54-916B. ~~DENTAL APPLICANTS LICENSED IN OTHER STATES~~ LICENSURE BY CRE-
39 DENTIALS. The board may issue a license to applicants licensed to practice
40 dentistry in another state without the further examination required by sec-
41 tion 54-915(4), Idaho Code, upon evidence that:

42 (1) The applicant ~~is currently holds~~ an active dentist who holds a valid
43 unrestricted license in good standing to practice dentistry in
44 another state with no disciplinary proceedings or unresolved complaints pending before
45 the state's licensing board;

1 (2) The applicant has been in clinical practice at least five (5) years
 2 immediately preceding the date of application for a minimum of one thousand
 3 (1,000) hours in each year;

4 (3) The applicant has graduated from a dental school accredited by the
 5 commission on dental accreditation of the American dental association as of
 6 the date of the applicant's graduation;

7 (4) The applicant has successfully completed the national board dental
 8 examinations ~~parts one (1) and two (2);~~

9 (45) The applicant has successfully completed a board approved clini-
 10 cal examination ~~which is at least equivalent to that required by this state,~~
 11 ~~as determined by the board; and~~

12 (5) ~~At the discretion of the board, the applicant may be required to~~
 13 ~~present case histories of patients treated by the applicant in the last five~~
 14 ~~(5) years including appropriate x-rays, study models, treatment plans and~~
 15 ~~treatment records;~~

16 (6) ~~At the discretion of the board, the applicant may be required to ap-~~
 17 ~~pear for a personal interview conducted by the board;~~

18 (7) ~~The applicant meets all other qualifications for a license in this~~
 19 ~~state; and~~

20 (86) The applicant has paid the application fee as set by the board of
 21 ~~not more than one thousand dollars (\$1,000) rule.~~

22 SECTION 7. That Section 54-918, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 54-918. EXAMINATIONS -- CERTIFICATE OF QUALIFICATION. (1) An appli-
 25 cant for licensure shall pass such examinations in dentistry and in dental
 26 hygiene as are conducted by the board or its agent. Examinations shall be
 27 written or clinical, or both, and upon such subjects in dentistry and den-
 28 tal hygiene as the board shall determine will thoroughly test the fitness
 29 and ability of the applicant to practice dentistry or dental hygiene. An ap-
 30 plicant for licensure shall pass the written jurisprudence examination con-
 31 ducted by the board. A passing score of seventy-five percent (75%) correct
 32 shall be required on the written jurisprudence examination. A passing score
 33 of at least seventy-five percent (75%) correct shall be required on any ad-
 34 ditional written or clinical examinations conducted by the board. It shall
 35 report and record the names of applicants who pass and of those who fail the
 36 examinations. Upon the candidate's request, the board will issue to each
 37 passing applicant in dentistry, who is qualified for Idaho licensure, a cer-
 38 tificate of qualification to practice dentistry, and to each passing appli-
 39 cant in dental hygiene, who is qualified for Idaho licensure, a certificate
 40 of qualification to practice dental hygiene within the state of Idaho.

41 (2) In lieu of conducting written examinations other than the ju-
 42 risprudence examination, the board may require and accept the results of the
 43 national board dental and dental hygiene examinations administered by the
 44 American dental association. The American dental association shall set the
 45 standards for passing the national board dental and dental hygiene examina-
 46 tions. In lieu of conducting clinical examinations, the board may require
 47 and accept the results of clinical examinations administered by national
 48 or regional testing organizations approved by the board. The national or

1 regional testing organizations shall set the standards for passing or ac-
2 ceptable level of competency on the clinical examinations administered.

3 (3) Applicants who fail any examination conducted by the board or its
4 agent shall be notified thereof in writing by the board, which shall also
5 record the fact of failure and the date and means of notification.

6 (4) Written questions and answers of applicants shall be subject to
7 disclosure according to chapter 3, title 9, Idaho Code, unless exempt from
8 disclosure in that chapter and title, and shall be destroyed by the board
9 after the period of one (1) year following the examination.

10 SECTION 8. That Section 54-920, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 54-920. LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES --
13 LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LI-
14 CENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by
15 the board as qualified for licensure under this chapter shall pay the pre-
16 scribed biennial license fee to the board prior to issuance of a license. Un-
17 less otherwise specified on a license, licenses issued by the board shall be
18 effective for the biennial licensing period specified in this section. The
19 biennial licensing period for dental licenses shall be a two (2) year period
20 from October 1 of each even-numbered calendar year to September 30 of the
21 next successive even-numbered calendar year. The biennial licensing period
22 for dental hygiene licenses shall be a two (2) year period from April 1 of
23 each odd-numbered calendar year to March 31 of the next successive odd-num-
24 bered calendar year. Unless otherwise specified on a license, any license
25 issued during a biennial licensing period shall be effective until the be-
26 ginning date of the next successive biennial licensing period and the board
27 may prorate the amount of the license fee from the date of issuance of the li-
28 cense until the beginning date of the next applicable biennial licensing pe-
29 riod at the discretion of the board. A license issued by the board shall ex-
30 pire unless renewed in the manner specified in this section.

31 (2) The nonrefundable biennial license fees shall be fixed by the
32 board, but shall not exceed the following amounts:

33 (a) Four hundred dollars (\$400) for a dentist with an active status;

34 (b) Two hundred dollars (\$200) for a dentist with an inactive status;

35 (c) Two hundred twenty dollars (\$220) for a dental hygienist with an ac-
36 tive status;

37 (d) One hundred twelve dollars (\$112) for a dental hygienist with an in-
38 active status;

39 (e) Four hundred dollars (\$400) for a dentist with a specialist status;
40 or

41 (f) Twenty dollars (\$20.00) for a dentist or dental hygienist with a re-
42 tirement status.

43 (3) A license issued by the board shall be renewed as prescribed in this
44 section. Prior to the expiration of the effective period of a license, the
45 board shall ~~mail a~~ provide notice of renewal application to the licensee's
46 address of record on file with the board. To renew a dental license, each
47 licensee shall submit a properly completed renewal application and the ap-
48 propriate biennial license fee to the board prior to September 30 of every
49 even-numbered calendar year. To renew a dental hygiene license, each li-

1 licensee shall submit a properly completed renewal application and the appro-
2 priate biennial license fee to the board prior to March 31 of each odd-num-
3 bered calendar year. Each licensee determined by the board as qualified for
4 renewal of a license shall be issued a license for the applicable biennial
5 licensing period.

6 (4) The following procedure shall be followed by the board for all li-
7 censees who fail to submit a properly completed renewal application and ap-
8 propriate biennial license fee on or before the expiration of the effective
9 period of a license. A license that expires by reason of a licensee's fail-
10 ure to satisfy the renewal requirements shall not be considered to be a dis-
11 ciplinary action by the board and shall result in the termination of the li-
12 censee's right to practice dentistry or dental hygiene in the state.

13 (a) The board shall mail a notice of failure to renew a license to the
14 licensee's address; and

15 (b) The notice of failure to renew a license shall advise the licensee
16 that he has failed to comply with the board's license renewal require-
17 ments and that a failure to submit a properly completed renewal applica-
18 tion, the appropriate biennial license fee and a fifty dollar (\$50.00)
19 late fee within thirty (30) days of the date upon which the board's no-
20 tice was mailed shall result in the expiration of his license.

21 (5) Any person who delivers a check or other payment to the board that is
22 returned to the board unpaid by the financial institution upon which it was
23 drawn shall pay to the board as an administrative cost, in addition to any
24 other amount owing, the amount of fifty dollars (\$50.00). Following notifi-
25 cation by the board of the returned check or other payment, the person shall
26 make payment of all moneys owing to the board by certified check or money or-
27 der within thirty (30) days of the date of notification. A failure to submit
28 the necessary remittance within the thirty (30) day period may result in the
29 expiration of a license or constitute grounds for the board to deny, cancel,
30 suspend or revoke a license.

31 (6) The board of dentistry may issue different classes of licenses as
32 defined in this subsection.

33 (a) The term "license with active status" means a license issued by the
34 board to a qualified person who is authorized to be an active practi-
35 tioner of dentistry or dental hygiene in the state of Idaho. A person's
36 right to be issued and maintain a license with active status shall not
37 be affected by any absence, not exceeding two (2) years, from active
38 practice in Idaho by reason of illness or vacation. A person's right
39 to be issued and maintain a license with active status shall not be af-
40 fected by any absence from active practice in Idaho for any period while
41 serving on active duty in the armed forces of the United States, while
42 employed in the United States public health service or United States
43 veterans administration, or while enrolled in board-approved postgrad-
44 uate educational courses, either within or without the state of Idaho.
45 Each applicant or licensee requesting an active status license must
46 state that he intends to fulfill the requirements for that status.

47 (b) The term "license with an inactive status" means a license issued
48 by the board to a qualified person who is not authorized to be an active
49 practitioner of dentistry or dental hygiene in the state of Idaho. A

1 person issued a license with an inactive status is not entitled to prac-
2 tice dentistry or dental hygiene in the state of Idaho.

3 (c) The terms "license with special status" and "license with provi-
4 sional status" mean licenses issued by the board to a qualified person
5 on a provisional, conditional, restricted or limited basis under the
6 terms of which the licensee is authorized to practice dentistry or den-
7 tal hygiene in the state of Idaho subject to conditions, limitations and
8 requirements imposed by the board. The conditions, limitations and re-
9 quirements imposed by the board may include, but are not limited to, a
10 limitation on the effective period of the license, a requirement that
11 specific conditions must be fulfilled in order for the license to re-
12 main effective, a requirement that specified education, examinations
13 and skills testing be successfully completed during the effective pe-
14 riod of the license, a restriction on the scope of permissible services
15 that the licensee is authorized to perform, a restriction on the type of
16 patients for whom treatment may be rendered and a restriction on the lo-
17 cations at which the licensee can perform authorized services.

18 (d) The term "license with retirement status" means a license issued to
19 a person who was previously licensed as a dentist or dental hygienist in
20 Idaho who no longer intends to practice dentistry or dental hygiene. A
21 license with retirement status does not permit the holder to practice
22 dentistry or dental hygiene in the state of Idaho. A license with re-
23 tirement status cannot be converted to a license with active or inactive
24 status other than by filing an application for licensure and qualifying
25 as required of a first time applicant.

26 (7) (a) The board may issue a license with active status to any qual-
27 ified applicant or qualified licensee who is an active practitioner of
28 dentistry or dental hygiene in the state of Idaho or who signifies to the
29 board in writing that, upon issuance of an initial license or renewal
30 of a biennial license, he intends to be an active practitioner in this
31 state within two (2) years. Renewal of a license with active status re-
32 quires compliance with requirements as determined by the board.

33 (b) The board may issue a license with inactive status to any qualified
34 person who fulfilled the licensure requirements but, for any reason, is
35 not eligible for a license with active status. Renewal of a license with
36 inactive status requires compliance with requirements as determined by
37 the board.

38 (c) The board may issue a license with provisional status or special
39 status to any person who fulfills, or substantially fulfills, the
40 applicable licensure requirements when the board, acting in its dis-
41 cretion, determined that special circumstances existed which, for the
42 protection of the public health, safety and welfare, required that
43 specific conditions, restrictions or limitations be imposed on the li-
44 cense. A license with special status or provisional status entitles the
45 holder thereof to practice dentistry or dental hygiene in the state of
46 Idaho subject to the conditions, restrictions and limitations specif-
47 ically determined by the board and for the period of time prescribed.
48 A provisional license is effective for the period specified by the
49 board and may not be renewed. The board shall develop rules to include
50 definitions, application and renewal requirements, limitations of

1 practice and other conditions regarding provisional and special status
2 licenses.

3 (d) The board may convert a license with inactive status to a li-
4 cense with active status in the event the holder pays the license fee
5 prescribed for licenses with active status and submits to the board sat-
6 isfactory evidence of:

7 (i) Compliance with the requirements of this chapter and all
8 rules promulgated under the provisions of this chapter;

9 (ii) ~~Evidence of~~ Good moral character and good professional con-
10 duct; and

11 (iii) ~~Evidence~~ A minimum of one thousand (1,000) hours of clinical
12 ~~practice of dentistry or dental hygiene during~~ practiced within
13 the previous two (2) years or full-time employment has been em-
14 ployed full time as a dental or dental hygiene instructor at an
15 American dental association accredited dental or dental hygiene
16 school or has been enrolled in a board approved postgraduate edu-
17 cational program.

18 (e) Persons unable to otherwise fully meet the requirements for conver-
19 sion of an inactive status license to an active status license may con-
20 vert their license upon board approval.

21 (8) Each person licensed under this chapter shall notify the board in
22 writing of any change in the person's name or address of record within thirty
23 (30) days after the change has taken place.

24 SECTION 9. That Section 54-924, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 54-924. OTHER GROUNDS OF REFUSAL, REVOCATION OR SUSPENSION OF DEN-
27 TISTS -- PROBATION AGREEMENTS. The board may refuse to issue or renew a den-
28 tal license, or may revoke, suspend, place on probation, reprimand or take
29 other disciplinary action with respect to a dental license as the board may
30 deem proper, including administrative penalties not to exceed ten thousand
31 dollars (\$10,000) per violation and assessment of the costs of disciplinary
32 proceedings in the event a dentist shall:

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

39 (2) Practice dentistry under any name other than his own true name ex-
40 cept as a professional service corporation or professional limited liabil-
41 ity company or as a limited managed care plan pursuant to chapter 39, title
42 41, Idaho Code; or

43 (3) Practice or in any manner or by any means or at any place hold out
44 or represent himself as practicing dentistry in or under the name of, or as
45 a member, representative, agent or employee of, or in connection with, any
46 company, association, or corporation, or under any trade, fictitious or
47 business name except as a professional service corporation or professional
48 limited liability company or as a limited managed care plan pursuant to chap-
49 ter 39, title 41, Idaho Code, except for a dentist practicing dentistry as an

1 employee or contracting dentist providing dentistry services to any health
2 center as defined and authorized in section 330 of the public health service
3 act, codified as amended ~~codified~~ at 42 U.S.C. 254b; or

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

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

9 (c) Claim superiority over other dentists; or

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

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

19 (5) ~~Employ any person to obtain patronage, or call or seek to call,~~
20 ~~the attention of the public to him, his office, his skill, or his practice,~~
21 ~~by public exhibition, use, reproduction, or representation of specimens~~
22 ~~or samples, of dental work, or by demonstrations in public. This shall not~~
23 ~~apply to teaching in dental or dental hygiene schools, or demonstrations or~~
24 ~~exhibitions before meetings of other dentists or dental hygienists; or~~

25 ~~(6) Use intoxicants or drugs to such a degree as to render him unfit to~~
26 ~~practice; or~~

27 ~~(7) Commit malpractice, that is, to provide dental care which fails to~~
28 ~~meet the standard of dental care provided by other qualified dentists in the~~
29 ~~same community or similar communities, taking into account his training, ex-~~
30 ~~perience and the degree of expertise to which he holds himself out to the pub-~~
31 ~~lic; or~~

32 ~~(8) Engage in unprofessional, unethical or immoral conduct, as de-~~
33 ~~defined by board rules; or~~

34 ~~(9) Advertise in such way as to deceive or defraud, or probably deceive~~
35 ~~or defraud, the public or patrons; or~~

36 ~~(10) Employ or permit any person not a dentist to practice dentistry,~~
37 ~~or any person not a dentist or dental hygienist to practice dental hygiene,~~
38 ~~in his office or under his control or direction; or~~

39 ~~(11) Fail, neglect or refuse to keep his office or equipment, or oth-~~
40 ~~erwise conduct his work in accordance with current state and federal laws,~~
41 ~~rules and regulations; or~~

42 ~~(12) Violate any other provisions of law or rules adopted by the board;~~
43 ~~or~~

44 ~~(13) Falsely identify himself to the public as a specialist in a spe-~~
45 ~~cialty area of dentistry as defined by rule; or~~

46 ~~(14) Engage in the practice of dentistry as a member, stockholder, em-~~
47 ~~ployee, director, partner or proprietor in any business entity in which a~~
48 ~~person, not duly licensed to practice dentistry in this state, holds an own-~~
49 ~~ership interest. The provisions of this subsection shall not apply to such~~
50 ~~engagement in a limited managed care plan pursuant to chapter 39, title 41,~~

1 Idaho Code, or to a dentist practicing dentistry for any health care center
2 as defined and authorized in section 330 of the public health service act, ~~as~~
3 codified as amended at 42 U.S.C. ~~section~~ 254b.