LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

IN THE SENATE

SENATE BILL NO. 1129

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO DENTISTS; AMENDING SECTION 54-900, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-902A, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 54-903, IDAHO CODE, TO DEFINE A TERM AND TO REVISE DEFINITIONS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-906A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE UNLAWFUL PRACTICE OF DENTAL THERAPY; AMENDING SECTION 54-912, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPY; AMENDING SECTION 54-913, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFICATES OF QUALIFICATION AND LICENSES; AMENDING SECTION 54-915, IDAHO CODE, TO PROVIDE FOR THE QUALIFICATIONS REQUIRED OF DENTAL THERAPISTS; AMENDING SECTION 54-916, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-916C, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPY LICENSURE BY CREDENTIALS; AMENDING SECTION 54-918, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXAMINATIONS; AMENDING SECTION 54-920, IDAHO CODE, TO PROVIDE FOR LICENSING AND LICENSE FEES FOR DENTAL THERAPISTS; AMENDING SECTION 54-922, IDAHO CODE, TO REQUIRE DISPLAY OF A DENTAL THERAPY LICENSE; AMENDING SECTION 54-923, IDAHO CODE, TO PROVIDE FOR REVOCATION OF A DENTAL THERAPY LICENSE; AMENDING SECTION 54-924, IDAHO CODE, TO REVISE PROVISIONS REGARDING GROUNDS OF REFUSAL, REVOCATION, OR SUSPENSION OF DENTISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-926, IDAHO CODE, TO PROVIDE GROUNDS FOR REVOCATION OR SUSPENSION OF DENTAL THERAPISTS; AMENDING SECTION 54-930, IDAHO CODE, TO PROVIDE EXCEPTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-932, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR LOST OR DESTROYED DENTAL THERAPIST CERTIFICATES OR LICENSES; AND AMENDING SECTION 54-935, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPISTS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-900, Idaho Code, be, and the same is hereby amended to read as follows:

54-900. PURPOSE. Recognizing that the practice of dentistry, dental therapy, and dental hygiene is a privilege granted by the state of Idaho and is not a natural right of individuals, the purpose of this chapter is to assure the public health, safety and welfare in the state by the licensure and regulation of dentists, dental therapists, and dental hygienists.

SECTION 2. That Chapter 9, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-902A, Idaho Code, and to read as follows:
54-902A. DEFINITION -- PRACTICE OF DENTAL THERAPY. The practice of
dental therapy is the doing by one (1) person for a direct or indirect con-
sideration of one (1) or more of the following with respect to the teeth or
dental health of another person, namely, identifying oral and systemic con-
ditions, performing dental prophylaxis, dispensing and administering non-
narcotic analgesics, anti-inflammatory and antibiotic agents as pre-
scribed by a licensed dentist, applying preventive agents, preparation and
placement of direct restorations in primary and permanent teeth, indirect
and direct pulp capping on permanent teeth, indirect pulp capping on primary
teeth, and such other dental services as specified by the supervising dent-
ist and for which the dental therapist is trained unless prohibited by the
board in its adopted rules. The board shall enter into negotiated rulemaking
to establish the appropriate levels of supervision for each authorized ser-
vice or procedure. Except as otherwise specified in this chapter, such ser-
VICES and procedures shall be limited to the discharge of official duties on
behalf of the United States government, including through the United States
public health service, the Indian health service, or tribal health programs
contracted to perform services on behalf of the United States government in a
practice setting within the exterior boundaries of a tribal reservation.

SECTION 3. That Section 54-903, Idaho Code, be, and the same is hereby
amended to read as follows:

54-903. GENERAL DEFINITIONS. As used in this chapter:
(1) "Association" means the Idaho state dental association and the
Idaho dental hygienists' association.
(2) "Board" means the state board of dentistry.
(3) "Conviction" or "convicted" means a finding of guilt by a judge
or jury, an entry of a guilty plea by a defendant and its acceptance by
the court, a forfeiture of a bail bond or collateral deposited to secure a
defendant's appearance, a judgment of conviction, a suspended sentence,
probation, a withheld judgment, or a finding of guilt under the uniform code
of military justice.
(4) "Dental assistant" is a person who need not be licensed under this
chapter, but who is regularly employed at a dental office, who works under
a dentist's supervision, and is adequately trained and qualified according
to standards established by the board to perform the dental services permit-
ted to be performed by assistants by this chapter and applicable rules of the
board.
(5) "Dental hygienist" is a person both qualified and licensed by the
laws of Idaho to practice dental hygiene.
(6) "Dental specialist" is a dentist who has graduated from a board-ap-
proved postgraduate program in the dentist's specialty and is a person both
qualified and licensed by the laws of Idaho to practice a dental specialty
recognized by the board.
(7) "Dental therapist" is a person both qualified and licensed by the
laws of Idaho to practice dental therapy.
(8) "Dentist" is a person both qualified and licensed by the laws of
Idaho to practice dentistry.
(9) "Direct supervision" is supervision of a dental therapist, dental
assistant, or dental hygienist requiring that a dentist diagnose the condi-
tion to be treated, that a dentist authorize the procedure to be performed, that a dentist remain in the practice setting while the procedure is performed, and that before dismissal of the patient a dentist approves the work performed by the dental therapist, dental assistant, or dental hygienist.

(410) "Extended access oral health care setting" means and includes:
(a) Dental and dental hygiene treatment and services provided at locations including, but not limited to, a school district, county, state or federal agency, hospital, medical office, long-term care facility, public health district, dental or dental hygiene school, tribal clinic, or federally qualified health center; or
(b) Oral health care programs approved by the board and conducted by or through a nonprofit public or private entity, organized in accordance with section 501(c)(3) or 501(c)(4) of the federal Internal Revenue Code, that provide free dental or dental hygiene services to persons who, due to age, infirmity, indigence, disability or other similar reason, may be unable to receive regular dental and dental hygiene treatment. The board may require reapproval of the oral health care programs on an annual basis or at such other times as may be deemed by the board to be necessary or appropriate.
(c) Dental therapy preventive treatment and preventive services provided at locations including, but not limited to, a school district, county, state or federal agency, long-term care facility, public health district, or federally qualified health center in a community that has a border wholly or partially adjacent to the exterior boundaries of a tribal reservation.

(141) "General supervision" is supervision of a dental therapist, dental assistant, or dental hygienist requiring that a dentist authorize the procedure which is carried out, but not requiring that a dentist be in the practice setting when the authorized procedure is performed.

(142) "Indirect supervision" is supervision of a dental therapist, dental assistant, or dental hygienist requiring that a dentist authorize a procedure and that a dentist be in the practice setting while the procedure is performed by the therapist, assistant, or hygienist.

SECTION 4. That Chapter 9, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-906A, Idaho Code, and to read as follows:

54-906A. UNLAWFUL PRACTICE OF DENTAL THERAPY. (1) Any person, not a dentist, who shall practice or in any manner hold himself out to any other person or to the public as qualified or licensed to practice dental therapy within the state of Idaho without at the time being a licensed dental therapist, or who performs any act, function, or service that is permitted a dental therapist by this chapter without the supervision of a dentist as specified by the rules of the board, shall be guilty of a misdemeanor and upon conviction shall be fined no less than one hundred dollars ($100) nor more than three hundred dollars ($300), or be imprisoned in the county jail for no less than thirty (30) days nor more than six (6) months, or both. Each act of practice, or holding out, or representation shall constitute a separate offense.

(2) Conviction under the provisions of this section shall not prevent issuance of an injunction as provided in section 54-933, Idaho Code.
SECTION 5. That Section 54-912, Idaho Code, be, and the same is hereby amended to read as follows:

54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have the following powers and duties:
(1) To ascertain the qualifications and fitness of applicants to practice dentistry, a dental specialty, dental therapy, or dental hygiene; to prepare, conduct and grade qualifying examinations; to require and accept passing results of written and clinical examinations from approved dental therapy, and dental hygiene testing organizations; to issue in the name of the board a certificate of qualification to applicants found to be fit and qualified to practice dentistry, dental therapy, or dental hygiene.
(2) To prescribe rules for a fair and wholly impartial method of licensure and examination of applicants to practice dentistry, a dental specialty, dental therapy, or dental hygiene.
(3) To define by rule what shall constitute accepted and approved schools, colleges, institutions, universities or departments thereof for the teaching of dentistry, dental therapy, or dental hygiene and to determine, accept and approve those that comply therewith.
(4) To promulgate other rules required by law or necessary or desirable for its enforcement and administration; to define by rule the terms unprofessional conduct or practices injurious to the public as the terms are used in section 54-924, Idaho Code, to furnish applications, certificates, licenses and other necessary forms.
(5) To inspect or cause to be inspected the offices or operating rooms of all persons licensed under this chapter.
(6) (a) Upon its own motion or upon any complaint, to initiate and conduct investigations on all matters relating to the practice of dentistry, dental therapy, or dental hygiene and to conduct hearings or proceedings on its own or through its designated hearing officer, to revoke, suspend or otherwise condition certificates of qualification or licenses of persons practicing dentistry, dental therapy, or dental hygiene and, on such terms as the board shall deem appropriate, to revoke, suspend, or otherwise condition such licenses, provided such hearings and proceedings shall be had in conformance with the provisions of chapter 52, title 67, Idaho Code. Final decisions of the board shall be subject to judicial review as provided in chapter 52, title 67, Idaho Code.
(b) Whenever it appears that grounds for discipline exist under this chapter and the board finds that there is an immediate danger to the public health, safety or welfare, the board is authorized to commence emergency proceedings for revocation or other action. Such proceedings shall be promptly instituted and processed, including the right to contest the emergency proceedings and appeal, under the applicable provisions of chapter 52, title 67, Idaho Code.
(7) The board, its designated hearing officer, or representative shall have power to administer oaths, the power to engage in discovery as provided in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code, including, but not limited to, the power to take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of
witnesses and the production of books, records and papers as it may desire
at any hearing before it of any matter which it has authority to investigate,
and for that purpose the board or its designated hearing officer may issue
a subpoena for any witness or a subpoena duces tecum to compel the produc-
tion of any books, records or papers, directed to the sheriff of any county of
the state of Idaho, where the witness resides, or may be found, which shall
be served and returned in the same manner as a subpoena in a criminal case is
served and returned. The fees and mileage of the witnesses shall be the same
as that allowed in the district courts in criminal cases and shall be paid
from the state board of dentistry fund in the same manner as other expenses of
the board are paid. In any case of disobedience to, or neglect of, any sub-
poena or subpoena duces tecum served upon any person, or the refusal of any
witness to testify to any matter regarding which he may lawfully be interro-
gated, it shall be the duty of the district court, or any judge thereof, of
any county in this state in which the disobedience, neglect or refusal oc-
curs, upon application by the board to compel obedience by proceedings for
contempt as in the case of disobedience of the requirements of a subpoena is-
suued from the court or for refusal to testify. The licensed person accused
in the proceedings shall have the same right of subpoena upon making applica-
tion to the board.

(8) The board shall establish an office and may appoint an executive di-
rector and may employ other personnel, including attorneys and hearing offi-
cers, as may be necessary to assist the board. The board shall prescribe the
duties of the executive director and these duties shall include the prepara-
tion of all papers and records under law for the board, and shall include en-
forcement activities as to the board may from time to time appear advisable,
and the executive director shall act for and on behalf of the board in such
manner as the board may authorize, keep records, property and equipment of
the board and discharge other duties as the board may from time to time pre-
scribe. The compensation of the executive director or other personnel shall
be determined by the board and the executive director shall be bonded to the
state in the time, form and manner prescribed in chapter 8, title 59, Idaho
Code.

(9) To report annually to the associations on the status of the state
board of dentistry fund and furnish the associations a written report on all
receipts and expenditures during the preceding year.

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

SECTION 6. That Section 54-913, Idaho Code, be, and the same is hereby
amended to read as follows:

54-913. CERTIFICATES -- LICENSES -- RECORDS. (1) All certificates of
qualification to practice dentistry, dental therapy, or dental hygiene, and
all licenses shall be issued by the board in the name of the board, with the
seal attached.

(2) The board shall keep a record of all applicants for licensure to
qualify as a dentist, dental therapist, or dental hygienist, of applicants
rejected on application or examination with the reason for rejection, of
certificates of qualification and of licenses issued, and of dentists, den-
tal therapists, and dental hygienists.

SECTION 7. That Section 54-915, Idaho Code, be, and the same is hereby
amended to read as follows:

54-915. QUALIFICATIONS REQUIRED FOR DENTIST, DENTAL THERAPIST, OR
DENTAL HYGIENIST LICENSURE. No person hereafter shall be eligible for licens-
sure to practice dentistry, dental therapy, or dental hygiene in this state
unless the applicant:
(1) Is of good moral character and has not pled guilty to or been con-
victed of any felony, or of any misdemeanor involving moral turpitude, un-
less the person demonstrates that he has been sufficiently rehabilitated to
warrant the public trust;
(2) Shall, for dentistry, have successfully completed the course of
study in dentistry, and graduated and received a degree of doctor of dental
surgery or doctor of dental medicine from a dental school accepted and ap-
proved by the board;
(3) Shall, for dental therapy, have:
(a) Successfully completed a course of study in dental therapy;
(b) Graduated from a dental therapy school accredited by the commis-
sion on dental accreditation of the American dental association, pro-
vided that such school has been accepted and approved by the board; and
(c) Completed five hundred (500) hours of supervised clinical practice
under the direct supervision of a dentist;
(4) Shall, for dental hygiene, have successfully completed the course
of study in dental hygiene, and received a degree from a dental hygiene
school accepted and approved by the board;
(45) Shall, for dentistry, dental therapy, and dental hygiene, pass the
examinations provided for in section 54-918, Idaho Code.

SECTION 8. That Section 54-916, Idaho Code, be, and the same is hereby
amended to read as follows:

54-916. APPLICATION FOR LICENSURE -- FEE. Any person desiring to prac-
tice dentistry, a dental specialty, dental therapy, or dental hygiene within
the state of Idaho shall make an application for licensure in dentistry, a
dental specialty, dental therapy, or dental hygiene, as the case may be, on
forms furnished by the board, which forms shall call for information from
the applicant as shall show his full, true name and that he possesses all
the qualifications required by law for the license applied for. The applica-
tion and supporting instruments as shall be required, together with payment
of an application fee of not more than three hundred dollars ($300) for den-
tists, the fee to be set by the rules of the board and not more than two hun-
dred fifty dollars ($250) for dental therapists and dental hygienists, the
fee to be set by the rules of the board, and not more than six hundred dollars
($600) for dental specialists, the fee to be set by the rules of the board, shall
be filed with the board at a sufficient time to permit the board to in-
vestigate into the moral character of the applicant and his possession of the
other qualifications for licensure. The fee shall not be refunded.
SECTION 9. That Chapter 9, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-916C, Idaho Code, and to read as follows:

54-916C. DENTAL THERAPY LICENSURE BY CREDENTIALS. The board may issue a license to practice dental therapy without further examination to an applicant upon evidence that:

(1) The applicant currently holds an active license in good standing to practice dental therapy in another state with no disciplinary proceedings or unresolved complaints pending before the state's licensing board;

(2) The applicant has been in clinical practice at least two (2) years and has practiced a minimum of two thousand (2,000) hours in the three (3) years immediately preceding the date of application;

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

(4) The applicant has successfully completed board-approved examinations; and

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

SECTION 10. That Section 54-918, Idaho Code, be, and the same is hereby amended to read as follows:

54-918. EXAMINATIONS -- CERTIFICATE OF QUALIFICATION. (1) An applicant for licensure shall pass such examinations in dentistry, in dental therapy, and in dental hygiene as are conducted by the board or its agent. Examinations shall be written or clinical, or both, and upon such subjects in dentistry, dental therapy, and dental hygiene as the board shall determine will thoroughly test the fitness and ability of the applicant to practice dentistry, dental therapy, or dental hygiene. An applicant for licensure shall pass the written jurisprudence examination conducted by the board. A passing score of seventy-five percent (75%) correct shall be required on the written jurisprudence examination. A passing score of at least seventy-five percent (75%) correct shall be required on any additional written or clinical examinations conducted by the board. It shall report and record the names of applicants who pass and of those who fail the examinations. Upon the candidate's request, the board will issue to each passing applicant in dentistry, who is qualified for Idaho licensure, a certificate of qualification to practice dentistry, and to each passing applicant in dental therapy, who is qualified for Idaho licensure, a certificate of qualification to practice dental therapy within the state of Idaho, and to each passing applicant in dental hygiene, who is qualified for Idaho licensure, a certificate of qualification to practice dental hygiene within the state of Idaho.

(2) In lieu of conducting written examinations other than the jurisprudence examination, the board may require and accept the results of the national board dental and dental hygiene examinations administered by the American dental association. The American dental association shall set the standards for passing the national board dental and dental hygiene examinations. In lieu of conducting clinical examinations, the board may require and accept the results of clinical examinations administered by national or regional testing organizations approved by the board. In lieu of conducting
dental therapy examinations, the board may require and accept the results of dental therapy examinations approved by national or regional testing organizations. The national or regional testing organizations shall set the standards for passing or acceptable level of competency on the clinical or dental therapy examinations administered.

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

(4) Written questions and answers of applicants shall be subject to disclosure according to chapter 1, title 74, Idaho Code, unless exempt from disclosure in that chapter and title, and shall be destroyed by the board after the period of one (1) year following the examination.

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

54-920. LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES -- LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSEES -- RIGHTS OF LICENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by the board as qualified for licensure under this chapter shall pay the prescribed biennial license fee to the board prior to issuance of a license. Unless otherwise specified on a license, licenses issued by the board shall be effective for the biennial licensing period specified in this section. The biennial licensing period for dental and dental therapy licenses shall be a two (2) year period from October 1 of each even-numbered calendar year to September 30 of the next successive even-numbered calendar year. The biennial licensing period for dental hygiene licenses shall be a two (2) year period from April 1 of each odd-numbered calendar year to March 31 of the next successive odd-numbered calendar year. Unless otherwise specified on a license, any license issued during a biennial licensing period shall be effective until the beginning date of the next successive biennial licensing period and the board may prorate the amount of the license fee from the date of issuance of the license until the beginning date of the next applicable biennial licensing period at the discretion of the board. A license issued by the board shall expire unless renewed in the manner specified in this section.

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

(a) Four hundred dollars ($400) for a dentist with an active status;
(b) Two hundred dollars ($200) for a dentist with an inactive status;
(c) Three hundred dollars ($300) for a dental therapist with an active status;
(d) One hundred fifty dollars ($150) for a dental therapist with an inactive status;
(e) Two hundred twenty dollars ($220) for a dental hygienist with an active status;
(4) One hundred twelve dollars ($112) for a dental hygienist with an inactive status; or
(5) Four hundred dollars ($400) for a dentist with a specialist status.

(3) A license issued by the board shall be renewed as prescribed in this section. Prior to the expiration of the effective period of a license, the
board shall provide notice of renewal to the licensee's address of record on
file with the board. To renew a dental license, each licensee shall submit a
properly completed renewal application and the appropriate biennial license
fee to the board prior to September 30 of every even-numbered calendar year.
To renew a dental hygiene license, each licensee shall submit a properly com-
pleted renewal application and the appropriate biennial license fee to the
board prior to March 31 of each odd-numbered calendar year. Each licensee
determined by the board as qualified for renewal of a license shall be issued
a license for the applicable biennial licensing period.

(4) Failure to timely submit a complete renewal application and li-
cense fee shall result in expiration of the license and termination of the
licensee's right to practice. Failure to submit a complete renewal applica-
tion, license fee and fifty dollar ($50.00) late fee within thirty (30) days
of expiration of the license shall result in cancellation of the license.

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

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

(a) The term "license with active status" means a license issued by the
board to a qualified person who is authorized to practice dentistry, den-
tal therapy, or dental hygiene in the state of Idaho.

(b) The term "license with an inactive status" means a license issued
by the board to a qualified person who is not authorized to be an ac-
tive practitioner of dentistry, dental therapy, or dental hygiene in
the state of Idaho. A person issued a license with an inactive status is
not entitled to practice dentistry, dental therapy, or dental hygiene
in the state of Idaho.

(c) The terms "license with special status" and "license with provi-
sional status" mean licenses issued by the board to a qualified person
on a provisional, conditional, restricted or limited basis under the
terms of which the licensee is authorized to practice dentistry, den-
tal therapy, or dental hygiene in the state of Idaho subject to condi-
tions, limitations and requirements imposed by the board. The condi-
tions, limitations and requirements imposed by the board may include,
but are not limited to, a limitation on the effective period of the li-
cense, a requirement that specific conditions must be fulfilled in or-
der for the license to remain effective, a requirement that specified
education, examinations and skills testing be successfully completed
during the effective period of the license, a restriction on the scope
of permissible services that the licensee is authorized to perform, a
restriction on the type of patients for whom treatment may be rendered
and a restriction on the locations at which the licensee can perform authorized services.

(7) (a) The board may issue a license with active status to any qualified applicant or qualified licensee who is authorized to practice dentistry, dental therapy, or dental hygiene in the state of Idaho. Renewal of a license with active status requires compliance with requirements specified in rule.

(b) The board may issue a license with inactive status to any qualified applicant or qualified licensee who fulfilled the licensure requirements but does not practice in the state of Idaho. Renewal of a license with inactive status requires compliance with requirements specified in rule.

(c) The board may issue a license with provisional status or special status to any person who fulfills, or substantially fulfills, the applicable licensure requirements when the board, acting in its discretion, determined that special circumstances existed which, for the protection of the public health, safety and welfare, required that specific conditions, restrictions or limitations be imposed on the licensee. A license with special status or provisional status entitles the holder thereof to practice dentistry, dental therapy, 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) Completion of accumulated continuing education as required of a license with uninterrupted active status.

(e) Persons unable to otherwise fully meet the requirements for conversion of an inactive status license to an active status license must apply as a first-time applicant.

(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 12. That Section 54-922, Idaho Code, be, and the same is hereby amended to read as follows:

54-922. DISPLAY OF LICENSE. No person shall practice dentistry, dental therapy, or dental hygiene unless he either has on display in his office an unrevoked and unsuspended license for the time period in which he shall practice or has the same immediately producible upon request.
SECTION 13. That Section 54-923, Idaho Code, be, and the same is hereby amended to read as follows:

54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other evidence of qualification and right to practice dentistry, a dental specialty, dental therapy, or dental hygiene, and a license, may be revoked by the board whenever it shall be shown to the board that the holder of such certificate or other evidence of qualification, right to practice or license has been convicted of a felony, or of a misdemeanor involving moral turpitude, whether such conviction shall have occurred before or after qualification, or accrual of such right, or the issuance of such certificate or other evidence of qualification, or of such license. A person licensed to practice dentistry, a dental specialty, dental therapy, or dental hygiene who is convicted of a felony in any jurisdiction shall notify the board within thirty (30) days of conviction by submitting a copy of the judgment of conviction to the board.

SECTION 14. 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 a professional service corporation 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 a professional service corporation 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, codified as amended 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, dental therapist's, or dental hygienist's skill or lack of skill, or method of practice; or
(b) Claim to practice dentistry without causing pain; or
(c) Claim superiority over other dentists; or
(d) Publish, advertise, or circulate reports, letters, certificates, endorsements, or evidence of cures or corrections of dental conditions by such dentist, his employee or associate by reason of his or their skill, experience, or ability or of his or their use of any system, method, technique, device, drug, medicine, material, manipulation or machine; or
(e) Advertise the use of, or use, any system, method, technique, device, drug, medicine, material or machine, which is either falsely advertised or misrepresented; or
(5) Use intoxicants or drugs to such a degree as to render him unfit to practice; or
(6) Commit malpractice, that is, to provide dental care which fails to meet the standard of dental care provided by other qualified dentists in the same community or similar communities, taking into account his training, experience and the degree of expertise to which he holds himself out to the public; or
(7) Engage in unprofessional conduct, as defined by board rules; or
(8) Advertise in such way as to deceive or defraud, or probably deceive or defraud, the public or patrons; or
(9) Employ or permit any person not a dentist to practice dentistry, or any person not a dentist or dental therapist to practice dental therapy, or any person not a dentist or dental hygienist to practice dental hygiene, in his office or under his control or direction; or
(10) Fail, neglect or refuse to keep his office or equipment, or otherwise conduct his work in accordance with current state and federal laws, rules and regulations; or
(11) Violate any other provisions of law or rules adopted by the board; or
(12) Falsely identify himself to the public as a specialist in a specialty area of dentistry as defined by rule; or
(13) Engage in the practice of dentistry as a member, stockholder, employee, director, partner or proprietor in any business entity in which a person, not duly licensed to practice dentistry in this state, holds an ownership interest. The provisions of this subsection shall not apply to such engagement in a limited managed care plan pursuant to chapter 39, title 41, Idaho Code, or to a dentist practicing dentistry for any health care center as defined and authorized in section 330 of the public health service act, codified as amended at 42 U.S.C. 254b.
(14) Supervise more than three (3) dental therapists.

SECTION 15. That Chapter 9, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-926, Idaho Code, and to read as follows:

54-926. OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTAL THERAPISTS -- PROBATION AGREEMENTS. The certificate or other evidence of qualification, and the right to practice dental therapy and the license of any dental therapist, may be revoked, suspended, or otherwise conditioned by the board in the event such dental therapist shall do, in respect to the
practice of dental therapy, or as a dental therapist any of the things or acts
set forth in section 54-924, Idaho Code. Notwithstanding any provisions of
section 54-924, Idaho Code, a dental therapist shall not practice otherwise
than as provided in section 54-902A, Idaho Code, and his doing so shall be
an additional ground for revocation, suspension, or other conditions as
determined by the board. The board may refuse to issue or renew a dental
therapist license, or may revoke, suspend, place on probation, reprimand, or
take other disciplinary action with respect to a dental therapy license as
the board may deem proper, including administrative penalties not to exceed
five thousand dollars ($5,000) per violation and assessment of the costs of
disciplinary proceedings.

SECTION 16. That Section 54-930, Idaho Code, be, and the same is hereby
amended to read as follows:

54-930. EXCEPTIONS TO APPLICATION OF ACT. This act shall not be con-
strued as prohibiting a physician or surgeon, duly authorized to practice
as such in this state, from treating diseases of the mouth or performing op-
erations in oral surgery; nor as prohibiting persons authorized by the laws
of another state, territory or country to practice dentistry or dental hy-
giene therein, or persons teaching in approved dental, dental therapy, or
dental hygiene schools, from making clinical demonstrations before meetings
of dentists, dental therapists, or dental hygienists in Idaho; nor as pro-
hibiting any person from performing merely mechanical work upon inert matter
in a dental laboratory; nor to prohibit students in approved dental, dental
therapy, or dental hygiene schools from practicing dentistry, dental ther-
apy, or dental hygiene therein as part of their training or education.

SECTION 17. That Section 54-932, Idaho Code, be, and the same is hereby
amended to read as follows:

54-932. LOST OR DESTROYED CERTIFICATES OR LICENSES. If the certifi-
cate of qualification or the license of a dentist, dental therapist, or den-
tal hygienist be lost or destroyed, and such fact appear by affidavit of such
dentist, dental therapist, or dental hygienist filed with the board together
with a fee of ten dollars ($10.00), the board shall issue a duplicate.

SECTION 18. That Section 54-935, Idaho Code, be, and the same is hereby
amended to read as follows:

54-935. VOLUNTEER'S LICENSE -- QUALIFICATIONS -- PERMISSIBLE PRACT-
ICE -- IMMUNITY FROM LIABILITY. (1) Upon application and qualification, the
board may issue, without examination, a volunteer's license to a dentist,
dental therapist, or dental hygienist who is retired from the active prac-
tice of dentistry, dental therapy, or dental hygiene to enable the retired
dentist, dental therapist, or dental hygienist to provide dental, dental
therapy, or dental hygiene services at specified locations to persons who,
due to age, infirmity, indigence or disability, are unable to receive regu-
lar dental treatment.

(2) For purposes of this section, a dentist, dental therapist, or den-
tal hygienist previously holding a dental, dental therapist, or dental hy-
giene license with active status in Idaho or another state shall be consid-
nered to be retired if, prior to the date of application for a volunteer's li-
cense, he has surrendered or allowed his license with active status to expire
with the intention of ceasing to actively practice as a dentist, dental ther-
apist, or dental hygienist for remuneration, he has converted his license
with active status to a license with inactive status with the intention of
ceasing to actively practice as a dentist, dental therapist, or dental hy-
gienist for remuneration, or he has converted his license with active or in-
active status to a license with retirement or similar status that proscribed
the active practice of dentistry, dental therapy, or dental hygiene. A den-
tist, dental therapist, or dental hygienist whose dental, dental therapy,
or dental hygiene license had been restricted, suspended, revoked, surren-
dered, resigned, converted, or allowed to lapse or expire as the result of
disciplinary action or in lieu of disciplinary action being taken shall not
be eligible for a volunteer's license.

(3) An application for a volunteer's license shall include, but not be
limited to, the following:

(a) Verification of graduation from a dental, dental therapy, or dental
hygiene school accredited by the commission on dental accreditation
of the American dental association as of the date of the applicant's
graduation;

(b) Verification from each state board in which the applicant was li-
censed that the applicant maintained his dental, dental therapy, or
dental hygiene license in good standing without disciplinary action
that restricted the applicant's license or resulted in the applicant's
license being placed on probation, suspended, revoked or being sur-
rendered, resigned or otherwise allowed to lapse or expire in lieu of
disciplinary action;

(c) Verification that the applicant held a dental, dental therapy, or
dental hygiene license in good standing in Idaho or another state as of
the date upon which the dentist, dental therapist, or dental hygienist
became retired;

(d) Verification that the applicant held an active status dental, den-
tal therapy, or dental hygiene license in good standing in Idaho or an-
other state within five (5) years of the date of application for a vol-
unteer's license, provided that the board may waive the five (5) year
requirement in the event that the applicant demonstrates he possesses
the knowledge and skills requisite to the practice of dentistry, dental
therapy, or dental hygiene by successfully completing such examina-
tions as are required by the board; and

(e) A notarized statement from the applicant on a form prescribed by
the board, that the applicant will not provide any dental, dental ther-
apy, or dental hygiene services to any person or at any location other
than as permitted by this section and that the applicant will not accept
any amount or form of remuneration, other than as reimbursement for the
amount of actual expenses incurred as a volunteer dentist, dental ther-
apist, or dental hygienist, for any dental, dental therapy, or dental
hygiene services provided under the authority of a volunteer's license.

(4) For purposes of this section, the specified locations at which a
dentist, dental therapist, or dental hygienist holding a volunteer's li-
cense may provide dental, dental therapy, or dental hygiene services shall be limited to the premises or sites of extended access oral health care settings. The dental services provided in an extended access oral health care setting by a dentist holding a volunteer's license shall not require or include the administration of general anesthesia or moderate sedation to a patient unless otherwise specifically approved in advance by the board.

(5) A volunteer's license shall be valid for that period specified for dentists, dental therapists, and dental hygienists in section 54-920, Idaho Code, and may be renewed upon application of the licensee unless the license has been revoked in accordance with this section. The board shall maintain a register of all dentists, dental therapists, and dental hygienists who hold a volunteer's license. The board shall not charge an application or licensing fee for issuing or renewing a volunteer's license. A volunteer's license cannot be converted to a license with active, inactive, provisional or special status.

(6) The board may revoke a volunteer's license upon receiving proof satisfactory to the board that the holder of a volunteer's license provided dental, dental therapy, or dental hygiene services outside the permissible scope of the volunteer's license or that grounds existed for enforcement or disciplinary action against the holder of a volunteer's license under other sections of this chapter or the administrative rules promulgated under this chapter.

(7) When practicing dentistry, dental therapy, or dental hygiene within the permissible scope of a volunteer's license, the holder of a volunteer's license issued pursuant to this section shall be immune from liability for any civil action arising out of the provision of volunteer dental, dental therapy, or dental hygiene services. This section does not provide or extend immunity to a holder of a volunteer's license for any acts or omissions constituting negligence.