

Dear Senators VANORDEN, Zuiderveld, Wintrow, and  
Representatives VANDER WOUDE, Erickson, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Division of Occupational and Professional Licenses - State Board of Denturitry:  
IDAPA 24.16.01 - Rules of the State Board of Denturitry (ZBR Chapter Rewrite, Fee Rule) -  
Proposed Rule (Docket No. 24-1601-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 09/08/2023. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/06/2023.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



**Terri Kondeff**  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

**FROM:** Senior Legislative Drafting Attorney - Matt Drake

**DATE:** August 18, 2023

**SUBJECT:** Division of Occupational and Professional Licenses - State Board of Dentistry

IDAPA 24.16.01 - Rules of the State Board of Dentistry (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-1601-2301)

#### **Summary and Stated Reasons for the Rule**

The Division of Occupational and Professional Licenses - State Board of Dentistry submits Notice of Omnibus Rulemaking via Docket No. 24-1601-2301. The Division notes that this is a Zero-Based Regulation ("ZBR") chapter rewrite pursuant to Executive Order 2020-01. Accordingly, the Division states that this rulemaking is intended to streamline and simplify existing rules that were previously submitted to and reviewed by the Legislature. The Division states that no fees are being increased and no new fees are being imposed by the rulemaking.

#### **Negotiated Rulemaking / Fiscal Impact**

Negotiated rulemaking was conducted. The rulemaking is not anticipated to have a fiscal impact.

#### **Statutory Authority**

The proposed rule appears to be within the statutory authority granted pursuant to Sections 54-3309 and 67-2604, Idaho Code.

cc: Division of Occupational and Professional Licenses - State Board of Dentistry  
Michael Hyde

#### **\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director    Kristin Ford, Manager    Keith Bybee, Manager    April Renfro, Manager    Norma Clark, Manager  
Legislative Services Office    Research & Legislation    Budget & Policy Analysis    Legislative Audits    Information Technology

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# IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

## 24.16.01 – RULES OF THE STATE BOARD OF DENTURITRY

### DOCKET NO. 24-1601-2301 (ZBR CHAPTER REWRITE, FEE RULE)

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-3309, 54-3310, 54-3311, and 54-3314, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

<b>Wednesday, August 23, 2023 – 1:30 p.m. (MT)</b>
<b>Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714</b>
<b>Telephone and web conferencing information will be posted on: <a href="https://dopl.idaho.gov/calendar/">https://dopl.idaho.gov/calendar/</a> and <a href="https://townhall.idaho.gov/">https://townhall.idaho.gov/</a></b>

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01](#), Zero-Based Regulation, the State Board of Denturistry is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The fees for applications, examinations, and licenses as designated in Rule 400 of these proposed rules are authorized in Section 54-3312, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the State General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Michael Hyde, Bureau Chief, at (208) 332-7133.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 23, 2023.

DATED this July 6, 2023.

Michael Hyde  
Bureau Chief  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714  
Phone: (208) 332-7133  
Email: [michael.hyde@dopl.idaho.gov](mailto:michael.hyde@dopl.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1601-2301**  
**(ZBR Chapter Rewrite)**

*\*Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

**24.16.01 – RULES OF THE STATE BOARD OF DENTISTRY**

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to Sections 54-3309, 54-3310, 54-3311, and 54-3314, Idaho Code. ( )

**001. SCOPE.**

These rules govern the practice of dentistry in Idaho. ( )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Denture Technician.** A person who is limited to making, constructing, altering, reproducing, or repairing of a full or partial, upper, or lower removable prosthetic denture but is not allowed to make an impression or come in direct contact with a patient. ( )

**011. -- 099. (RESERVED)**

**100. LICENSURE.**

**01. Examination.** The Board will accept either the Idaho Dentistry Exam, administered by the Board, or the Universal Testing Services (UTS) Dentistry Exam. ( )

**a.** Idaho Dentistry Examination. Applicants must pass both the written and practical examinations with a score of seventy-five percent (75%) or better. Applicants who fail one or both examinations will be required to pay a re-examination fee to the Board prior to retaking the failed examination(s). ( )

**b.** UTS Dentistry Examination. Applicants must pass the written and the practical sections of the examination, each with a score of seventy-five percent (75%) or better. ( )

**02. Internship.** To be eligible for internship, the applicant must have completed the educational requirements set forth in Section 54-3310(b), Idaho Code. During the internship, the supervising dentist must be present and directly observe any intern interaction with a patient. ( )

**03. Internship Equivalency.** A one (1) year internship acquired through a formal training program in an acceptable school will be accepted toward the two (2) year required internship for licensure. A person is considered to have the equivalent of two (2) years internship under a licensed dentist who has met and verifies one (1) of the following within the five (5) years immediately preceding application: ( )

**a.** Two (2) years internship as a denture lab technician under a licensed dentist; or ( )

**b.** Two (2) years in the military as a denture lab technician; or ( )

**c.** Three (3) years experience as a dentist under licensure in another state or Canada. ( )

**04. Continuing Education.** Continuing education must be germane to the practice of dentistry. ( )

**101. -- 199. (RESERVED)**

**200. PRACTICE STANDARDS.**

**01. Minimum Facility Standards.** A Dentist office must be properly equipped to ensure the safe, clean, and sanitary condition necessary and appropriate for proper operation and the safe preparation of dentures. ( )

**02. Maintain Adequate Records.** Adequate records mean legible records which contain, at minimum, evidence of information deemed appropriate for patient care and copies of statements of charges delivered or provided to the patient or client. All records must comply with HIPPA. ( )

**201. -- 299. (RESERVED)**

**300. DISCIPLINE.**

**01. False Advertisements.** No dentist may disseminate or cause the dissemination of any advertisement or advertising that is in any way fraudulent, false, deceptive, or misleading. ( )

**02. Civil Penalty.** The Board may impose a fine up to the amount of any economic advantage obtained through the violation. ( )

**301. -- 399. (RESERVED)**

**400. FEES.**

All fees are non-refundable.

FEE TYPE	AMOUNT
License Application and Examination	\$300
Re-examination	\$300
Intern Application and Permit	\$300
Initial License	\$300
Annual Renewal	\$750

( )

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

## 24.16.01 – RULES OF THE STATE BOARD OF DENTISTRY

### 000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-3309, 54-3310, 54-3311, and 54-3314, Idaho Code.( )

### 001. SCOPE.

These rules govern the practice of dentistry in Idaho.( )

~~002. -- 009.~~(RESERVED)

### ~~010~~002. DEFINITIONS.

~~01.~~ ~~Denturist Services.~~ For purposes of the unconditional ninety (90) day guarantee prescribed in Section 54-3320(e), Idaho Code, denturist services include any and all prosthetic dental appliances and materials and/or services related to the furnishing or supplying of such a denture, including preparatory work, construction, fitting, furnishing, supplying, altering, repairing or reproducing any prosthetic dental appliance or device.( )

~~012.~~ ~~Denture Technician.~~ A person who is limited to making, constructing, altering, reproducing or repairing of a full or partial, upper or lower removable prosthetic denture, ~~the repairing of a removable partial upper or lower prosthetic denture~~ but is not allowed to make an impression or come in direct contact with a patient.( )

~~011~~003. -- ~~14099.~~(RESERVED)

### ~~1050.~~ EXAMINATIONS. LICENSURE.

~~01.~~ ~~Date of Licensure Examination.~~ The licensure examination will be held no less than two (2) times per year at such times and places as may be determined by the Board.( )

~~02.~~ ~~Content.~~ Examinations include both a written theory examination and a practical demonstration of skills.( )

~~03.~~ ~~Grading.~~ An applicant must obtain a score of seventy-five percent (75%) or better on each part of the examination in order to pass the examination.( )

01. Examination. The Board will accept either the Idaho Dentistry Exam, administered by the Board, or the Universal Testing Services (UTS) Dentistry Exam.

a. Idaho Dentistry Examination. Applicants must pass both the written and practical examinations with a score of seventy-five percent (75%) or better. Applicants who fail one or both examinations will be required to pay a re-examination fee to the Board prior to retaking the failed examination(s).

b. UTS Dentistry Examination. Applicants must pass the written and the practical sections of the examination, each with a score of seventy-five percent (75%) or better.

**02. Internship.** To be eligible for internship, the applicant must have completed the educational requirements set forth in Section 54-3310(b), Idaho Code. During the internship, the supervising denturist must be present and directly observe any intern interaction with a patient.( )

**03. Internship Equivalency.** A one (1) year internship acquired through a formal training program in an acceptable school will be accepted toward the two (2) year required internship for licensure. A person is considered to have the equivalent of two (2) years internship under a licensed denturist who has met and verifies one (1) of the following within the five (5) years immediately preceding application:( )

**a.** Two (2) years internship as a denture lab technician under a licensed dentist; or ( )

**b.** Two (2) years in the military as a denture lab technician; or ( )

**c.** Three (3) years experience as a denturist under licensure in another state or Canada. ( )

**04. Continuing Education.** Continuing education must be germane to the practice of dentistry. ( )

**04. Re-Examination.** ( )

~~**a.** Applicants who fail either part or all of the examination will be required to make application and pay the required fees prior to being eligible to retake the failed part of the examination.( )~~

~~**b.** Applicants failing either part or all of the examination on the first attempt will not be required to complete any additional instruction prior to being eligible to make application and retake the examination.( )~~

~~**e.** Applicants failing either part or all of the examination on a second attempt and all subsequent attempts are not eligible to make application and retake the examination within one (1) year of the date of the examination failure. The Board may recommend additional course work or clinical work for any applicant who has failed an examination two (2) or more times.( )~~

~~151. -- 199.(Reserved)~~

**200. APPLICATIONS.**

~~**01. Application Form for Licensure.** Applications for licensure must be made on forms approved by the Board and furnished by the Division of Occupational and Professional Licenses and include all other documents necessary to establish the applicant meets the requirements for licensure except examination and is eligible to take the licensure examination.( )~~

~~**02. Authorization for Examination.** ( )~~

~~**a.** After the Board evaluates the applicant's qualifications to take the examination the applicant will be notified in writing of the approval or denial, and, if denied, the reason for the denial.( )~~

~~**b.** At the time the Board approves an applicant to take the examination the Board will set the date and location(s) of the next examination if it has not already been set. Approved applicants will be notified of the date and location(s) of the next examination.( )~~

~~**201-101. -- 19249.(RESERVED)**~~

**25400. FEES.**

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)
License Application and Examination	\$300
<del>License Application and</del> Re-examination	\$300
Intern Application and Permit	\$300
Initial License	\$300
<del>Inactive License</del>	<del>\$50</del>
Annual Renewal	\$750

( )

**251401. -- 2999.(RESERVED)**

**300. INTERNSHIP.**

**01. Requirements and Conditions for Internship.** ( )

**a.** To be eligible for internship the applicant must have completed: ( )

i. The educational requirements set forth in Section 54-3310(b), Idaho Code; or ( )

ii. Have dentistry experience of three (3) years within the five (5) years immediately preceding application. ( )

**b.** Where an internship is established based on experience, the internship is valid only while the intern is actively pursuing completion of Idaho licensure requirements. ( )

**c.** Application must be made on forms provided by the Division of Occupational and Professional Licenses and must: ( )

i. Document the location of practice; ( )

ii. Include the name and address of the supervising dentist or dentist; ( )

iii. Include a sworn or affirmed statement by the supervising dentist or dentist; ( )

iv. Include a sworn or affirmed statement by the supervisor accepting supervision of the intern; ( )

v. Include a sworn statement by applicant that he is knowledgeable of law and rules and will abide by all requirements of such law and rules; and ( )

vi. Include such other information necessary to establish applicant's qualifications for licensure as a dentist and establish compliance with pre-intern requirements. ( )



~~d. The supervising dentist or dentist must be present and directly observe any intern interaction with a patient. ( )~~

~~e. Two (2) years of internship under the supervision of a licensed dentist must be completed in not less than twenty-four (24) months and may not exceed thirty (30) months except as approved by the Board. ( )~~

~~02. **Internship Equivalency.** A person is considered to have the equivalent of two (2) years internship under a licensed dentist who has met and verifies one (1) of the following within the five (5) years immediately preceding application: ( )~~

~~a. Two (2) years internship as a denture lab technician under a licensed dentist; or ( )~~

~~b. Two (2) years in the military as a denture lab technician; or ( )~~

~~c. Three (3) years experience as a dentist under licensure in another state or Canada. ( )~~

~~03. **Internship Not to Exceed One Year.** Internship not to exceed one (1) year acquired through a formal training program in an acceptable school will be accepted toward the two (2) year required internship for licensure. ( )~~

~~04. **Training Requirements.** Each year of required internship consists of two thousand (2,000) clock hours of training and performance of the following minimum procedures for licensure. ( )~~

~~a. Procedures include all steps required in constructing a finished denture but are not limited to the following: ( )~~

~~i. Bite registrations, Articulations, Setups, Try ins. — twelve (12) minimum. ( )~~

~~ii. Processed relines (one (1) plate = one (1) unit) — twenty-four (24) units. ( )~~

~~ii. Patient charting, Operatory sanitation, Oral examination, Impressions, preliminary and final (pour models, custom trays), Processing (wax up, flask-boil out, packing, grind-polish), Delivery post adjustment — thirty-six (36) minimum. ( )~~

~~iv. Tooth repairs, Broken or fractured plates or partials — forty-eight (48) minimum.~~

~~i. Patient charting — thirty-six (36) minimum. ( )~~

~~ii. Operatory sanitation — thirty-six (36) minimum. ( )~~

~~iii. Oral examination — thirty-six (36) minimum. ( )~~

~~iv. Impressions, preliminary and final (pour models, custom trays) — thirty-six (36) minimum. ( )~~

~~v. Bite registrations — twelve (12) minimum. ( )~~

~~vi. Articulations — twelve (12) minimum. ( )~~

~~vii. Set-ups — twelve (12) minimum. ( )~~

~~viii. Try ins — twelve (12) minimum. ( )~~

- ix. ~~Processing (wax up, flask-boil out, packing, grind-polish) — thirty-six (36) minimum. (—)~~
- x. ~~Delivery post-adjustment — thirty-six (36) minimum. (—)~~
- b. ~~Processed relines (one (1) plate = one (1) unit) — twenty-four (24) units. (—)~~
- e. ~~Tooth repairs — forty-eight (48) minimum. (—)~~
- d. ~~Broken or fractured plates or partials — forty-eight (48) minimum. (—)~~

**05. Reporting Requirements.** ~~Interns must file reports, attested to by the supervisor, with the Board on forms provided by the Division of Occupational and Professional Licenses on a monthly basis and recapped at termination or completion of the training.(—)~~

**06. Denture Clinic Requirements.** ~~Denture clinic requirements for approved internship training: (—)~~

a. ~~There may not be more than one (1) internee per licensed denturist or dentist who is practicing at the clinic on a full time basis.(—)~~

b. ~~There must be a separate work station in the laboratory area for each intern with standard equipment, i.e. lathe, torch and storage space. The intern must provide necessary hand tools to perform the duties of the denture profession. Use of the operatory facilities and other equipment will be shared with the intern.(—)~~

**07. Internship Supervisor Requirements.** ~~Hold an Idaho denturist license in good standing, be approved in advance for each internship, and have actively practiced dentistry for the last three (3) of the five (5) years~~

a. ~~A supervisor must: (—)~~

i. ~~Be approved in advance by the Board for each internship. (—)~~

ii. ~~Not have been the subject of any disciplinary action by the Board, by the Idaho Board of Dentistry or by any other jurisdiction for five (5) years immediately prior to being approved as the supervisor.(—)~~

b. ~~A supervisor that is a denturist must: (—)~~

i. ~~Hold an Idaho denturist license that is current and in good standing and is renewed as provided in these rules; and (—)~~

ii. ~~Have actively practiced dentistry for at least three (3) of the five (5) years immediately prior to being approved as the supervisor.(—)~~

e. ~~A supervisor that is a dentist must: Hold an Idaho dentist license that is current and in good standing and is renewed as provided in Chapter 9, Title 54, Idaho Code; and have actively practiced general dentistry, or a dental specialty accepted by the Board, for at least three (3) of the five (5) years immediately prior to being approved as a supervisor.(—)~~

i. ~~Hold an Idaho dentist license that is current and in good standing and is renewed as provided in Chapter 9, Title 54, Idaho Code; and(—)~~

ii. Have actively practiced general dentistry, or a dental specialty accepted by the Board, for at least three (3) of the five (5) years immediately prior to being approved as a supervisor.(——)

d. Supervise only one (1) intern. A supervisor will not be approved to supervise more than one (1) intern at a time. (——)

e. Termination of supervisor approval. Approval of the supervisor immediately terminates if the supervisor is disciplined or ceases to meet supervisor requirements.(——)

**301.—314.(RESERVED)**

**315. INACTIVE LICENSURE STATUS.**

**01. Request License be Placed on Inactive Status.** A dentistry licensee may request the Board that his license be placed upon inactive status for no more than five years. A licensee on inactive status may not provide or perform denturist services.(——)

**02. Reactivating Inactive License.** A licensee on inactive status may reactivate his license to active status by paying the renewal fee for an active license and providing proof they have completed and obtained such continuing education as required by Board rule.(——)

**316.—349.(RESERVED)**

**350. CONTINUING EDUCATION.**

The Board may accredit education programs for purposes of continuing education where the subject matter of the program is determined to be pertinent to the practice of dentistry.(——)

**01. Subjects.** Subjects deemed pertinent to the practice of dentistry are those set forth in Section 54-3311(b), Idaho Code, and may also include ethics courses. ~~Licenses may attend courses that are offered asynchronous and synchronously.~~ (——)

**02. Request for Approval.** Requests for approval of continuing education programs must be made to the Board, in writing, and provide an outline of the program which the Board is being asked to approve. The request must also address the matters set forth in Subsection 350.05 below. Requests may accompany the annual renewal form or may be made to the Board in advance of the program for which approval is sought as indicated in Subsection 350.03, below.(——)

**03. Requests for Pre-Approval.** Requests for pre-approval of continuing education programs must be made to the Board, in writing, and provide an outline of the program which the Board is being asked to approve. Requests for pre-approval must also address the matters set forth in Subsection 350.05 below.(——)

**a.** Requests for pre-approval must be received by the Division of Occupational and Professional Licenses no less than eleven (11) working days prior to the date of the program.(——)

**b.** Requests for pre-approval which are not denied within ten (10) working days from receipt by the Division will be deemed approved.(——)

**c.** Only those continuing education programs sponsored by recognized educational institutions (such as accredited colleges or universities), state or national denturist boards or associations, will be eligible for pre-approval consideration by the Board. All other programs will be considered at the time of renewal.(——)

**04. Credit for Continuing Education Attendance.** Continuing education credit will be given only for

actual time in attendance by the licensee. No credit will be given for non-instructive time. Correspondence or Home Study courses are not eligible for continuing education credits.(—)

~~05. **Requests for Approval of Programs.** All requests for approval or pre-approval of educational programs must be accompanied by a statement that includes the name of the instructor or instructors, the date and time and location of the course, the specific agenda for the course, and a statement by the licensee of how the course is believed to be pertinent to the practice of dentistry as specified in Section 54-3311(b), Idaho Code.(—)~~

~~351.— 399.(RESERVED)~~

~~400. **INSPECTIONS.**~~

~~01. **Who May Examine or Inspect.** The Board or its agents may examine and inspect the place of business of any dentist at anytime during business hours or upon at least seventy two (72) hours notice made by U.S. mail to the address of record of the dentist when the Board or its agents are unable to establish the regular business hours. (—)~~

~~02. **Reason for Inspection.** Inspections are made to insure compliance with the Standards of Conduct and practice set forth in Section 450. Deficiencies are a violation of Section 450 and actionable against the dentist under Section 54-3314(e), Idaho Code.(—)~~

~~401.— 449.(RESERVED)~~

~~450~~**200. STANDARDS OF CONDUCT AND PRACTICE STANDARDS.**

~~01. **Minimum Facility Standards.** A Dentist office must be properly equipped to ensure the safe, clean, and sanitary condition necessary and appropriate for proper operation and the safe preparation of dentures.~~

~~02. **Maintain adequate records.** Adequate records mean legible records which contain, at minimum, evidence of information deemed appropriate for patient care and copies of statements of charges delivered or provided to the patient or client. All records must comply with HIPPA.~~

- ~~01. **Sanitation.** (—)~~
- ~~a. There must be three (3) separate rooms; a reception room, and operator room and a laboratory. (—)~~
- ~~b. The operator room must have hot and cold running water, basin with approved disposal system; disinfectant soap; single-use towels, a cuspidor with running water and a closed waste receptacle.(—)~~
- ~~c. The laboratory room must have hot and cold running water, and basin with approved disposal system. (—)~~
- ~~d. There must be a method of sterilization and disinfection evident and in use to insure the protection of the public. (—)~~
- ~~e. All floors, walls, ceiling and benches must be kept in a sanitary condition at all times. (—)~~
- ~~f. Every patient must have a separate and clean bib and a disposable cup. (—)~~
- ~~g. The hands of every dentist must be washed in the presence of every patient with germicidal or antiseptic soap and water. Every dentist must wear disposable gloves.(—)~~

~~h. Adequate and conveniently located toilet facilities with hot and cold running water, basin with approved disposal system, soap and single use towels will be provided within the building.(—)~~

~~i. All dentist offices are open to inspection anytime during the business hours to inspection by the Board or its agents.(—)~~

~~**02. Office Standards.** (—)~~

~~a. Denturists must take care to use proper sterilization and sanitation techniques in all phases of their work. (—)~~

~~b. A complete record of each patient must be kept. (—)~~

~~c. All teeth and materials used must meet ADA standards. (—)~~

~~**03. Advertisements.** (—)~~

~~a. No dentist may disseminate or cause the dissemination of any advertisement or advertising that is any way fraudulent, false, deceptive or misleading.(—)~~

~~**04. General Conditions.** (—)~~

~~a. Conditions deemed by investigators to be a menace to the public health will be brought to the attention of the Board for consideration and immediate action.(—)~~

~~b. These Standards of Conduct and Practice must be conspicuously posted in every licensed dentist's place of business.(—)~~

~~**05. Patient Record.** A dentist must record, update and maintain documentation for each patient relevant to health history, clinical examinations and treatment, and financial data. Documentation must be written or computerized. Records must be maintained in compliance with any applicable state and federal laws, rules and regulations, including the health insurance portability and accountability act (HIPAA), P.L. 104-191 (1996), and the health information technology for economic and clinical health act (HITECH), P.L. 111-115 (2009). Such records must be accessible to other providers and to the patient in accordance with applicable laws, rules and regulations. Records must include, but are not limited to, the following:(—)~~

~~a. Patient data, including name, address, date and description of examination; (—)~~

~~b. Evidence of informed consent; (—)~~

~~c. Date and description of treatment, services rendered, and any complications; (—)~~

~~d. Health history as applicable; and (—)~~

~~e. Any other information deemed appropriate to patient care. (—)~~

~~**06. Record Retention.** Patient documentation, written or archived electronically by computer, must be retained for a minimum of seven (7) years and available upon request by the Board.(—)~~

~~451201. -- 474299. (RESERVED)~~

~~**475. REGISTRATION STATEMENT.**~~

To enable the Board to examine or inspect the place of business of any licensed dentist as referred to in Section 54-3314(5)(b), Idaho Code, the filing of an annual statement is required of all licensed dentists. (—)

~~01. **Statement.** must list the name and principal place of business of the dentist who is responsible for the practice of dentistry at that location. (—)~~

~~02. **Other Business Locations.** Any other business locations maintained by the principal dentist and all dentists employed at the business. (—)~~

~~03. **Date of Filing.** must be filed with the Board annually or within ten (10) days of any change in either location, identity of principal dentist or dentist employees. (—)~~

~~04. **Failure to Timely File.** Failure to timely file or update this statement will constitute grounds for discipline pursuant to Section 54-3314(a), Idaho Code. (—)~~

~~476. **GUARANTEE OF DENTIST SERVICES.**~~

~~As prescribed in Section 54-3320(c), Idaho Code, unconditional guarantee of dentist services will require that the licensee refund, in full, any monies received in connection with the providing of dentist services, if demanded by the purchaser within ninety (90) days of delivery of the dentures, or the providing of services for which a fee is charged. (—)~~

~~01. **Ninety-Day Period.** The ninety (90) day period will be tolled for any period in which the dentist has taken possession or control of the dentures after original delivery. (—)~~

~~02. **Written Contract.** By written contract signed by the purchaser, the dentist may specify the amount of the purchase price of the dentures, if any, that is nonrefundable should the consumer choose to cancel the purchase within the guarantee period. (—)~~

~~03. **Nonrefundable Amount.** Under no circumstances will the nonrefundable amount exceed twenty-five percent (25%) of the total purchase price of the dentures. (—)~~

~~04. **Limitation.** There is no limitation on the consumer's right to cancel. (—)~~

~~05. **Cancellation of Agreement.** If the licensee elects to cancel the agreement or refuses to provide adjustments or other appropriate services to the consumer, the consumer will be entitled to a complete refund. (—)~~

~~477. — 479. (RESERVED)~~

~~48300. **DISCIPLINE.**~~

~~01. **Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed dentist for each violation of Section 54-3314(a), Idaho Code. (—)~~

~~02. **Costs and Fees.** The Board may order a licensed dentist to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-3314(a), Idaho Code. (—)~~

~~03. **Failing to maintain adequate records.** Adequate records mean legible records which contain, at minimum, evidence of information deemed appropriate for patient care and copies of statements of charges delivered or provided to the patient or client. Must be in compliance with HIPPA.~~

~~014. **False Advertisements.** No dentist may disseminate or cause the dissemination of any~~

advertisement or advertising that is in any way fraudulent, false, deceptive or misleading.( )

**02. Civil Penalty.** The Board may impose a fine up to the amount of any economic advantage obtained through the violation.( )

**48301. -- 9399.(RESERVED)**

# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Division of Occupational and Professional Licenses

**Agency Contact:** Michael Hyde **Phone:** (208) 577-2491

**Date:** 7/7/2022

**IDAPA, Chapter and Title Number and Chapter Name:**

24.16.01 – Rules of the State Board of Dentistry

**Fee Rule Status:**  x  **Proposed**   **Temporary**

**Rulemaking Docket Number: 24-1601-2301**

**STATEMENT OF ECONOMIC IMPACT:** This rulemaking does not impose a new fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

The following is a specific description of the fees or charges:

FEE TYPE	AMOUNT
License Application and Examination	\$300
Re-examination	\$300
Intern Application and Permit	\$300
Initial License	\$300
Annual Renewal	\$750