

Dear Senators MARTIN, Souza, Jordan, and
Representatives WOOD, Wagoner, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Bureau of Occupational Licenses - State Board of Dentistry:

IDAPA 24.16.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking
(Docket No. 24-1601-1900F).

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 07/24/2019. 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 08/21/2019.

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.



Eric Milstead
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: Legislative Drafting Attorney - Matt Drake
DATE: July 05, 2019
SUBJECT: Bureau of Occupational Licenses - State Board of Denturistry

IDAPA 24.16.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-1601-1900F)

The Idaho Bureau of Occupational Licenses - State Board of Denturistry - submits notice of temporary and proposed rules at IDAPA 24.16.01, Rules of the State Board of Denturistry. The rulemaking adopts and re-publishes existing and previously approved chapters with minor edits in the nature of clean-up and simplification. **No substantive changes are noted.** This is a fee rule. **No new fees or charges are imposed by this rule reauthorization and republication.** These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation.

cc: Bureau of Occupational Licenses - State Board of Denturistry
Kelley Packer

*** 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.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.16.01 – RULES OF THE STATE BOARD OF DENTURITRY

DOCKET NO. 24-1601-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-3309, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 24.16.01, rules of the State Board of Denturitry:

IDAPA 24

- 24.16.01, *Rules of the State Board of Denturitry* - All rules *except Subsections/Sections 010.01, 010.03, 100, 450.01.g, 450.01.k, 500, 550, and 600.*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications and facility standards for the practice of denturitry. Allowing these rules to expire would deny the Board of its ability to ensure minimum qualifications for practice are met and facility standards are maintained.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Absent the ability to impose the licensure fees outlined in this chapter, the Board would not be able to remain self-sufficient, contrary to its statutory mandate.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. Fees are established in accordance with Section 54-3309, Idaho Code, as follows: license application and examination fee: \$300; license application and re-examination fee: \$300; intern application and permit fee: \$300; initial license fee: \$300; annual renewal fee: \$75; and inactive license fee: \$50.

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: This rulemaking is not anticipated to

have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Rob McQuade at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

Kelley Packer
Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**IDAPA 24
TITLE 16
CHAPTER 01**

24.16.01 – RULES OF THE STATE BOARD OF DENTURITRY

000. LEGAL AUTHORITY (RULE 0).

In accordance with Section 54-3309, Idaho Code, the State Board of Denturitry has promulgated rules implementing the provisions of Chapter 33, Title 54, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (RULE 1).

These rules are titled IDAPA 24.16.01, “Rules of the State Board of Denturitry.” (7-1-93)

002. WRITTEN INTERPRETATIONS (RULE 2).

The Board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (4-2-03)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative Appeals are governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (4-2-03)

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. (4-2-03)

005. ADDRESS OF IDAHO BOARD OF DENTURITRY (RULE 5).

The office of the Board of Denturitry is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone number of the Board is (208) 334-3233. The Board’s fax number is (208) 334-3945. The Board’s e-mail address is den@ibol.idaho.gov. The Board’s official website is <http://www.ibol.idaho.gov>. (3-29-10)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Board of Denturitry are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (4-2-03)

007. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

01. Denturist Services. For purposes of the unconditional ninety (90) day guarantee prescribed in Section 54-3320(c), 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. (7-1-97)

02. Denture Technician. A person who is limited to making, constructing, altering, reproducing or repairing of a full 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. (3-10-00)

011. -- 149. (RESERVED)

150. EXAMINATIONS (RULE 150).

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. (3-29-17)

02. Content. Examinations include both a written theory examination and a practical demonstration of

skills. (4-2-03)

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. (4-2-03)

04. Re-Examination. (4-2-03)

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. (4-2-03)

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. (4-2-03)

c. 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. (3-29-17)

151. -- 199. (RESERVED)

200. APPLICATIONS (RULE 200).

01. Application Filing Date. Licensure applications must be received in the Bureau of Occupational Licenses at least seven (7) business days prior to the next scheduled meeting of the Board. Applications received after that date may be held over for the Board's next meeting. (3-29-17)

02. Application Form for Licensure. Applications for licensure must be made on forms approved by the Board and furnished by the Bureau of Occupational Licenses and must include all other documents necessary to establish the applicant meets the requirements for licensure except examination and is eligible to take the licensure examination. (7-1-93)

03. Application Must Be Complete. All applications must be complete in every respect and accompanied by the appropriate fees before being considered received by the Bureau of Occupational Licenses. (7-1-93)

04. Authorization for Examination. (3-29-17)

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. (3-29-17)

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. (3-29-17)

201. -- 249. (RESERVED)

250. FEES (RULE 250).

The following fees are established by the Board: (7-1-93)

01. License Application and Exam and Re-Examination Fee. (4-2-03)

a. License application and examination fee -- three hundred dollars (\$300). (7-1-93)

b. License application and re-examination fee -- three hundred dollars (\$300). (4-2-03)

02. Intern Application and Permit Fee. Intern application and permit fee -- three hundred dollars (\$300). (7-1-93)

- 03. Initial License Fee.** Initial license fee -- three hundred dollars (\$300). (7-1-93)
- 04. Annual Renewal Fee.** Annual renewal fee -- seven hundred fifty dollars (\$750). The annual renewal fee must be accompanied with certification of the applicant having met the required continued education set forth in Section 54-3313, Idaho Code, and Section 350. (3-21-12)
- 05. Inactive License Fee.** The fee for a renewal of an inactive license is fifty dollars (\$50). (3-10-00)
- 251. -- 299. (RESERVED)**
- 300. INTERNSHIP (RULE 300).**
- 01. Requirements and Conditions for Internship.** (3-10-00)
- a.** To be eligible for internship the applicant must have completed: (3-10-00)
- i.** The educational requirements set forth in Section 54-3310(b), Idaho Code; or (3-10-00)
- ii.** Have dentistry experience of three (3) years within the five (5) years immediately preceding application. (3-10-00)
- 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. (3-10-00)
- c.** Application must be made on forms provided by the Bureau of Occupational Licenses and must: (3-10-00)
- i.** Document the location of practice; (3-10-00)
- ii.** Include the name and address of the supervising dentist or dentist; (3-10-00)
- iii.** Include a sworn or affirmed statement by the supervising dentist or dentist; (3-10-00)
- iv.** Include a sworn or affirmed statement by the supervisor accepting supervision of the intern; (3-10-00)
- 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 (3-10-00)
- vi.** Include such other information necessary to establish applicant's qualifications for licensure as a dentist and establish compliance with pre-intern requirements. (3-10-00)
- d.** The supervising dentist or dentist must be present and directly observe any intern interaction with a patient. (3-29-10)
- 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. (4-2-08)
- 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: (3-10-00)
- a.** Two (2) years internship as a denture lab technician under a licensed dentist; or (3-10-00)
- b.** Two (2) years in the military as a denture lab technician; or (3-10-00)

- c. Three (3) years experience as a dentist under licensure in another state or Canada. (3-10-00)
- 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. (7-1-93)
- 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. (7-1-93)
- a. Procedures include all steps required in constructing a finished denture but are not limited to the following: (7-1-93)
- i. Patient charting -- thirty-six (36) minimum. (7-1-93)
 - ii. Operatory sanitation -- thirty-six (36) minimum. (7-1-93)
 - iii. Oral examination -- thirty-six (36) minimum. (7-1-93)
 - iv. Impressions, preliminary and final (pour models, custom trays) -- thirty-six (36) minimum. (7-1-93)
 - v. Bite registrations -- twelve (12) minimum. (7-1-93)
 - vi. Articulations -- twelve (12) minimum. (7-1-93)
 - vii. Set ups -- twelve (12) minimum. (7-1-93)
 - viii. Try ins -- twelve (12) minimum. (7-1-93)
 - ix. Processing (wax up, flask-boil out, packing, grind-polish) -- thirty-six (36) minimum. (7-1-93)
 - x. Delivery-post adjustment -- thirty-six (36) minimum. (7-1-93)
- b. Processed relines (one (1) plate = one (1) unit) -- twenty-four (24) units. (7-1-93)
- c. Tooth repairs -- forty-eight (48) minimum. (7-1-93)
- d. Broken or fractured plates or partials -- forty-eight (48) minimum. (7-1-93)
- 05. Reporting Requirements.** Interns must file reports, attested to by the supervisor, with the Board on forms provided by the Bureau of Occupational Licenses on a monthly basis and recapped at termination or completion of the training. (7-1-93)
- 06. Denture Clinic Requirements.** Denture clinic requirements for approved internship training: (7-1-93)
- a. There may not be more than one (1) internee per licensed dentist or dentist who is practicing at the clinic on a full time basis. (7-1-93)
 - 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. (7-1-93)
- 07. Internship Supervisor Requirements.** (3-29-17)
- a. A supervisor must: (3-29-17)

- i. Be approved in advance by the Board for each internship. (3-29-17)
- 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. (3-29-17)
- b. A supervisor that is a denturist must: (3-29-17)
 - i. Hold an Idaho denturist license that is current and in good standing and is renewed as provided in these rules; and (3-29-17)
 - ii. Have actively practiced dentistry for at least three (3) of the five (5) years immediately prior to being approved as the supervisor. (3-29-17)
- c. A supervisor that is a dentist must: (3-29-17)
 - 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 (3-29-17)
 - 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. (3-29-17)
- d. Supervise only one (1) intern. A supervisor will not be approved to supervise more than one (1) intern at a time. (3-29-17)
- e. Termination of supervisor approval. Approval of the supervisor immediately terminates if the supervisor is disciplined or ceases to meet supervisor requirements. (3-29-17)

301. -- 314. (RESERVED)

315. INACTIVE LICENSURE STATUS (RULE 315).

- 01. Request License e Placed on Inactive Status.** A denturist licensee may request the Board that his license be placed upon inactive status. (3-10-00)
- 02. License Fee for Inactive Status.** A licensee is required to submit an annual renewal fee of fifty dollars (\$50) in order to remain on inactive status. (3-10-00)
- 03. While on Inactive Status.** A licensee on inactive status may not provide or perform denturist services as defined in these rules. (3-10-00)
- 04. 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 of not less than twelve (12) hours for each year of inactive licensure. (3-10-00)
- 05. License Inactive over Five Years.** No license may remain on inactive status for more than five (5) years. (3-10-00)

316. -- 349. (RESERVED)

350. CONTINUING EDUCATION (RULE 350).

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. (7-1-93)

- 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. (7-1-93)

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. (7-1-93)

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. (7-1-93)

a. Requests for pre-approval must be received by the Bureau of Occupational Licenses no less than eleven (11) working days prior to the date of the program. (7-1-93)

b. Requests for pre-approval which are not denied within ten (10) working days from receipt by the Bureau will be deemed approved. (7-1-93)

c. Only those continuing education programs sponsored by recognized educational institutions (such as accredited colleges or universities), state or national dentist boards or associations, will be eligible for pre-approval consideration by the Board. All other programs will be considered at the time of renewal. (7-1-93)

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. (3-10-00)

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. (7-1-93)

351. -- 399. (RESERVED)

400. INSPECTIONS (RULE 400).

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. (7-1-93)

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(c), Idaho Code. (7-1-93)

401. -- 449. (RESERVED)

450. STANDARDS OF CONDUCT AND PRACTICE (RULE 450).

01. Sanitation. (7-1-93)

a. There must be three (3) separate rooms; a reception room, and operator room and a laboratory. (7-1-93)

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. (8-24-94)

c. The laboratory room must have hot and cold running water, and basin with approved disposal system. (8-24-94)

- d.** There must be a method of sterilization and disinfection evident and in use to insure the protection of the public. (8-24-94)
- e.** All floors, walls, ceiling and benches must be kept in a sanitary condition at all times. (8-24-94)
- f.** Every patient must have a separate and clean bib and a disposable cup. (7-1-93)
- g.** The hands of every denturist must be washed in the presence of every patient with germicidal or antiseptic soap and water. Every denturist must wear disposable gloves. (8-24-94)
- 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. (8-24-94)
- i.** All denturist offices are open to inspection anytime during the business hours to inspection by the Board or its agents. (7-1-93)
- 02. Office Standards.** (7-1-93)
- a.** Denturists must take care to use proper sterilization and sanitation techniques in all phases of their work. (7-1-93)
- b.** A complete record of each patient must be kept. (7-1-93)
- c.** All teeth and materials used must meet ADA standards. (7-1-93)
- 03. Advertisements.** (4-2-08)
- a.** No denturist may disseminate or cause the dissemination of any advertisement or advertising that is any way fraudulent, false, deceptive or misleading. (4-2-08)
- 04. General Conditions.** (7-1-93)
- 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. (7-1-93)
- b.** These Standards of Conduct and Practice must be conspicuously posted in every licensed denturist's place of business. (7-1-93)
- 05. Patient Record.** A denturist 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: (3-29-17)
- a.** Patient data, including name, address, date and description of examination; (3-29-17)
- b.** Evidence of informed consent; (3-29-17)
- c.** Date and description of treatment, services rendered, and any complications; (3-29-17)
- d.** Health history as applicable; and (3-29-17)
- e.** Any other information deemed appropriate to patient care. (3-29-17)
- 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. (3-29-17)

451. -- 474. (RESERVED)

475. REGISTRATION STATEMENT (RULE 475).

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. (7-1-97)

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. (7-1-97)

02. Other Business Locations. Any other business locations maintained by the principal dentist and all dentists employed at the business. (7-1-97)

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. (3-29-17)

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. (7-1-97)

476. GUARANTEE OF DENTIST SERVICES (RULE 476).

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. (7-1-97)

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. (7-1-97)

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. (7-1-97)

03. Nonrefundable Amount. Under no circumstances will the nonrefundable amount exceed twenty-five percent (25%) of the total purchase price of the dentures. (7-1-97)

04. Limitation. There is no limitation on the consumer's right to cancel. (7-1-97)

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. (7-1-97)

477. -- 479. (RESERVED)

480. DISCIPLINE (RULE 480).

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. (3-18-99)

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. (3-18-99)

481. -- 999. (RESERVED)