

IN THE SENATE

SENATE BILL NO. 1129

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO DENTISTS; AMENDING SECTION 54-900, IDAHO CODE, TO PROVIDE FOR  
2 DENTAL THERAPISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE AD-  
3 DITION OF A NEW SECTION 54-902A, IDAHO CODE, TO DEFINE A TERM; AMENDING  
4 SECTION 54-903, IDAHO CODE, TO DEFINE A TERM AND TO REVISE DEFINITIONS;  
5 AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
6 TION 54-906A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE UNLAW-  
7 FUL PRACTICE OF DENTAL THERAPY; AMENDING SECTION 54-912, IDAHO CODE, TO  
8 PROVIDE FOR DENTAL THERAPY; AMENDING SECTION 54-913, IDAHO CODE, TO RE-  
9 VISE PROVISIONS REGARDING CERTIFICATES OF QUALIFICATION AND LICENSES;  
10 AMENDING SECTION 54-915, IDAHO CODE, TO PROVIDE FOR THE QUALIFICATIONS  
11 REQUIRED OF DENTAL THERAPISTS; AMENDING SECTION 54-916, IDAHO CODE,  
12 TO PROVIDE FOR DENTAL THERAPISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO  
13 CODE, BY THE ADDITION OF A NEW SECTION 54-916C, IDAHO CODE, TO PROVIDE  
14 FOR DENTAL THERAPY LICENSURE BY CREDENTIALS; AMENDING SECTION 54-918,  
15 IDAHO CODE, TO REVISE PROVISIONS REGARDING EXAMINATIONS; AMENDING SEC-  
16 TION 54-920, IDAHO CODE, TO PROVIDE FOR LICENSING AND LICENSE FEES FOR  
17 DENTAL THERAPISTS; AMENDING SECTION 54-922, IDAHO CODE, TO REQUIRE  
18 DISPLAY OF A DENTAL THERAPY LICENSE; AMENDING SECTION 54-923, IDAHO  
19 CODE, TO PROVIDE FOR REVOCATION OF A DENTAL THERAPY LICENSE; AMENDING  
20 SECTION 54-924, IDAHO CODE, TO REVISE PROVISIONS REGARDING GROUNDS OF  
21 REFUSAL, REVOCATION, OR SUSPENSION OF DENTISTS; AMENDING CHAPTER 9, TI-  
22 TLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-926, IDAHO CODE,  
23 TO PROVIDE GROUNDS FOR REVOCATION OR SUSPENSION OF DENTAL THERAPISTS;  
24 AMENDING SECTION 54-930, IDAHO CODE, TO PROVIDE EXCEPTIONS AND TO MAKE  
25 TECHNICAL CORRECTIONS; AMENDING SECTION 54-932, IDAHO CODE, TO PROVIDE  
26 REQUIREMENTS FOR LOST OR DESTROYED DENTAL THERAPIST CERTIFICATES OR LI-  
27 CENSES; AND AMENDING SECTION 54-935, IDAHO CODE, TO PROVIDE FOR DENTAL  
28 THERAPISTS AND TO MAKE TECHNICAL CORRECTIONS.  
29

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

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

33 54-900. PURPOSE. Recognizing that the practice of dentistry, dental  
34 therapy, and dental hygiene is a privilege granted by the state of Idaho and  
35 is not a natural right of individuals, the purpose of this chapter is to as-  
36 sure the public health, safety and welfare in the state by the licensure and  
37 regulation of dentists, dental therapists, and dental hygienists.

38 SECTION 2. That Chapter 9, Title 54, Idaho Code, be, and the same is  
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
40 ignated as Section 54-902A, Idaho Code, and to read as follows:

1           54-902A. DEFINITION -- PRACTICE OF DENTAL THERAPY. The practice of  
 2 dental therapy is the doing by one (1) person for a direct or indirect con-  
 3 sideration of one (1) or more of the following with respect to the teeth or  
 4 dental health of another person, namely, identifying oral and systemic con-  
 5 ditions, performing dental prophylaxis, dispensing and administering non-  
 6 narcotic analgesics, anti-inflammatory and antibiotic medications as pre-  
 7 scribed by a licensed dentist, applying preventive agents, preparation and  
 8 placement of direct restorations in primary and permanent teeth, indirect  
 9 and direct pulp capping on permanent teeth, indirect pulp capping on primary  
 10 teeth, and such other dental services as specified by the supervising den-  
 11 tist and for which the dental therapist is trained unless prohibited by the  
 12 board in its adopted rules. The board shall enter into negotiated rulemaking  
 13 to establish the appropriate levels of supervision for each authorized ser-  
 14 vice or procedure. Except as otherwise specified in this chapter, such ser-  
 15 vices and procedures shall be limited to the discharge of official duties on  
 16 behalf of the United States government, including through the United States  
 17 public health service, the Indian health service, or tribal health programs  
 18 contracted to perform services on behalf of the United States government in a  
 19 practice setting within the exterior boundaries of a tribal reservation.

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

22           54-903. GENERAL DEFINITIONS. As used in this chapter:

23           (1) "Association" means the Idaho state dental association and the  
 24 Idaho dental hygienists' association.

25           (2) "Board" means the state board of dentistry.

26           (3) "Conviction" or "convicted" means a finding of guilt by a judge  
 27 or jury, an entry of a guilty plea by a defendant and its acceptance by  
 28 the court, a forfeiture of a bail bond or collateral deposited to secure a  
 29 defendant's appearance, a judgment of conviction, a suspended sentence,  
 30 probation, a withheld judgment, or a finding of guilt under the uniform code  
 31 of military justice.

32           (4) "Dental assistant" is a person who need not be licensed under this  
 33 chapter, but who is regularly employed at a dental office, who works under  
 34 a dentist's supervision, and is adequately trained and qualified according  
 35 to standards established by the board to perform the dental services permit-  
 36 ted to be performed by assistants by this chapter and applicable rules of the  
 37 board.

38           (5) "Dental hygienist" is a person both qualified and licensed by the  
 39 laws of Idaho to practice dental hygiene.

40           (6) "Dental specialist" is a dentist who has graduated from a board-ap-  
 41 proved postgraduate program in the dentist's specialty and is a person both  
 42 qualified and licensed by the laws of Idaho to practice a dental specialty  
 43 recognized by the board.

44           (7) "Dental therapist" is a person both qualified and licensed by the  
 45 laws of Idaho to practice dental therapy.

46           (8) "Dentist" is a person both qualified and licensed by the laws of  
 47 Idaho to practice dentistry.

48           (89) "Direct supervision" is supervision of a dental therapist, dental  
 49 assistant, or dental hygienist requiring that a dentist diagnose the condi-

1 tion to be treated, that a dentist authorize the procedure to be performed,  
 2 that a dentist remain in the practice setting while the procedure is per-  
 3 formed, and that before dismissal of the patient a dentist approves the work  
 4 performed by the dental therapist, dental assistant, or dental hygienist.

5 (910) "Extended access oral health care setting" means and includes:

6 (a) Dental and dental hygiene treatment and services provided at loca-  
 7 tions including, but not limited to, a school district, county, state  
 8 or federal agency, hospital, medical office, long-term care facility,  
 9 public health district, dental or dental hygiene school, tribal clinic,  
 10 or federally qualified health center; or

11 (b) Oral health care programs approved by the board and conducted by or  
 12 through a nonprofit public or private entity, organized in accordance  
 13 with section 501(c)(3) or 501(c)(4) of the federal Internal Revenue  
 14 Code, that provide free dental or dental hygiene services to persons  
 15 who, due to age, infirmity, indigence, disability or other similar  
 16 reason, may be unable to receive regular dental and dental hygiene  
 17 treatment. The board may require reapproval of the oral health care  
 18 programs on an annual basis or at such other times as may be deemed by the  
 19 board to be necessary or appropriate.

20 (c) Dental therapy preventive treatment and preventive services pro-  
 21 vided at locations including, but not limited to, a school district,  
 22 county, state or federal agency, long-term care facility, public health  
 23 district, or federally qualified health center in a community that has  
 24 a border wholly or partially adjacent to the exterior boundaries of a  
 25 tribal reservation.

26 (101) "General supervision" is supervision of a dental therapist, den-  
 27 tal assistant, or dental hygienist requiring that a dentist authorize the  
 28 procedure which is carried out, but not requiring that a dentist be in the  
 29 practice setting when the authorized procedure is performed.

30 (112) "Indirect supervision" is supervision of a dental therapist, den-  
 31 tal assistant, or dental hygienist requiring that a dentist authorize a pro-  
 32 cedure and that a dentist be in the practice setting while the procedure is  
 33 performed by the therapist, assistant, or hygienist.

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

37 54-906A. UNLAWFUL PRACTICE OF DENTAL THERAPY. (1) Any person, not a  
 38 dentist, who shall practice or in any manner hold himself out to any other  
 39 person or to the public as qualified or licensed to practice dental therapy  
 40 within the state of Idaho without at the time being a licensed dental thera-  
 41 pist, or who performs any act, function, or service that is permitted a den-  
 42 tal therapist by this chapter without the supervision of a dentist as speci-  
 43 fied by the rules of the board, shall be guilty of a misdemeanor and upon con-  
 44 viction shall be fined no less than one hundred dollars (\$100) nor more than  
 45 three hundred dollars (\$300), or be imprisoned in the county jail for no less  
 46 than thirty (30) days nor more than six (6) months, or both. Each act of prac-  
 47 tice, or holding out, or representation shall constitute a separate offense.

48 (2) Conviction under the provisions of this section shall not prevent  
 49 issuance of an injunction as provided in section 54-933, Idaho Code.

1 SECTION 5. That Section 54-912, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have  
4 the following powers and duties:

5 (1) To ascertain the qualifications and fitness of applicants to prac-  
6 tice dentistry, a dental specialty, dental therapy, or dental hygiene; to  
7 prepare, conduct and grade qualifying examinations; to require and accept  
8 passing results of written and clinical examinations from approved dental,  
9 dental therapy, and dental hygiene testing organizations; to issue in the  
10 name of the board a certificate of qualification to applicants found to be  
11 fit and qualified to practice dentistry, dental therapy, or dental hygiene.

12 (2) To prescribe rules for a fair and wholly impartial method of li-  
13 censure and examination of applicants to practice dentistry, a dental spe-  
14 cialty, dental therapy, or dental hygiene.

15 (3) To define by rule what shall constitute accepted and approved  
16 schools, colleges, institutions, universities or departments thereof for  
17 the teaching of dentistry, dental therapy, or dental hygiene and to deter-  
18 mine, accept and approve those that comply therewith.

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

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

26 (6) (a) Upon its own motion or upon any complaint, to initiate and  
27 conduct investigations on all matters relating to the practice of den-  
28 tistry, dental therapy, or dental hygiene and to conduct hearings or  
29 proceedings on its own or through its designated hearing officer, to re-  
30 voke, suspend or otherwise condition certificates of qualification or  
31 licenses of persons practicing dentistry, dental therapy, or dental hy-  
32 giene and, on such terms as the board shall deem appropriate, to revoke,  
33 suspend, or otherwise condition such licenses, provided such hearings  
34 and proceedings shall be had in conformance with the provisions of chap-  
35 ter 52, title 67, Idaho Code. Final decisions of the board shall be sub-  
36 ject to judicial review as provided in chapter 52, title 67, Idaho Code.

37 (b) Whenever it appears that grounds for discipline exist under this  
38 chapter and the board finds that there is an immediate danger to the  
39 public health, safety or welfare, the board is authorized to commence  
40 emergency proceedings for revocation or other action. Such proceed-  
41 ings shall be promptly instituted and processed, including the right  
42 to contest the emergency proceedings and appeal, under the applicable  
43 provisions of chapter 52, title 67, Idaho Code.

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

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

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

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

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

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

42 54-913. CERTIFICATES -- LICENSES -- RECORDS. (1) All certificates of  
 43 qualification to practice dentistry, dental therapy, or dental hygiene, and  
 44 all licenses shall be issued by the board in the name of the board, with the  
 45 seal attached.

46 (2) The board shall keep a record of all applicants for licensure to  
 47 qualify as a dentist, dental therapist, or dental hygienist, of applicants  
 48 rejected on application or examination with the reason for rejection, of

1 certificates of qualification and of licenses issued, and of dentists, den-  
2 tal therapists, and dental hygienists.

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

5 54-915. QUALIFICATIONS REQUIRED FOR DENTIST, DENTAL THERAPIST, OR  
6 DENTAL HYGIENIST LICENSURE. No person hereafter shall be eligible for licen-  
7 sure to practice dentistry, dental therapy, or dental hygiene in this state  
8 unless the applicant:

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

13 (2) Shall, for dentistry, have successfully completed the course of  
14 study in dentistry, and graduated and received a degree of doctor of dental  
15 surgery or doctor of dental medicine from a dental school accepted and ap-  
16 proved by the board;

17 (3) Shall, for dental therapy, have:

18 (a) Successfully completed a course of study in dental therapy;

19 (b) Graduated from a dental therapy school accredited by the commis-  
20 sion on dental accreditation of the American dental association, pro-  
21 vided that such school has been accepted and approved by the board; and

22 (c) Completed five hundred (500) hours of supervised clinical practice  
23 under the direct supervision of a dentist;

24 (4) Shall, for dental hygiene, have successfully completed the course  
25 of study in dental hygiene, and received a degree from a dental hygiene  
26 school accepted and approved by the board;

27 (45) Shall, for dentistry, dental therapy, and dental hygiene, pass the  
28 examinations provided for in section 54-918, Idaho Code.

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

31 54-916. APPLICATION FOR LICENSURE -- FEE. Any person desiring to prac-  
32 tice dentistry, a dental specialty, dental therapy, or dental hygiene within  
33 the state of Idaho shall make an application for licensure in dentistry, a  
34 dental specialty, dental therapy, or dental hygiene, as the case may be, on  
35 forms furnished by the board, which forms shall call for information from  
36 the applicant as shall show his full, true name and that he possesses all  
37 the qualifications required by law for the license applied for. The applica-  
38 tion and supporting instruments as shall be required, together with payment  
39 of an application fee of not more than three hundred dollars (\$300) for den-  
40 tists, the fee to be set by the rules of the board and not more than two hun-  
41 dred fifty dollars (\$250) for dental therapists and dental hygienists, the  
42 fee to be set by the rules of the board, and not more than six hundred dollars  
43 (\$600) for dental specialists, the fee to be set by the rules of the board,  
44 shall be filed with the board at a sufficient time to permit the board to in-  
45 vestigate into the moral character of the applicant and his possession of the  
46 other qualifications for licensure. The fee shall not be refunded.

1 SECTION 9. That Chapter 9, Title 54, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 54-916C, Idaho Code, and to read as follows:

4 54-916C. DENTAL THERAPY LICENSURE BY CREDENTIALS. The board may issue  
5 a license to practice dental therapy without further examination to an ap-  
6 plicant upon evidence that:

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

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

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

16 (4) The applicant has successfully completed board-approved examina-  
17 tions; and

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

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

21 54-918. EXAMINATIONS -- CERTIFICATE OF QUALIFICATION. (1) An appli-  
22 cant for licensure shall pass such examinations in dentistry, in dental  
23 therapy, and in dental hygiene as are conducted by the board or its agent.  
24 Examinations shall be written or clinical, or both, and upon such subjects in  
25 dentistry, dental therapy, and dental hygiene as the board shall determine  
26 will thoroughly test the fitness and ability of the applicant to practice  
27 dentistry, dental therapy, or dental hygiene. An applicant for licensure  
28 shall pass the written jurisprudence examination conducted by the board. A  
29 passing score of seventy-five percent (75%) correct shall be required on the  
30 written jurisprudence examination. A passing score of at least seventy-five  
31 percent (75%) correct shall be required on any additional written or clin-  
32 ical examinations conducted by the board. It shall report and record the  
33 names of applicants who pass and of those who fail the examinations. Upon the  
34 candidate's request, the board will issue to each passing applicant in den-  
35 tistry, who is qualified for Idaho licensure, a certificate of qualification  
36 to practice dentistry, and to each passing applicant in dental therapy, who  
37 is qualified for Idaho licensure, a certificate of qualification to practice  
38 dental therapy within the state of Idaho, and to each passing applicant in  
39 dental hygiene, who is qualified for Idaho licensure, a certificate of qual-  
40 ification 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 or  
48 regional testing organizations approved by the board. In lieu of conducting

1 dental therapy examinations, the board may require and accept the results  
 2 of dental therapy examinations administered by national or regional test-  
 3 ing organizations approved by the board. The national or regional testing  
 4 organizations shall set the standards for passing or acceptable level of  
 5 competency on the clinical or dental therapy examinations administered.

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

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

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

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

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

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

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

38 (c) Three hundred dollars (\$300) for a dental therapist with an active  
 39 status;

40 (d) One hundred fifty dollars (\$150) for a dental therapist with an in-  
 41 active status;

42 (e) Two hundred twenty dollars (\$220) for a dental hygienist with an ac-  
 43 tive status;

44 (f) One hundred twelve dollars (\$112) for a dental hygienist with an  
 45 inactive status; or

46 (g) Four hundred dollars (\$400) for a dentist with a specialist sta-  
 47 tus.

48 (3) A license issued by the board shall be renewed as prescribed in this  
 49 section. Prior to the expiration of the effective period of a license, the

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

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

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

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

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

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

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

1 and a restriction on the locations at which the licensee can perform au-  
2 thorized services.

3 (7) (a) The board may issue a license with active status to any quali-  
4 fied applicant or qualified licensee who is authorized to practice den-  
5 tistry, dental therapy, or dental hygiene in the state of Idaho. Re-  
6 newal of a license with active status requires compliance with require-  
7 ments specified in rule.

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

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

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

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

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

35 (iii) Completion of accumulated continuing education as required  
36 of a license with uninterrupted active status.

37 (e) Persons unable to otherwise fully meet the requirements for conver-  
38 sion of an inactive status license to an active status license must ap-  
39 ply as a first-time applicant.

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

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

45 54-922. DISPLAY OF LICENSE. No person shall practice dentistry, den-  
46 tal therapy, or dental hygiene unless he either has on display in his office  
47 an unrevoked and unsuspended license for the time period in which he shall  
48 practice or has the same immediately producible upon request.

1 SECTION 13. That Section 54-923, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other  
4 evidence of qualification and right to practice dentistry, a dental spe-  
5 cialty, dental therapy, or dental hygiene, and a license, may be revoked  
6 by the board whenever it shall be shown to the board that the holder of such  
7 certificate or other evidence of qualification, right to practice or li-  
8 cense has been convicted of a felony, or of a misdemeanor involving moral  
9 turpitude, whether such conviction shall have occurred before or after qual-  
10 ification, or accrual of such right, or the issuance of such certificate or  
11 other evidence of qualification, or of such license. A person licensed to  
12 practice dentistry, a dental specialty, dental therapy, or dental hygiene  
13 who is convicted of a felony in any jurisdiction shall notify the board  
14 within thirty (30) days of conviction by submitting a copy of the judgment of  
15 conviction to the board.

16 SECTION 14. That Section 54-924, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 54-924. OTHER GROUNDS OF REFUSAL, REVOCATION OR SUSPENSION OF DEN-  
19 TISTS -- PROBATION AGREEMENTS. The board may refuse to issue or renew a den-  
20 tal license, or may revoke, suspend, place on probation, reprimand or take  
21 other disciplinary action with respect to a dental license as the board may  
22 deem proper, including administrative penalties not to exceed ten thousand  
23 dollars (\$10,000) per violation and assessment of the costs of disciplinary  
24 proceedings in the event a dentist shall:

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

31 (2) Practice dentistry under any name other than his own true name ex-  
32 cept as a professional service corporation or professional limited liabil-  
33 ity company or as a limited managed care plan pursuant to chapter 39, title  
34 41, Idaho Code; or

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

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

- 1 (b) Claim to practice dentistry without causing pain; or  
2 (c) Claim superiority over other dentists; or  
3 (d) Publish, advertise, or circulate reports, letters, certificates,  
4 endorsements, or evidence of cures or corrections of dental conditions  
5 by such dentist, his employee or associate by reason of his or their  
6 skill, experience, or ability or of his or their use of any system,  
7 method, technique, device, drug, medicine, material, manipulation or  
8 machine; or  
9 (e) Advertise the use of, or use, any system, method, technique, de-  
10 vice, drug, medicine, material or machine, which is either falsely ad-  
11 vertised or misnamed; or  
12 (5) Use intoxicants or drugs to such a degree as to render him unfit to  
13 practice; or  
14 (6) Commit malpractice, that is, to provide dental care which fails to  
15 meet the standard of dental care provided by other qualified dentists in the  
16 same community or similar communities, taking into account his training, ex-  
17 perience and the degree of expertise to which he holds himself out to the pub-  
18 lic; or  
19 (7) Engage in unprofessional conduct, as defined by board rules; or  
20 (8) Advertise in such way as to deceive or defraud, or probably deceive  
21 or defraud, the public or patrons; or  
22 (9) Employ or permit any person not a dentist to practice dentistry, or  
23 any person not a dentist or dental therapist to practice dental therapy, or  
24 any person not a dentist or dental hygienist to practice dental hygiene, in  
25 his office or under his control or direction; or  
26 (10) Fail, neglect or refuse to keep his office or equipment, or oth-  
27 erwise conduct his work in accordance with current state and federal laws,  
28 rules and regulations; or  
29 (11) Violate any other provisions of law or rules adopted by the board;  
30 or  
31 (12) Falsely identify himself to the public as a specialist in a spe-  
32 cialty area of dentistry as defined by rule; or  
33 (13) Engage in the practice of dentistry as a member, stockholder, em-  
34 ployee, director, partner or proprietor in any business entity in which a  
35 person, not duly licensed to practice dentistry in this state, holds an own-  
36 ership interest. The provisions of this subsection shall not apply to such  
37 engagement in a limited managed care plan pursuant to chapter 39, title 41,  
38 Idaho Code, or to a dentist practicing dentistry for any health care center  
39 as defined and authorized in section 330 of the public health service act,  
40 codified as amended at 42 U.S.C. 254b.  
41 (14) Supervise more than three (3) dental therapists.

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

45 54-926. OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTAL THER-  
46 APISTS -- PROBATION AGREEMENTS. The certificate or other evidence of  
47 qualification, and the right to practice dental therapy and the license of  
48 any dental therapist, may be revoked, suspended, or otherwise conditioned  
49 by the board in the event such dental therapist shall do, in respect to the

1 practice of dental therapy, or as a dental therapist any of the things or acts  
2 set forth in section 54-924, Idaho Code. Notwithstanding any provisions of  
3 section 54-924, Idaho Code, a dental therapist shall not practice otherwise  
4 than as provided in section 54-902A, Idaho Code, and his doing so shall be  
5 an additional ground for revocation, suspension, or other conditions as  
6 determined by the board. The board may refuse to issue or renew a dental  
7 therapist license, or may revoke, suspend, place on probation, reprimand, or  
8 take other disciplinary action with respect to a dental therapy license as  
9 the board may deem proper, including administrative penalties not to exceed  
10 five thousand dollars (\$5,000) per violation and assessment of the costs of  
11 disciplinary proceedings.

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

14 54-930. EXCEPTIONS TO APPLICATION OF ACT. This act shall not be con-  
15 strued as prohibiting a physician or surgeon, duly authorized to practice  
16 as such in this state, from treating diseases of the mouth or performing op-  
17 erations in oral surgery; nor as prohibiting persons authorized by the laws  
18 of another state, territory or country to practice dentistry or dental hy-  
19 giene therein, or persons teaching in approved dental, dental therapy, or  
20 dental hygiene schools, from making clinical demonstrations before meetings  
21 of dentists, dental therapists, or dental hygienists in Idaho; nor as pro-  
22 hibiting any person from performing merely mechanical work upon inert matter  
23 in a dental laboratory; nor to prohibit students in approved dental, dental  
24 therapy, or dental hygiene schools from practicing dentistry, dental ther-  
25 apy, or dental hygiene therein as part of their training or education.

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

28 54-932. LOST OR DESTROYED CERTIFICATES OR LICENSES. If the certifi-  
29 cate of qualification or the license of a dentist, dental therapist, or den-  
30 tal hygienist be lost or destroyed, and such fact appear by affidavit of such  
31 dentist, dental therapist, or dental hygienist filed with the board together  
32 with a fee of ten dollars (\$10.00), the board shall issue a duplicate.

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

35 54-935. VOLUNTEER'S LICENSE -- QUALIFICATIONS -- PERMISSIBLE PRAC-  
36 TICE -- IMMUNITY FROM LIABILITY. (1) Upon application and qualification, the  
37 board may issue, without examination, a volunteer's license to a dentist,  
38 dental therapist, or dental hygienist who is retired from the active prac-  
39 tice of dentistry, dental therapy, or dental hygiene to enable the retired  
40 dentist, dental therapist, or dental hygienist to provide dental, dental  
41 therapy, or dental hygiene services at specified locations to persons who,  
42 due to age, infirmity, indigence or disability, are unable to receive regu-  
43 lar dental treatment.

44 (2) For purposes of this section, a dentist, dental therapist, or den-  
45 tal hygienist previously holding a dental, dental therapist, or dental hy-

1 giene license with active status in Idaho or another state shall be consid-  
2 ered to be retired if, prior to the date of application for a volunteer's li-  
3 cense, he has surrendered or allowed his license with active status to expire  
4 with the intention of ceasing to actively practice as a dentist, dental ther-  
5 apist, or dental hygienist for remuneration, he has converted his license  
6 with active status to a license with inactive status with the intention of  
7 ceasing to actively practice as a dentist, dental therapist, or dental hy-  
8 gienist for remuneration, or he has converted his license with active or in-  
9 active status to a license with retirement or similar status that proscribed  
10 the active practice of dentistry, dental therapy, or dental hygiene. A den-  
11 tist, dental therapist, or dental hygienist whose dental, dental therapy,  
12 or dental hygiene license had been restricted, suspended, revoked, surren-  
13 dered, resigned, converted, or allowed to lapse or expire as the result of  
14 disciplinary action or in lieu of disciplinary action being taken shall not  
15 be eligible for a volunteer's license.

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

18 (a) Verification of graduation from a dental, dental therapy, or dental  
19 hygiene school accredited by the ~~C~~ommission on ~~D~~dental ~~A~~ccreditation  
20 of the American ~~D~~dental ~~A~~ssociation as of the date of the applicant's  
21 graduation;

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

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

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

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

49 (4) For purposes of this section, the specified locations at which a  
50 dentist, dental therapist, or dental hygienist holding a volunteer's li-

1 cense may provide dental, dental therapy, or dental hygiene services shall  
2 be limited to the premises or sites of extended access oral health care  
3 settings. The dental services provided in an extended access oral health  
4 care setting by a dentist holding a volunteer's license shall not require or  
5 include the administration of general anesthesia or moderate sedation to a  
6 patient unless otherwise specifically approved in advance by the board.

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

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

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