

IN THE SENATE

SENATE BILL NO. 1226, As Amended, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

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

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

19 SECTION 1. That Section 54-911, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 54-911. BOARD OF DENTISTRY -- ORGANIZATION -- MEETINGS -- EXPENSES
22 -- PER DIEM. The board of dentistry shall select from its dentist members a
23 chairman who shall serve at the pleasure of the board. The board may meet at
24 stated times, and shall meet upon the call of its chairman or a majority of
25 the members. It shall keep minutes of its meetings and actions thereat. Five
26 (5) members, three (3) of whom must be dentists and ~~one~~ two (2) of whom must
27 be a nondentists, shall constitute a quorum, and the vote of the majority of
28 the members present at a meeting at which a quorum is present shall determine
29 the action of the board.

30 Out of any appropriation applicable to the administration of this ~~act~~
31 chapter, each member of the board shall be compensated as provided by section
32 59-509(n), Idaho Code.

33 SECTION 2. That Section 54-912, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have
36 the following powers and duties:

37 (1) To ascertain the qualifications and fitness of applicants to prac-
38 tice dentistry, a dental specialty or dental hygiene; to prepare, conduct
39 and grade qualifying examinations; to require and accept passing results of
40 written and clinical examinations from approved dental and dental hygiene

1 testing organizations; to issue in the name of the board a certificate of
2 qualification to applicants found to be fit and qualified to practice den-
3 tistry or dental hygiene.

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

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

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

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

18 (6) Upon its own motion or upon any complaint, to initiate and conduct
19 investigations on all matters relating to the practice of dentistry or den-
20 tal hygiene and to conduct hearings or proceedings on its own or through its
21 designated hearing officer, to revoke, suspend or otherwise condition cer-
22 tificates of qualification or licenses of persons practicing dentistry or
23 dental hygiene and, on such terms as the board shall deem appropriate, to re-
24 voke, suspend, or otherwise condition such licenses, provided such hearings
25 and proceedings shall be had in conformance with the provisions of chapter
26 52, title 67, Idaho Code. Final decisions of the board shall be subject to
27 judicial review as provided in chapter 52, title 67, Idaho Code.

28 (7) The board, its designated hearing officer, or representative shall
29 have power to administer oaths, the power to engage in discovery as provided
30 in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code,
31 including, but not limited to, the power to take depositions of witnesses
32 within or without the state in the manner provided by law in civil cases, and
33 shall have power throughout the state of Idaho to require the attendance of
34 witnesses and the production of books, records and papers as it may desire
35 at any hearing before it of any matter which it has authority to investigate,
36 and for that purpose the board or its designated hearing officer may issue
37 a subpoena for any witness or a subpoena duces tecum to compel the produc-
38 tion of any books, records or papers, directed to the sheriff of any county of
39 the state of Idaho, where the witness resides, or may be found, which shall
40 be served and returned in the same manner as a subpoena in a criminal case is
41 served and returned. The fees and mileage of the witnesses shall be the same
42 as that allowed in the district courts in criminal cases and shall be paid
43 from the state board of dentistry fund in the same manner as other expenses of
44 the board are paid. In any case of disobedience to, or neglect of, any sub-
45 poena or subpoena duces tecum served upon any person, or the refusal of any
46 witness to testify to any matter regarding which he may lawfully be interro-
47 gated, it shall be the duty of the district court, or any judge thereof, of
48 any county in this state in which the disobedience, neglect or refusal oc-
49 curs, upon application by the board to compel obedience by proceedings for
50 contempt as in the case of disobedience of the requirements of a subpoena is-

1 sued from the court or for refusal to testify. The licensed person accused
2 in the proceedings shall have the same right of subpoena upon making applica-
3 tion to the board.

4 (8) The board shall establish an office and may appoint an executive di-
5 rector ~~who need not be a member of the board or a person licensed to practice~~
6 ~~dentistry or dental hygiene,~~ and may employ other personnel, including at-
7 torneys and hearing officers, as may be necessary to assist the board. The
8 board shall prescribe the duties of the executive director and these duties
9 shall include the preparation of all papers and records under law for the
10 board, and shall include enforcement activities as to the board may from time
11 to time appear advisable, and the executive director shall act for and on be-
12 half of the board in such manner as the board may authorize, keep records,
13 property and equipment of the board and discharge other duties as the board
14 may from time to time prescribe. The compensation of the executive director
15 or other personnel shall be determined by the board and the executive direc-
16 tor shall be bonded to the state in the time, form and manner prescribed in
17 chapter 8, title 59, Idaho Code.

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

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

24 SECTION 3. That Section 54-915, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 54-915. QUALIFICATIONS REQUIRED FOR DENTIST OR DENTAL HYGIENIST LI-
27 CENSURE. No person hereafter shall be eligible for licensure to practice
28 dentistry or dental hygiene in this state unless the applicant:

29 (1) Is of good moral character and has not pled guilty to or been con-
30 victed of any felony, or of any misdemeanor involving moral turpitude, un-
31 less the person demonstrates that he has been sufficiently rehabilitated to
32 warrant the public trust;

33 (2) Shall, for dentistry, have successfully completed the course of
34 study in dentistry, and graduated and received a degree of doctor of dental
35 surgery, or doctor of dental medicine, ~~or equivalent degree~~ from a dental
36 school accepted and approved by the board;

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

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

42 SECTION 4. That Section 54-916A, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 54-916A. ~~DENTAL HYGIENE APPLICANTS LICENSED IN OTHER STATES~~ LICENSURE
45 BY CREDENTIALS. The board may issue a license to practice dental hygiene
46 without further examination to an applicants licensed to practice dental
47 hygiene in another state upon evidence that:

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

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

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

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

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

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

19 SECTION 5. That Section 54-916B, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 54-916B. ~~DENTAL APPLICANTS LICENSED IN OTHER STATES LICENSURE BY CRE-~~
 22 ~~DENTIALS.~~ The board may issue a license to ~~applicants licensed to practice~~
 23 ~~dentistry in another state without the further examination required by sec-~~
 24 ~~tion 54-915(4), Idaho Code, upon evidence that:~~

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

29 (2) The applicant has been in clinical practice at least five (5) years
 30 immediately preceding the date of application for a minimum of one thousand
 31 (1,000) hours in each year;

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

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

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

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

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

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

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

1 SECTION 6. That Section 54-918, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-918. EXAMINATIONS -- CERTIFICATE OF QUALIFICATION. (1) An appli-
4 cant for licensure shall pass such examinations in dentistry and in dental
5 hygiene as are conducted by the board or its agent. Examinations shall be
6 written or clinical, or both, and upon such subjects in dentistry and den-
7 tal hygiene as the board shall determine will thoroughly test the fitness
8 and ability of the applicant to practice dentistry or dental hygiene. An ap-
9 plicant for licensure shall pass the written jurisprudence examination con-
10 ducted by the board. A passing score of seventy-five percent (75%) correct
11 shall be required on the written jurisprudence examination. A passing score
12 of at least seventy-five percent (75%) correct shall be required on any ad-
13 ditional written or clinical examinations conducted by the board. It shall
14 report and record the names of applicants who pass and of those who fail the
15 examinations. Upon the candidate's request, the board will issue to each
16 passing applicant in dentistry, who is qualified for Idaho licensure, a cer-
17 tificate of qualification to practice dentistry, and to each passing appli-
18 cant in dental hygiene, who is qualified for Idaho licensure, a certificate
19 of qualification to practice dental hygiene within the state of Idaho.

20 (2) In lieu of conducting written examinations other than the ju-
21 risprudence examination, the board may require and accept the results of the
22 national board dental and dental hygiene examinations administered by the
23 American dental association. The American dental association shall set the
24 standards for passing the national board dental and dental hygiene examina-
25 tions. In lieu of conducting clinical examinations, the board may require
26 and accept the results of clinical examinations administered by national
27 or regional testing organizations approved by the board. The national or
28 regional testing organizations shall set the standards for passing or ac-
29 ceptable level of competency on the clinical examinations administered.

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

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

37 SECTION 7. That Section 54-920, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 54-920. LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES --
40 LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LI-
41 CENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by
42 the board as qualified for licensure under this chapter shall pay the pre-
43 scribed biennial license fee to the board prior to issuance of a license. Un-
44 less otherwise specified on a license, licenses issued by the board shall be
45 effective for the biennial licensing period specified in this section. The
46 biennial licensing period for dental licenses shall be a two (2) year period
47 from October 1 of each even-numbered calendar year to September 30 of the
48 next successive even-numbered calendar year. The biennial licensing period

1 for dental hygiene licenses shall be a two (2) year period from April 1 of
2 each odd-numbered calendar year to March 31 of the next successive odd-num-
3 bered calendar year. Unless otherwise specified on a license, any license
4 issued during a biennial licensing period shall be effective until the be-
5 ginning date of the next successive biennial licensing period and the board
6 may prorate the amount of the license fee from the date of issuance of the li-
7 cense until the beginning date of the next applicable biennial licensing pe-
8 riod at the discretion of the board. A license issued by the board shall ex-
9 pire unless renewed in the manner specified in this section.

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

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

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

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

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

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

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

22 (3) A license issued by the board shall be renewed as prescribed in this
23 section. Prior to the expiration of the effective period of a license, the
24 board shall ~~mail a~~ provide notice of renewal application to the licensee's
25 address of record on file with the board. To renew a dental license, each
26 licensee shall submit a properly completed renewal application and the ap-
27 propriate biennial license fee to the board prior to September 30 of every
28 even-numbered calendar year. To renew a dental hygiene license, each li-
29 censee shall submit a properly completed renewal application and the appro-
30 priate biennial license fee to the board prior to March 31 of each odd-num-
31 bered calendar year. Each licensee determined by the board as qualified for
32 renewal of a license shall be issued a license for the applicable biennial
33 licensing period.

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

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

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

49 (5) Any person who delivers a check or other payment to the board that is
50 returned to the board unpaid by the financial institution upon which it was

1 drawn shall pay to the board as an administrative cost, in addition to any
2 other amount owing, the amount of fifty dollars (\$50.00). Following notifi-
3 cation by the board of the returned check or other payment, the person shall
4 make payment of all moneys owing to the board by certified check or money or-
5 der within thirty (30) days of the date of notification. A failure to submit
6 the necessary remittance within the thirty (30) day period may result in the
7 expiration of a license or constitute grounds for the board to deny, cancel,
8 suspend or revoke a license.

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

11 (a) The term "license with active status" means a license issued by the
12 board to a qualified person who is authorized to be an active practi-
13 tioner of dentistry or dental hygiene in the state of Idaho. A person's
14 right to be issued and maintain a license with active status shall not
15 be affected by any absence, not exceeding two (2) years, from active
16 practice in Idaho by reason of illness or vacation. A person's right
17 to be issued and maintain a license with active status shall not be af-
18 fected by any absence from active practice in Idaho for any period while
19 serving on active duty in the armed forces of the United States, while
20 employed in the United States public health service or United States
21 veterans administration, or while enrolled in board-approved postgrad-
22 uate educational courses, either within or without the state of Idaho.
23 Each applicant or licensee requesting an active status license must
24 state that he intends to fulfill the requirements for that status.

25 (b) The term "license with an inactive status" means a license issued
26 by the board to a qualified person who is not authorized to be an active
27 practitioner of dentistry or dental hygiene in the state of Idaho. A
28 person issued a license with an inactive status is not entitled to prac-
29 tice dentistry or dental hygiene in the state of Idaho.

30 (c) The terms "license with special status" and "license with provi-
31 sional status" mean licenses issued by the board to a qualified person
32 on a provisional, conditional, restricted or limited basis under the
33 terms of which the licensee is authorized to practice dentistry or den-
34 tal hygiene in the state of Idaho subject to conditions, limitations and
35 requirements imposed by the board. The conditions, limitations and re-
36 quirements imposed by the board may include, but are not limited to, a
37 limitation on the effective period of the license, a requirement that
38 specific conditions must be fulfilled in order for the license to re-
39 main effective, a requirement that specified education, examinations
40 and skills testing be successfully completed during the effective pe-
41 riod of the license, a restriction on the scope of permissible services
42 that the licensee is authorized to perform, a restriction on the type of
43 patients for whom treatment may be rendered and a restriction on the lo-
44 cations at which the licensee can perform authorized services.

45 (d) The term "license with retirement status" means a license issued to
46 a person who was previously licensed as a dentist or dental hygienist in
47 Idaho who no longer intends to practice dentistry or dental hygiene. A
48 license with retirement status does not permit the holder to practice
49 dentistry or dental hygiene in the state of Idaho. A license with re-
50 tirement status cannot be converted to a license with active or inactive

1 status other than by filing an application for licensure and qualifying
2 as required of a first time applicant.

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

10 (b) The board may issue a license with inactive status to any qualified
11 person who fulfilled the licensure requirements but, for any reason, is
12 not eligible for a license with active status. Renewal of a license with
13 inactive status requires compliance with requirements as determined by
14 the board.

15 (c) The board may issue a license with provisional status or special
16 status to any person who fulfills, or substantially fulfills, the
17 applicable licensure requirements when the board, acting in its dis-
18 cretion, determined that special circumstances existed which, for the
19 protection of the public health, safety and welfare, required that
20 specific conditions, restrictions or limitations be imposed on the li-
21 cense. A license with special status or provisional status entitles the
22 holder thereof to practice dentistry or dental hygiene in the state of
23 Idaho subject to the conditions, restrictions and limitations specif-
24 ically determined by the board and for the period of time prescribed.
25 A provisional license is effective for the period specified by the
26 board and may not be renewed. The board shall develop rules to include
27 definitions, application and renewal requirements, limitations of
28 practice and other conditions regarding provisional and special status
29 licenses.

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

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

36 (ii) ~~Evidence of g~~ Good moral character and good professional con-
37 duct; and

38 (iii) ~~Evidence~~ A minimum of one thousand (1,000) hours of clinical
39 ~~practice of dentistry or dental hygiene during practiced within~~
40 ~~the previous two (2) years or full-time employment has been em-~~
41 ~~ployed full time~~ as a dental or dental hygiene instructor at an
42 American dental association accredited dental or dental hygiene
43 school or has been enrolled in a board approved postgraduate edu-
44 cational program.

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

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

1 SECTION 8. That Section 54-924, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-924. OTHER GROUNDS OF REFUSAL, REVOCATION OR SUSPENSION OF DEN-
4 TISTS -- PROBATION AGREEMENTS. The board may refuse to issue or renew a den-
5 tal license, or may revoke, suspend, place on probation, reprimand or take
6 other disciplinary action with respect to a dental license as the board may
7 deem proper, including administrative penalties not to exceed ten thousand
8 dollars (\$10,000) per violation and assessment of the costs of disciplinary
9 proceedings in the event a dentist shall:

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

16 (2) Practice dentistry under any name other than his own true name ex-
17 cept as a professional service corporation or professional limited liabil-
18 ity company or as a limited managed care plan pursuant to chapter 39, title
19 41, Idaho Code; or

20 (3) Practice or in any manner or by any means or at any place hold out
21 or represent himself as practicing dentistry in or under the name of, or as
22 a member, representative, agent or employee of, or in connection with, any
23 company, association, or corporation, or under any trade, fictitious or
24 business name except as a professional service corporation or professional
25 limited liability company or as a limited managed care plan pursuant to chap-
26 ter 39, title 41, Idaho Code, except for a dentist practicing dentistry as an
27 employee or contracting dentist providing dentistry services to any health
28 center as defined and authorized in section 330 of the public health service
29 act, codified as amended ~~codified~~ at 42 U.S.C. 254b; or

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

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

35 (c) Claim superiority over other dentists; or

36 (d) Publish, advertise, or circulate reports, letters, certificates,
37 endorsements, or evidence of cures or corrections of dental conditions
38 by such dentist, his employee or associate by reason of his or their
39 skill, experience, or ability or of his or their use of any system,
40 method, technique, device, drug, medicine, material, manipulation or
41 machine; or

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

45 (5) ~~Employ any person to obtain patronage, or call or seek to call,~~
46 ~~the attention of the public to him, his office, his skill, or his practice,~~
47 ~~by public exhibition, use, reproduction, or representation of specimens~~
48 ~~or samples, of dental work, or by demonstrations in public. This shall not~~

1 ~~apply to teaching in dental or dental hygiene schools, or demonstrations or~~
2 ~~exhibitions before meetings of other dentists or dental hygienists; or~~

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

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

10 (87) Engage in unprofessional, ~~unethical or immoral~~ conduct, as de-
11 fined by board rules; or

12 (98) Advertise in such way as to deceive or defraud, or probably deceive
13 or defraud, the public or patrons; or

14 (109) Employ or permit any person not a dentist to practice dentistry,
15 or any person not a dentist or dental hygienist to practice dental hygiene,
16 in his office or under his control or direction; or

17 (110) Fail, neglect or refuse to keep his office or equipment, or oth-
18 erwise conduct his work in accordance with current state and federal laws,
19 rules and regulations; or

20 (121) Violate any other provisions of law or rules adopted by the board;
21 or

22 (132) Falsely identify himself to the public as a specialist in a spe-
23 cialty area of dentistry as defined by rule; or

24 (143) Engage in the practice of dentistry as a member, stockholder, em-
25 ployee, director, partner or proprietor in any business entity in which a
26 person, not duly licensed to practice dentistry in this state, holds an own-
27 ership interest. The provisions of this subsection shall not apply to such
28 engagement in a limited managed care plan pursuant to chapter 39, title 41,
29 Idaho Code, or to a dentist practicing dentistry for any health care center
30 as defined and authorized in section 330 of the public health service act, as
31 codified as amended at 42 U.S.C. ~~section~~ 254b.