AN ACT
RELATING TO DENTISTS; AMENDING SECTION 54-901, IDAHO CODE, TO PROVIDE FOR
TELEDENTISTRY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION
54-924, IDAHO CODE, TO PROVIDE FOR CERTAIN GROUNDS FOR REFUSAL, REVOCATION,
OR SUSPENSION.

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

SECTION 1. That Section 54-901, Idaho Code, be, and the same is hereby
amended to read as follows:

54-901. DEFINITION -- PRACTICE OF DENTISTRY. The practice of dentistry is the doing by one (1) person, for a direct or indirect consideration, of one (1) or more of the following with respect to the teeth, gums, alveolar process, jaws, or adjacent tissues of another person, namely:
(1) Examining for diagnosis, treatment, extraction, repair, replacement, substitution, or correction;
(2) Diagnosing of disease, pain, injury, deficiency, deformity or physical condition;
(3) Treating, operating, prescribing, extracting, repairing, taking impressions, fitting, replacing, substituting, or correcting;
(4) (a) Providing telehealth services, also referred to as teledentistry, in accordance with chapter 57, title 54, Idaho Code, and in accordance with the community standard of care where the patient is located in Idaho. Prior to providing any teledentistry services, a dentist must provide the patient with his contact information and the contact information for all dental providers who may be working with the patient. Such information shall include but is not limited to name, Idaho license, practice address, and telephone number; and
(b) In addition to the requirements of paragraph (a) of this subsection, a dentist must also, prior to providing any teledentistry services:
(i) Establish a referral relationship with a licensed dentist within the area of the patient's location, as agreed by the patient. The referral relationship must be disclosed to the patient, and the referring dentist's contact information must be provided to the patient in advance of authorizing or administering teledentistry treatment; or
(ii) Obtain a signed patient notification acknowledging that in-person dental examination and treatment may be required and that the patient may have to seek such examination and treatment from another dentist at additional cost; and
(5) Administering anesthetics or medicaments in connection with any of the foregoing procedures provided for in this section.
SECTION 2. 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 misnamed; 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, ex-
perience 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.
(15) Authorize or perform, either directly or through the use of telehealth communication technologies, dental procedures to correct the malposition of human teeth without first:
(a) Conducting an in-person comprehensive oral evaluation and review of the patient's most recent diagnostic digital or conventional radiograph or other necessary imaging, to ensure that the community standard of care has been met. New radiographs or other equivalent bone imaging may be ordered if deemed appropriate by the treating dentist; or
(b) Reviewing the patient's records from an in-person comprehensive oral examination conducted within the prior six (6) months by a licensed dentist and the patient's most recent diagnostic digital or conventional radiograph or other necessary imaging to ensure that the community standard of care has been met. New radiographs or other equivalent bone imaging may be ordered if deemed appropriate by the treating dentist.
(16) Require directly, or as a member, representative, contracted agent, or employee of or in connection with any company, association, corporation, or partnership, that a patient sign an agreement limiting his right or ability to file a complaint with the board.