

IN THE SENATE

SENATE BILL NO. 1038

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO DENTISTS; AMENDING SECTION 54-912, IDAHO CODE, TO PROVIDE THAT  
2 THE BOARD OF DENTISTRY MAY COMMENCE EMERGENCY PROCEEDINGS AGAINST A LI-  
3 CENSEE UNDER CERTAIN CIRCUMSTANCES.  
4

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

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

8 54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have  
9 the following powers and duties:

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

17 (2) To prescribe rules for a fair and wholly impartial method of licen-  
18 sure and examination of applicants to practice dentistry, a dental specialty  
19 or dental hygiene.

20 (3) To define by rule what shall constitute accepted and approved  
21 schools, colleges, institutions, universities or departments thereof for  
22 the teaching of dentistry or dental hygiene and to determine, accept and  
23 approve those that comply therewith.

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

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

31 (6) (a) Upon its own motion or upon any complaint, to initiate and  
32 conduct investigations on all matters relating to the practice of den-  
33 tistry or dental hygiene and to conduct hearings or proceedings on its  
34 own or through its designated hearing officer, to revoke, suspend or  
35 otherwise condition certificates of qualification or licenses of per-  
36 sons practicing dentistry or dental hygiene and, on such terms as the  
37 board shall deem appropriate, to revoke, suspend, or otherwise condi-  
38 tion such licenses, provided such hearings and proceedings shall be had  
39 in conformance with the provisions of chapter 52, title 67, Idaho Code.  
40 Final decisions of the board shall be subject to judicial review as pro-  
41 vided in chapter 52, title 67, Idaho Code.

1        (b) Whenever it appears that grounds for discipline exist under this  
2        chapter and the board finds that there is an immediate danger to the  
3        public health, safety or welfare, the board is authorized to commence  
4        emergency proceedings for revocation or other action. Such proceedings  
5        shall be promptly instituted and processed under the applicable provi-  
6        sions of chapter 52, title 67, Idaho Code.

7        (7) The board, its designated hearing officer, or representative shall  
8 have power to administer oaths, the power to engage in discovery as provided  
9 in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code,  
10 including, but not limited to, the power to take depositions of witnesses  
11 within or without the state in the manner provided by law in civil cases, and  
12 shall have power throughout the state of Idaho to require the attendance of  
13 witnesses and the production of books, records and papers as it may desire  
14 at any hearing before it of any matter which it has authority to investigate,  
15 and for that purpose the board or its designated hearing officer may issue  
16 a subpoena for any witness or a subpoena duces tecum to compel the produc-  
17 tion of any books, records or papers, directed to the sheriff of any county of  
18 the state of Idaho, where the witness resides, or may be found, which shall  
19 be served and returned in the same manner as a subpoena in a criminal case is  
20 served and returned. The fees and mileage of the witnesses shall be the same  
21 as that allowed in the district courts in criminal cases and shall be paid  
22 from the state board of dentistry fund in the same manner as other expenses of  
23 the board are paid. In any case of disobedience to, or neglect of, any sub-  
24 poena or subpoena duces tecum served upon any person, or the refusal of any  
25 witness to testify to any matter regarding which he may lawfully be interro-  
26 gated, it shall be the duty of the district court, or any judge thereof, of  
27 any county in this state in which the disobedience, neglect or refusal oc-  
28 curs, upon application by the board to compel obedience by proceedings for  
29 contempt as in the case of disobedience of the requirements of a subpoena is-  
30 sued from the court or for refusal to testify. The licensed person accused  
31 in the proceedings shall have the same right of subpoena upon making applica-  
32 tion to the board.

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

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

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