

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 495

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO DENTURITRY; AMENDING SECTION 54-907, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING THE STATE BOARD OF DENTISTRY; AMENDING SECTION
3 54-909, IDAHO CODE, TO PROVIDE FOR PROFESSIONAL MEMBERS OF THE BOARD
4 OF DENTISTRY; REPEALING SECTION 54-912, IDAHO CODE, RELATING TO THE
5 POWERS AND DUTIES OF THE BOARD OF DENTISTRY; AMENDING CHAPTER 9, TITLE
6 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-912, IDAHO CODE, TO
7 ESTABLISH PROVISIONS REGARDING THE POWERS AND DUTIES OF THE STATE BOARD
8 OF DENTISTRY; AMENDING SECTION 54-913, IDAHO CODE, TO REVISE PROVISIONS
9 REGARDING LICENSES AND RECORDS; REPEALING SECTION 54-918, IDAHO CODE,
10 RELATING TO EXAMINATIONS AND CERTIFICATES OF QUALIFICATION; AMEND-
11 ING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
12 54-918, IDAHO CODE, TO PROVIDE FOR EXAMINATIONS; REPEALING CHAPTER 33,
13 TITLE 54, IDAHO CODE, RELATING TO THE FREEDOM OF CHOICE OF DENTURES
14 ACT; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER
15 33, TITLE 54, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH A LICENSURE RE-
16 QUIREMENT, TO ESTABLISH EXCEPTIONS, TO PROHIBIT CERTAIN ACTIVITIES, TO
17 ESTABLISH PROVISIONS REGARDING APPLICATION FOR LICENSURE, TO PROVIDE
18 FOR FEES, TO PROVIDE FOR THE SUSPENSION OR REVOCATION OF LICENSURE, TO
19 PROVIDE FOR A STAY OF ELIGIBILITY AFTER LICENSE REVOCATION, TO PROVIDE
20 FOR LICENSE RENEWAL OR REINSTATEMENT, TO PROVIDE FOR THE DISPOSITION
21 OF RECEIPTS, TO REQUIRE DENTAL HEALTH INSURANCE POLICIES TO INCLUDE
22 DENTURIST SERVICES, TO ESTABLISH PROVISIONS REGARDING A NOTICE RE-
23 QUIREMENT, PROHIBITED ACTIVITIES, AND A GUARANTEE ON SERVICES, AND TO
24 ESTABLISH PROVISIONS REGARDING INJUNCTION PROCEDURES; AND DECLARING AN
25 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
26

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

28 SECTION 1. That Section 54-907, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 54-907. STATE BOARD OF DENTISTRY ESTABLISHED. There is hereby estab-
31 lished in the division of occupational and professional licenses a state
32 board of dentistry to be composed of ~~eight (8)~~ nine (9) members, five (5) of
33 whom shall be dentists, two (2) of whom shall be dental hygienists, one (1)
34 of whom shall be experienced in the making, fitting, constructing, altering,
35 reproducing, or repairing of prosthetics, and one (1) of whom shall be a
36 member of the public with an interest in the rights of consumers of dental
37 services. Board members shall be appointed by the governor and shall serve
38 at the pleasure of the governor. ~~Upon appointment by the governor, the term~~
39 ~~of office of a member of the board shall commence on the first Monday of~~
40 ~~February following his appointment and~~ The term of office of a member of the
41 board shall continue for be five (5) years, or until his successor has been
42 named, whichever is later. A vacancy in membership of the board shall occur

1 whenever the regular term of a member expires or when a member dies, resigns
 2 or is removed from office by the governor. Appointments to fill a vacancy
 3 occurring for some reason other than expiration of term of office shall be
 4 made for the unexpired term ~~which~~ that is being filled.

5 SECTION 2. That Section 54-909, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 54-909. BOARD OF DENTISTRY -- QUALIFICATIONS OF MEMBERS. Each ~~dentist~~
 8 ~~and each dental hygienist~~ professional member of the board shall hold a cur-
 9 rent, active Idaho license and shall be a resident of the state of Idaho.
 10 The consumer member of the board must be a resident of the state of Idaho and
 11 shall be representative of the public consumers of dental care services.

12 SECTION 3. That Section 54-912, Idaho Code, be, and the same is hereby
 13 repealed.

14 SECTION 4. That Chapter 9, Title 54, Idaho Code, be, and the same is
 15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 16 ignated as Section 54-912, Idaho Code, and to read as follows:

17 54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have
 18 the following powers and duties:

19 (1) To ascertain the qualifications and fitness of applicants to prac-
 20 tice dentistry, a dental specialty, dental therapy, dental hygiene, or den-
 21 turitry and to require and accept passing results of written and clinical ex-
 22 aminations from approved dental, dental therapy, dental hygiene, and dentu-
 23 ritory testing organizations;

24 (2) To prescribe rules for a fair and wholly impartial method of li-
 25 censure and examination of applicants to practice dentistry, a dental spe-
 26 cialty, dental therapy, dental hygiene, or denturitry;

27 (3) To define by rule what shall constitute accepted and approved
 28 schools, colleges, institutions, universities, or departments thereof for
 29 the teaching of dentistry, dental therapy, dental hygiene, or denturitry and
 30 to determine, accept, and approve those that comply therewith;

31 (4) To promulgate other rules required by law or necessary or desirable
 32 for its enforcement and administration and to define unprofessional conduct
 33 or practices injurious to the public;

34 (5) To inspect or cause to be inspected the offices or operating rooms
 35 of all persons licensed pursuant to this chapter or chapter 33, title 54,
 36 Idaho Code;

37 (6) Upon its own motion or upon any complaint, to initiate and conduct
 38 investigations on all matters relating to the practice of dentistry, den-
 39 tal therapy, dental hygiene, or denturitry and to conduct hearings or pro-
 40 ceedings on its own or through its designated hearing officer to revoke, sus-
 41 pend, or otherwise condition licenses of persons practicing dentistry, den-
 42 tal therapy, dental hygiene, or denturitry on such terms as the board shall
 43 deem appropriate; and

44 (7) To establish by rule reasonable fees for administrative costs and
 45 to assess costs reasonably and necessarily incurred in the enforcement of

1 this chapter when a licensee has been found to be in violation of this chap-
2 ter.

3 SECTION 5. That Section 54-913, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-913. ~~CERTIFICATES --~~ LICENSES -- RECORDS. (1) All ~~certificates of~~
6 ~~qualification licenses~~ to practice dentistry, dental therapy, ~~or~~ dental hy-
7 giene, ~~and all licenses or denturistry~~ shall be issued by the ~~board~~ division
8 of occupational and professional licenses in the name of the board, ~~with the~~
9 ~~seal attached.~~

10 (2) The board shall keep a record of all applicants for licensure to
11 qualify as a dentist, dental therapist, ~~or~~ dental hygienist, or denturist;
12 of applicants rejected on application or examination with the reason for re-
13 jection, ~~of certificates of qualification and;~~ of licenses issued, and of
14 actively licensed dentists, dental therapists, ~~and~~ dental hygienists, and
15 denturists.

16 SECTION 6. That Section 54-918, Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 7. That Chapter 9, Title 54, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 54-918, Idaho Code, and to read as follows:

21 54-918. EXAMINATIONS. (1) An applicant for licensure shall pass such
22 examinations in dentistry, dental therapy, dental hygiene, or denturistry as
23 are approved by the board.

24 (2) Examinations shall be written or clinical, or both, and shall thor-
25 oughly test the fitness and ability of the applicant to practice dentistry,
26 dental therapy, dental hygiene, or denturistry, as determined by the board.

27 (3) The board shall report and record the names of applicants who pass
28 the examinations required pursuant to this section.

29 SECTION 8. That Chapter 33, Title 54, Idaho Code, be, and the same is
30 hereby repealed.

31 SECTION 9. That Title 54, Idaho Code, be, and the same is hereby amended
32 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
33 ter 33, Title 54, Idaho Code, and to read as follows:

34 CHAPTER 33
35 DENTURITRY

36 54-3301. DEFINITIONS. As used in this chapter:

37 (1) "Board" means the state board of dentistry.

38 (2) "Denture" means any removable full upper or lower prosthetic dental
39 appliance to be worn in the human mouth.

40 (3) "Denturist" means a person licensed pursuant to this chapter to en-
41 gage in the practice of denturistry.

42 (4) "Division" means the division of occupational and professional li-
43 censes.

- 1 (5) (a) "Practice of denturistry" means:
 2 (i) The making, fitting, constructing, altering, reproducing,
 3 or repairing of a full upper or lower removable prosthetic den-
 4 ture, the repairing of a removable partial upper or lower pros-
 5 thetic denture, the furnishing or supplying of such a denture di-
 6 rectly to a person, or advising the use of any such denture; and
 7 (ii) The taking or making, or providing advice, assistance, or fa-
 8 cilities respecting the taking or making, of any impression, bite,
 9 cast, or design preparatory to or for the purpose of making, con-
 10 structing, fitting, furnishing, supplying, altering, repairing,
 11 or reproducing any full upper or lower removable prosthetic den-
 12 ture.
 13 (b) The practice of denturistry within the context of this chapter re-
 14 quires that all work except cast framework or work required to meet the
 15 needs of the homebound be performed on the licensee's premises.

16 54-3302. LICENSE TO PRACTICE REQUIRED. A person shall hold a license
 17 for the practice of denturistry in order to:
 18 (1) Engage in or offer to engage in the practice of denturistry; or
 19 (2) Use in connection with such person's name the word "denturist" or
 20 any other words, letters, abbreviations, or insignia implying that such per-
 21 son is engaged in the practice of denturistry.

22 54-3303. EXCEPTIONS. The prohibitions of this chapter do not apply to:
 23 (1) A person interning under the supervision of a denturist;
 24 (2) The practice of dentistry or medicine by persons authorized to do so
 25 by this state;
 26 (3) A student of denture technology in pursuit of clinical studies un-
 27 der an approved school program; or
 28 (4) A denture technician, as defined by board rule, performing services
 29 under the direction of a licensed denturist or licensed dentist when the ser-
 30 vice does not involve contact with the intended user.

31 54-3304. PROHIBITED ACTIVITIES. Licensed denturists shall not:
 32 (1) Perform procedures that would alter any oral tissues or natural
 33 teeth;
 34 (2) Insert or fit immediate dentures in the mouth of the intended
 35 wearer;
 36 (3) Diagnose or treat any abnormalities of any human mouth;
 37 (4) Prescribe any drugs or treatment for any oral or medical diseases;
 38 or
 39 (5) Construct or fit orthodontic appliances.

40 54-3305. APPLICATION FOR LICENSE. Upon application and payment of the
 41 appropriate fee, the board shall issue a license to practice denturistry to
 42 any applicant who has:
 43 (1) Satisfactorily completed the examination approved by the board;
 44 (2) Completed formal training of no less than two (2) years' duration at
 45 an educational institution accredited by a national or regional accrediting
 46 agency recognized by the Idaho state board of education, the curriculum of

1 which includes courses in oral pathology, physiology, head and oral anatomy,
2 clinical microbiology, clinical jurisprudence, asepsis, and first aid for
3 minor office emergencies; and

4 (3) Completed an internship of at least two (2) years under the supervi-
5 sion of a licensed denturist or have equivalent experience as established by
6 board rule prior to the filing of the application.

7 54-3306. FEES. The board shall be entitled to charge and collect the
8 following fees:

9 (1) An application fee of not to exceed three hundred dollars (\$300);

10 (2) An initial license fee of not to exceed six hundred dollars (\$600);
11 and

12 (3) A renewal fee of not to exceed two thousand dollars (\$2,000).

13 54-3307. SUSPENSION OR REVOCATION OF LICENSE. (1) The board shall have
14 the power to refuse to issue a license, suspend or revoke a license, or place
15 a licensed person on probation for a period specified by the board and sub-
16 ject to such conditions as the board shall impose or to reprimand or censure a
17 licensee for any of the following:

18 (a) Conviction or finding of guilt in this or any other state of a
19 felony or any other crime deemed relevant in accordance with section
20 67-9411 (1), Idaho Code;

21 (b) Incompetence or gross negligence in the practice of denturistry;

22 (c) Fraud or misrepresentation in the practice of denturistry;

23 (d) Use of any narcotic or dangerous drug or intoxicating liquor to an
24 extent that such use impairs the ability to safely conduct the practice
25 of denturistry; or

26 (e) A violation of this chapter or any rule adopted pursuant to the pro-
27 visions of this chapter.

28 (2) The division shall have the power to examine and inspect the place
29 of business of any licensed denturist at a reasonable time and in a reason-
30 able manner to assure compliance with this chapter.

31 (3) The board shall have the right to establish standards of conduct and
32 practice and the power to enforce such standards with monetary penalties,
33 revocation or suspension of licensure, or both.

34 54-3308. REVOCATION OF LICENSE STAYS ELIGIBILITY. A denturist whose
35 license has been revoked either by the board or a similar body of another
36 state shall not be eligible to apply for a license until one (1) year after
37 the date of revocation.

38 54-3309. RENEWAL OR REINSTATEMENT OF LICENSE. All licenses issued
39 pursuant to the provisions of this chapter shall be subject to biennial re-
40 newal and shall expire unless renewed in the manner prescribed by the board
41 regarding applications for renewal, continuing education, and fees. Li-
42 cense renewal and reinstatement shall be in accordance with section 67-2614,
43 Idaho Code.

44 54-3310. DISPOSITION OF RECEIPTS. All moneys received pursuant to
45 the provisions of this chapter shall be deposited in the state treasury to

1 the credit of the occupational licenses fund, and all costs and expenses
 2 incurred by the board pursuant to the provisions of this chapter shall be a
 3 charge against and paid from said fund. In no instance will the occupational
 4 licenses fund be obligated to pay any claims that in aggregate with claims
 5 already paid exceed the income to the occupational licenses fund that has
 6 been derived by the application of this chapter.

7 54-3311. DENTAL HEALTH INSURANCE POLICIES TO INCLUDE DENTURIST SER-
 8 VICES. Notwithstanding any provisions of any policy of insurance covering
 9 dental health, whenever such policy provides for reimbursement for any
 10 service that is within the lawful scope of practice of a denturist, the in-
 11 sured under such policy shall be entitled to reimbursement for such service,
 12 whether the service is performed by a licensed dentist or a licensed dentur-
 13 ist.

14 54-3312. NOTICE OF BOARD ADDRESS -- PROHIBITED ACTIVITIES -- GUAR-
 15 ANTEE ON SERVICES. (1) There shall be posted in a conspicuous area on the
 16 premises of any practice of denturistry a notice with lettering of a size eas-
 17 ily read by the average person and in substantially the following form:

18 ANY CONSUMER WHO HAS A COMPLAINT RELATING TO PRAC-
 19 TICES OF THIS ESTABLISHMENT MAY CONTACT THE IDAHO
 20 BOARD OF DENTISTRY..... (address) with a copy
 21 to THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LI-
 22 CENSES..... (address)

23 (2) No person licensed pursuant to the provisions of this chapter shall
 24 directly or indirectly:

25 (a) Make any payment or gift to a person who has referred a patient;
 26 (b) Receive or accept any rebate, payment, or gift from any person to
 27 whom a patient is referred; or
 28 (c) Engage in any form of fee-splitting or other form of sharing of re-
 29 munerations with respect to referrals.

30 (3) All denturist services will be unconditionally guaranteed for a pe-
 31 riod of no less than ninety (90) days.

32 54-3313. INJUNCTION PROCEDURE. Whenever any person, corporation,
 33 partnership, or association of any kind or nature violates any of the pro-
 34 visions of this chapter, the board, without regard to criminal prosecution,
 35 may maintain an action in the name of the state of Idaho to enjoin said per-
 36 son, corporation, partnership, or association from any further violations,
 37 such action to be brought either in the county in which said acts are claimed
 38 to have been or are being committed, in the county where the defendant re-
 39 sides, or in Ada county. Upon the filing of a verified complaint in the
 40 district court, the court, if satisfied that the acts complained of have been
 41 or probably are being or may be committed, may issue an injunction pendente
 42 lite without bond, upon request of the board, enjoining the defendant from
 43 the commission of any such act or acts constituting said violations. A copy
 44 of said complaint shall be served on the defendant, and the proceedings shall
 45 thereafter be conducted as in any other similar civil action. If the com-
 46 mission of said act or acts is established, the court shall enter a decree
 47 perpetually enjoining said defendant from committing said act or acts. In

1 case of violation of any injunction issued pursuant to the provisions of this
2 section, the court, or the judge thereof at chambers, may summarily try and
3 punish the offender for contempt of court.

4 SECTION 10. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after
6 July 1, 2026.