

IN THE SENATE

SENATE BILL NO. 1037

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO DENTISTRY; AMENDING SECTION 54-920, IDAHO CODE, TO REMOVE LAN-
2 GUAGE AND CLARIFY LICENSE STATUS AFTER A FAILURE TO RENEW AND TO MAKE
3 TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-921, IDAHO CODE, TO
4 CLARIFY THE LICENSE REINSTATEMENT PROCESS.
5

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

7 SECTION 1. That Section 54-920, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 54-920. LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES --
10 LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LI-
11 CENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by
12 the board as qualified for licensure under this chapter shall pay the pre-
13 scribed biennial license fee to the board prior to issuance of a license. Un-
14 less otherwise specified on a license, licenses issued by the board shall be
15 effective for the biennial licensing period specified in this section. The
16 biennial licensing period for dental licenses shall be a two (2) year period
17 from October 1 of each even-numbered calendar year to September 30 of the
18 next successive even-numbered calendar year. The biennial licensing period
19 for dental hygiene licenses shall be a two (2) year period from April 1 of
20 each odd-numbered calendar year to March 31 of the next successive odd-num-
21 bered calendar year. Unless otherwise specified on a license, any license
22 issued during a biennial licensing period shall be effective until the be-
23 ginning date of the next successive biennial licensing period and the board
24 may prorate the amount of the license fee from the date of issuance of the li-
25 cense until the beginning date of the next applicable biennial licensing pe-
26 riod at the discretion of the board. A license issued by the board shall ex-
27 pire unless renewed in the manner specified in this section.

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

- 30 (a) Four hundred dollars (\$400) for a dentist with an active status;
31 (b) Two hundred dollars (\$200) for a dentist with an inactive status;
32 (c) Two hundred twenty dollars (\$220) for a dental hygienist with an ac-
33 tive status;
34 (d) One hundred twelve dollars (\$112) for a dental hygienist with an in-
35 active status;
36 (e) Four hundred dollars (\$400) for a dentist with a specialist status;
37 or
38 (f) Twenty dollars (\$20.00) for a dentist or dental hygienist with a re-
39 tirement status.

40 (3) A license issued by the board shall be renewed as prescribed in this
41 section. Prior to the expiration of the effective period of a license, the
42 board shall provide notice of renewal to the licensee's address of record on

1 file with the board. To renew a dental license, each licensee shall submit a
2 properly completed renewal application and the appropriate biennial license
3 fee to the board prior to September 30 of every even-numbered calendar year.
4 To renew a dental hygiene license, each licensee shall submit a properly com-
5 pleted renewal application and the appropriate biennial license fee to the
6 board prior to March 31 of each odd-numbered calendar year. Each licensee
7 determined by the board as qualified for renewal of a license shall be issued
8 a license for the applicable biennial licensing period.

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

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

18 ~~(b) The notice of failure to renew a license shall advise the licensee~~
19 ~~that he has failed to comply with the board's license renewal require-~~
20 ~~ments and that a fFailure to timely submit a properly completed complete~~
21 ~~renewal application, the appropriate biennial and license fee shall~~
22 ~~result in expiration of the license and termination of the licensee's~~
23 ~~right to practice. Failure to submit a complete renewal application,~~
24 ~~license fee and a fifty dollar (\$50.00) late fee within thirty (30) days~~
25 ~~of the date upon which the board's notice was mailed shall result in~~
26 ~~the expiration of his the license shall result in cancellation of the~~
27 ~~license.~~

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

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

40 (a) The term "license with active status" means a license issued by the
41 board to a qualified person who is authorized to be an active practi-
42 tioner of dentistry or dental hygiene in the state of Idaho. A person's
43 right to be issued and maintain a license with active status shall not
44 be affected by any absence, not exceeding two (2) years, from active
45 practice in Idaho by reason of illness or vacation. A person's right
46 to be issued and maintain a license with active status shall not be af-
47 fected by any absence from active practice in Idaho for any period while
48 serving on active duty in the armed forces of the United States, while
49 employed in the United States public health service or United States
50 veterans administration, or while enrolled in board-approved postgrad-

1 uate educational courses, either within or without the state of Idaho.
2 Each applicant or licensee requesting an active status license must
3 state that he intends to fulfill the requirements for that status.

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

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

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

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

39 (b) The board may issue a license with inactive status to any qualified
40 person who fulfilled the licensure requirements but, for any reason, is
41 not eligible for a license with active status. Renewal of a license with
42 inactive status requires compliance with requirements as determined by
43 the board.

44 (c) The board may issue a license with provisional status or special
45 status to any person who fulfills, or substantially fulfills, the
46 applicable licensure requirements when the board, acting in its dis-
47 cretion, determined that special circumstances existed which, for the
48 protection of the public health, safety and welfare, required that
49 specific conditions, restrictions or limitations be imposed on the li-
50 cense. A license with special status or provisional status entitles the

holder thereof to practice dentistry or dental hygiene in the state of Idaho subject to the conditions, restrictions and limitations specifically determined by the board and for the period of time prescribed. A provisional license is effective for the period specified by the board and may not be renewed. The board shall develop rules to include definitions, application and renewal requirements, limitations of practice and other conditions regarding provisional and special status licenses.

(d) The board may convert a license with inactive status to a license with active status in the event the holder pays the license fee prescribed for licenses with active status and submits to the board satisfactory evidence of:

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

(ii) Good moral character and good professional conduct; and

(iii) A minimum of one thousand (1,000) hours of clinical dentistry or dental hygiene practiced within the previous two (2) years or ~~has been employed~~ employment full time as a dental or dental hygiene instructor at an American dental association accredited dental or dental hygiene school or ~~has been enrolled~~ enrollment in a ~~board approved~~ board-approved postgraduate educational program.

(e) Persons unable to otherwise fully meet the requirements for conversion of an inactive status license to an active status license may convert their license upon board approval.

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

SECTION 2. That Section 54-921, Idaho Code, be, and the same is hereby amended to read as follows:

54-921. REINSTATEMENT OF CANCELED LICENSE. (1) A license that has been canceled for less than two (2) years may be reinstated by submitting all required application and license fees and submitting evidence of completion of all required continuing education hours.

~~(2) A person whose license that has expired for failure to fully comply with the board's license renewal requirements been canceled for more than two (2) years may have such qualification be reinstated by filing an application for licensure showing possession by him of satisfying the qualifications required license requirements of a first-time applicant for licensure, and additionally the fact, time and cause of cancellation of his previous qualification. He shall pay to the board an submitting all required application and license fees in the same amount as prescribed by the board under the provisions of section 54-916, Idaho Code, which fee shall not be refunded. If found qualified as in the case of a first applicant for licensure, he may be required to take and pass such examinations as, in the discretion of the board, shall show that he possesses the knowledge and skill requisite to the practice of dentistry or dental hygiene as the case may be. In the event he passes such examinations there shall be issued to him a certificate of qualification.~~