

IN THE SENATE

SENATE BILL NO. 1062

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO DENTISTS; AMENDING SECTION 54-900, IDAHO CODE, TO PROVIDE FOR  
2 DENTAL THERAPISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE AD-  
3 DITION OF A NEW SECTION 54-902A, IDAHO CODE, TO DEFINE A TERM; AMENDING  
4 SECTION 54-903, IDAHO CODE, TO DEFINE A TERM AND TO REVISE DEFINITIONS;  
5 AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
6 TION 54-906A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE UNLAW-  
7 FUL PRACTICE OF DENTAL THERAPY; AMENDING SECTION 54-912, IDAHO CODE, TO  
8 PROVIDE FOR DENTAL THERAPY; AMENDING SECTION 54-913, IDAHO CODE, TO RE-  
9 VISE PROVISIONS REGARDING CERTIFICATES OF QUALIFICATION AND LICENSES;  
10 AMENDING SECTION 54-915, IDAHO CODE, TO PROVIDE FOR THE QUALIFICATIONS  
11 REQUIRED OF DENTAL THERAPISTS; AMENDING SECTION 54-916, IDAHO CODE,  
12 TO PROVIDE FOR DENTAL THERAPISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO  
13 CODE, BY THE ADDITION OF A NEW SECTION 54-916C, IDAHO CODE, TO PROVIDE  
14 FOR DENTAL THERAPY LICENSURE BY CREDENTIALS; AMENDING SECTION 54-918,  
15 IDAHO CODE, TO REVISE PROVISIONS REGARDING EXAMINATIONS; AMENDING SEC-  
16 TION 54-920, IDAHO CODE, TO PROVIDE FOR LICENSING AND LICENSE FEES FOR  
17 DENTAL THERAPISTS; AMENDING SECTION 54-922, IDAHO CODE, TO REQUIRE  
18 DISPLAY OF A DENTAL THERAPY LICENSE; AMENDING SECTION 54-923, IDAHO  
19 CODE, TO PROVIDE FOR REVOCATION OF A DENTAL THERAPY LICENSE; AMENDING  
20 SECTION 54-924, IDAHO CODE, TO REVISE PROVISIONS REGARDING GROUNDS OF  
21 REFUSAL, REVOCATION, OR SUSPENSION OF DENTISTS; AMENDING CHAPTER 9, TI-  
22 TLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-926, IDAHO CODE,  
23 TO PROVIDE GROUNDS FOR REVOCATION OR SUSPENSION OF DENTAL THERAPISTS;  
24 AMENDING SECTION 54-930, IDAHO CODE, TO PROVIDE EXCEPTIONS AND TO MAKE  
25 TECHNICAL CORRECTIONS; AMENDING SECTION 54-932, IDAHO CODE, TO PROVIDE  
26 REQUIREMENTS FOR LOST OR DESTROYED DENTAL THERAPIST CERTIFICATES OR LI-  
27 CENSES; AND AMENDING SECTION 54-935, IDAHO CODE, TO PROVIDE FOR DENTAL  
28 THERAPISTS AND TO MAKE TECHNICAL CORRECTIONS.  
29

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

31 SECTION 1. That Section 54-900, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 54-900. PURPOSE. Recognizing that the practice of dentistry, dental  
34 therapy, and dental hygiene is a privilege granted by the state of Idaho and  
35 is not a natural right of individuals, the purpose of this chapter is to as-  
36 sure the public health, safety and welfare in the state by the licensure and  
37 regulation of dentists, dental therapists, and dental hygienists.

38 SECTION 2. That Chapter 9, Title 54, Idaho Code, be, and the same is  
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
40 ignated as Section 54-902A, Idaho Code, and to read as follows:

1           54-902A. DEFINITION -- PRACTICE OF DENTAL THERAPY. The practice of  
 2 dental therapy is the doing by one (1) person for a direct or indirect con-  
 3 sideration of one (1) or more of the following with respect to the teeth  
 4 or dental health of another person, namely, identifying oral and systemic  
 5 conditions, performing dental prophylaxis, dispensing and administering  
 6 nonnarcotic analgesics, anti-inflammatory and antibiotic medications as  
 7 prescribed by a licensed dentist, applying preventive agents, preparation  
 8 and placement of direct restorations in primary and permanent teeth, indi-  
 9 rect and direct pulp capping on permanent teeth, indirect pulp capping on  
 10 primary teeth, and such other dental services as specified by the supervis-  
 11 ing dentist and for which the dental therapist is trained unless prohibited  
 12 by the board in its adopted rules.

13           SECTION 3. That Section 54-903, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15           54-903. GENERAL DEFINITIONS. As used in this chapter:

16           (1) "Association" means the Idaho state dental association and the  
 17 Idaho dental hygienists' association.

18           (2) "Board" means the state board of dentistry.

19           (3) "Conviction" or "convicted" means a finding of guilt by a judge  
 20 or jury, an entry of a guilty plea by a defendant and its acceptance by  
 21 the court, a forfeiture of a bail bond or collateral deposited to secure a  
 22 defendant's appearance, a judgment of conviction, a suspended sentence,  
 23 probation, a withheld judgment, or a finding of guilt under the uniform code  
 24 of military justice.

25           (4) "Dental assistant" is a person who need not be licensed under this  
 26 chapter, but who is regularly employed at a dental office, who works under  
 27 a dentist's supervision, and is adequately trained and qualified according  
 28 to standards established by the board to perform the dental services permit-  
 29 ted to be performed by assistants by this chapter and applicable rules of the  
 30 board.

31           (5) "Dental hygienist" is a person both qualified and licensed by the  
 32 laws of Idaho to practice dental hygiene.

33           (6) "Dental specialist" is a dentist who has graduated from a board-ap-  
 34 proved postgraduate program in the dentist's specialty and is a person both  
 35 qualified and licensed by the laws of Idaho to practice a dental specialty  
 36 recognized by the board.

37           (7) "Dental therapist" is a person both qualified and licensed by the  
 38 laws of Idaho to practice dental therapy.

39           (8) "Dentist" is a person both qualified and licensed by the laws of  
 40 Idaho to practice dentistry.

41           (89) "Direct supervision" is supervision of a dental therapist, dental  
 42 assistant, or dental hygienist requiring that a dentist diagnose the condi-  
 43 tion to be treated, that a dentist authorize the procedure to be performed,  
 44 that a dentist remain in the practice setting while the procedure is per-  
 45 formed, and that before dismissal of the patient a dentist approves the work  
 46 performed by the dental therapist, dental assistant, or dental hygienist.

47           (910) "Extended access oral health care setting" means and includes:

48           (a) Dental, dental therapy, and dental hygiene treatment and services  
 49 provided at locations including, but not limited to, a school district,

1 county, state or federal agency, hospital, medical office, long-term  
2 care facility, public health district, dental or dental hygiene school,  
3 tribal clinic, or federally qualified health center; or

4 (b) Oral health care programs approved by the board and conducted by or  
5 through a nonprofit public or private entity, organized in accordance  
6 with section 501(c)(3) or 501(c)(4) of the federal Internal Revenue  
7 Code, that provide free dental, dental therapy, or dental hygiene ser-  
8 vices to persons who, due to age, infirmity, indigence, disability or  
9 other similar reason, may be unable to receive regular dental, dental  
10 therapy, and dental hygiene treatment. The board may require reap-  
11 proval of the oral health care programs on an annual basis or at such  
12 other times as may be deemed by the board to be necessary or appropriate.

13 (101) "General supervision" is supervision of a dental therapist, den-  
14 tal assistant, or dental hygienist requiring that a dentist authorize the  
15 procedure which is carried out, but not requiring that a dentist be in the  
16 practice setting when the authorized procedure is performed.

17 (112) "Indirect supervision" is supervision of a dental therapist, den-  
18 tal assistant, or dental hygienist requiring that a dentist authorize a pro-  
19 cedure and that a dentist be in the practice setting while the procedure is  
20 performed by the therapist, assistant, or hygienist.

21 SECTION 4. That Chapter 9, Title 54, Idaho Code, be, and the same is  
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
23 ignated as Section 54-906A, Idaho Code, and to read as follows:

24 54-906A. UNLAWFUL PRACTICE OF DENTAL THERAPY. (1) Any person, not a  
25 dentist, who shall practice or in any manner hold himself out to any other  
26 person or to the public as qualified or licensed to practice dental therapy  
27 within the state of Idaho without at the time being a licensed dental thera-  
28 pist, or who performs any act, function, or service that is permitted a den-  
29 tal therapist by this chapter without the supervision of a dentist as speci-  
30 fied by the rules of the board, shall be guilty of a misdemeanor and upon con-  
31 viction shall be fined no less than one hundred dollars (\$100) nor more than  
32 three hundred dollars (\$300), or be imprisoned in the county jail for no less  
33 than thirty (30) days nor more than six (6) months, or both. Each act of prac-  
34 tice, or holding out, or representation shall constitute a separate offense.

35 (2) Conviction under the provisions of this section shall not prevent  
36 issuance of an injunction as provided in section 54-933, Idaho Code.

37 SECTION 5. That Section 54-912, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have  
40 the following powers and duties:

41 (1) To ascertain the qualifications and fitness of applicants to prac-  
42 tice dentistry, a dental specialty, dental therapy, or dental hygiene; to  
43 prepare, conduct and grade qualifying examinations; to require and accept  
44 passing results of written and clinical examinations from approved dental,  
45 dental therapy, and dental hygiene testing organizations; to issue in the  
46 name of the board a certificate of qualification to applicants found to be  
47 fit and qualified to practice dentistry, dental therapy, or dental hygiene.

1 (2) To prescribe rules for a fair and wholly impartial method of li-  
2 censure and examination of applicants to practice dentistry, a dental spe-  
3 cialty, dental therapy, or dental hygiene.

4 (3) To define by rule what shall constitute accepted and approved  
5 schools, colleges, institutions, universities or departments thereof for  
6 the teaching of dentistry, dental therapy, or dental hygiene and to deter-  
7 mine, accept and approve those that comply therewith.

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

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

15 (6) (a) Upon its own motion or upon any complaint, to initiate and  
16 conduct investigations on all matters relating to the practice of den-  
17 tistry, dental therapy, or dental hygiene and to conduct hearings or  
18 proceedings on its own or through its designated hearing officer, to re-  
19 voke, suspend or otherwise condition certificates of qualification or  
20 licenses of persons practicing dentistry, dental therapy, or dental hy-  
21 giene and, on such terms as the board shall deem appropriate, to revoke,  
22 suspend, or otherwise condition such licenses, provided such hearings  
23 and proceedings shall be had in conformance with the provisions of chap-  
24 ter 52, title 67, Idaho Code. Final decisions of the board shall be sub-  
25 ject to judicial review as provided in chapter 52, title 67, Idaho Code.

26 (b) Whenever it appears that grounds for discipline exist under this  
27 chapter and the board finds that there is an immediate danger to the  
28 public health, safety or welfare, the board is authorized to commence  
29 emergency proceedings for revocation or other action. Such proceed-  
30 ings shall be promptly instituted and processed, including the right  
31 to contest the emergency proceedings and appeal, under the applicable  
32 provisions of chapter 52, title 67, Idaho Code.

33 (7) The board, its designated hearing officer, or representative shall  
34 have power to administer oaths, the power to engage in discovery as provided  
35 in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code,  
36 including, but not limited to, the power to take depositions of witnesses  
37 within or without the state in the manner provided by law in civil cases, and  
38 shall have power throughout the state of Idaho to require the attendance of  
39 witnesses and the production of books, records and papers as it may desire  
40 at any hearing before it of any matter which it has authority to investigate,  
41 and for that purpose the board or its designated hearing officer may issue  
42 a subpoena for any witness or a subpoena duces tecum to compel the produc-  
43 tion of any books, records or papers, directed to the sheriff of any county of  
44 the state of Idaho, where the witness resides, or may be found, which shall  
45 be served and returned in the same manner as a subpoena in a criminal case is  
46 served and returned. The fees and mileage of the witnesses shall be the same  
47 as that allowed in the district courts in criminal cases and shall be paid  
48 from the state board of dentistry fund in the same manner as other expenses of  
49 the board are paid. In any case of disobedience to, or neglect of, any sub-  
50 poena or subpoena duces tecum served upon any person, or the refusal of any

1 witness to testify to any matter regarding which he may lawfully be interro-  
 2 gated, it shall be the duty of the district court, or any judge thereof, of  
 3 any county in this state in which the disobedience, neglect or refusal oc-  
 4 curs, upon application by the board to compel obedience by proceedings for  
 5 contempt as in the case of disobedience of the requirements of a subpoena is-  
 6 sued from the court or for refusal to testify. The licensed person accused  
 7 in the proceedings shall have the same right of subpoena upon making applica-  
 8 tion to the board.

9 (8) The board shall establish an office and may appoint an executive di-  
 10 rector and may employ other personnel, including attorneys and hearing offi-  
 11 cers, as may be necessary to assist the board. The board shall prescribe the  
 12 duties of the executive director and these duties shall include the prepara-  
 13 tion of all papers and records under law for the board, and shall include en-  
 14 forcement activities as to the board may from time to time appear advisable,  
 15 and the executive director shall act for and on behalf of the board in such  
 16 manner as the board may authorize, keep records, property and equipment of  
 17 the board and discharge other duties as the board may from time to time pre-  
 18 scribe. The compensation of the executive director or other personnel shall  
 19 be determined by the board and the executive director shall be bonded to the  
 20 state in the time, form and manner prescribed in chapter 8, title 59, Idaho  
 21 Code.

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

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

28 SECTION 6. That Section 54-913, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 54-913. CERTIFICATES -- LICENSES -- RECORDS. (1) All certificates of  
 31 qualification to practice dentistry, dental therapy, or dental hygiene, and  
 32 all licenses shall be issued by the board in the name of the board, with the  
 33 seal attached.

34 (2) The board shall keep a record of all applicants for licensure to  
 35 qualify as a dentist, dental therapist, or dental hygienist, of applicants  
 36 rejected on application or examination with the reason for rejection, of  
 37 certificates of qualification and of licenses issued, and of dentists, den-  
 38 tal therapists, and dental hygienists.

39 SECTION 7. That Section 54-915, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 54-915. QUALIFICATIONS REQUIRED FOR DENTIST, DENTAL THERAPIST, OR  
 42 DENTAL HYGIENIST LICENSURE. No person hereafter shall be eligible for licen-  
 43 sure to practice dentistry, dental therapy, or dental hygiene in this state  
 44 unless the applicant:

45 (1) Is of good moral character and has not pled guilty to or been con-  
 46 victed of any felony, or of any misdemeanor involving moral turpitude, un-

1 less the person demonstrates that he has been sufficiently rehabilitated to  
2 warrant the public trust;

3 (2) Shall, for dentistry, have successfully completed the course of  
4 study in dentistry, and graduated and received a degree of doctor of dental  
5 surgery or doctor of dental medicine from a dental school accepted and ap-  
6 proved by the board;

7 (3) Shall, for dental therapy, have successfully completed a course of  
8 study in dental therapy, graduated from a dental therapy school accepted and  
9 approved by the board, and completed five hundred (500) hours of supervised  
10 clinical practice under the direct supervision of a dentist;

11 (4) Shall, for dental hygiene, have successfully completed the course  
12 of study in dental hygiene, and received a degree from a dental hygiene  
13 school accepted and approved by the board;

14 (45) Shall, for dentistry, dental therapy, and dental hygiene, pass the  
15 examinations provided for in section 54-918, Idaho Code.

16 SECTION 8. That Section 54-916, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 54-916. APPLICATION FOR LICENSURE -- FEE. Any person desiring to prac-  
19 tice dentistry, a dental specialty, dental therapy, or dental hygiene within  
20 the state of Idaho shall make an application for licensure in dentistry, a  
21 dental specialty, dental therapy, or dental hygiene, as the case may be, on  
22 forms furnished by the board, which forms shall call for information from  
23 the applicant as shall show his full, true name and that he possesses all  
24 the qualifications required by law for the license applied for. The applica-  
25 tion and supporting instruments as shall be required, together with payment  
26 of an application fee of not more than three hundred dollars (\$300) for den-  
27 tists, the fee to be set by the rules of the board and not more than two hun-  
28 dred fifty dollars (\$250) for dental therapists and dental hygienists, the  
29 fee to be set by the rules of the board, and not more than six hundred dollars  
30 (\$600) for dental specialists, the fee to be set by the rules of the board,  
31 shall be filed with the board at a sufficient time to permit the board to in-  
32 vestigate into the moral character of the applicant and his possession of the  
33 other qualifications for licensure. The fee shall not be refunded.

34 SECTION 9. That Chapter 9, Title 54, Idaho Code, be, and the same is  
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
36 ignated as Section 54-916C, Idaho Code, and to read as follows:

37 54-916C. DENTAL THERAPY LICENSURE BY CREDENTIALS. The board may issue  
38 a license to practice dental therapy without further examination to an ap-  
39 plicant upon evidence that:

40 (1) The applicant currently holds an active license in good standing to  
41 practice dental therapy in another state with no disciplinary proceedings or  
42 unresolved complaints pending before the state's licensing board;

43 (2) The applicant has been in clinical practice at least two (2) years  
44 and has practiced a minimum of two thousand (2,000) hours in the three (3)  
45 years immediately preceding the date of application;

1 (3) The applicant has graduated from a dental therapy school accredited  
2 by the commission on dental accreditation of the American dental association  
3 as of the date of the applicant's graduation;

4 (4) The applicant has successfully completed board-approved examina-  
5 tions; and

6 (5) The applicant has paid the application fee as set by board rule.

7 SECTION 10. That Section 54-918, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 54-918. EXAMINATIONS -- CERTIFICATE OF QUALIFICATION. (1) An appli-  
10 cant for licensure shall pass such examinations in dentistry, in dental  
11 therapy, and in dental hygiene as are conducted by the board or its agent.  
12 Examinations shall be written or clinical, or both, and upon such subjects in  
13 dentistry, dental therapy, and dental hygiene as the board shall determine  
14 will thoroughly test the fitness and ability of the applicant to practice  
15 dentistry, dental therapy, or dental hygiene. An applicant for licensure  
16 shall pass the written jurisprudence examination conducted by the board. A  
17 passing score of seventy-five percent (75%) correct shall be required on the  
18 written jurisprudence examination. A passing score of at least seventy-five  
19 percent (75%) correct shall be required on any additional written or clin-  
20 ical examinations conducted by the board. It shall report and record the  
21 names of applicants who pass and of those who fail the examinations. Upon the  
22 candidate's request, the board will issue to each passing applicant in den-  
23 tistry, who is qualified for Idaho licensure, a certificate of qualification  
24 to practice dentistry, and to each passing applicant in dental therapy, who  
25 is qualified for Idaho licensure, a certificate of qualification to practice  
26 dental therapy within the state of Idaho, and to each passing applicant in  
27 dental hygiene, who is qualified for Idaho licensure, a certificate of qual-  
28 ification to practice dental hygiene within the state of Idaho.

29 (2) In lieu of conducting written examinations other than the ju-  
30 risprudence examination, the board may require and accept the results of the  
31 national board dental and dental hygiene examinations administered by the  
32 American dental association. The American dental association shall set the  
33 standards for passing the national board dental and dental hygiene examina-  
34 tions. In lieu of conducting clinical examinations, the board may require  
35 and accept the results of clinical examinations administered by national or  
36 regional testing organizations approved by the board. In lieu of conducting  
37 dental therapy examinations, the board may require and accept the results  
38 of dental therapy examinations administered by national or regional test-  
39 ing organizations approved by the board. The national or regional testing  
40 organizations shall set the standards for passing or acceptable level of  
41 competency on the clinical or dental therapy examinations administered.

42 (3) Applicants who fail any examination conducted by the board or its  
43 agent shall be notified thereof in writing by the board, which shall also  
44 record the fact of failure and the date and means of notification.

45 (4) Written questions and answers of applicants shall be subject to  
46 disclosure according to chapter 1, title 74, Idaho Code, unless exempt from  
47 disclosure in that chapter and title, and shall be destroyed by the board  
48 after the period of one (1) year following the examination.

1 SECTION 11. That Section 54-920, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-920. LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES --  
4 LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LI-  
5 CENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by  
6 the board as qualified for licensure under this chapter shall pay the pre-  
7 scribed biennial license fee to the board prior to issuance of a license. Un-  
8 less otherwise specified on a license, licenses issued by the board shall be  
9 effective for the biennial licensing period specified in this section. The  
10 biennial licensing period for dental and dental therapy licenses shall be  
11 a two (2) year period from October 1 of each even-numbered calendar year to  
12 September 30 of the next successive even-numbered calendar year. The bien-  
13 nial licensing period for dental hygiene licenses shall be a two (2) year pe-  
14 riod from April 1 of each odd-numbered calendar year to March 31 of the next  
15 successive odd-numbered calendar year. Unless otherwise specified on a li-  
16 cense, any license issued during a biennial licensing period shall be effec-  
17 tive until the beginning date of the next successive biennial licensing pe-  
18 riod and the board may prorate the amount of the license fee from the date of  
19 issuance of the license until the beginning date of the next applicable bien-  
20 nial licensing period at the discretion of the board. A license issued by the  
21 board shall expire unless renewed in the manner specified in this section.

22 (2) The nonrefundable biennial license fees shall be fixed by the  
23 board, but shall not exceed the following amounts:

- 24 (a) Four hundred dollars (\$400) for a dentist with an active status;
- 25 (b) Two hundred dollars (\$200) for a dentist with an inactive status;
- 26 (c) Three hundred dollars (\$300) for a dental therapist with an active  
27 status;
- 28 (d) One hundred fifty dollars (\$150) for a dental therapist with an in-  
29 active status;
- 30 (e) Two hundred twenty dollars (\$220) for a dental hygienist with an ac-  
31 tive status;
- 32 (d~~f~~) One hundred twelve dollars (\$112) for a dental hygienist with an  
33 inactive status; or
- 34 (e~~g~~) Four hundred dollars (\$400) for a dentist with a specialist sta-  
35 tus.

36 (3) A license issued by the board shall be renewed as prescribed in this  
37 section. Prior to the expiration of the effective period of a license, the  
38 board shall provide notice of renewal to the licensee's address of record on  
39 file with the board. To renew a dental license, each licensee shall submit a  
40 properly completed renewal application and the appropriate biennial license  
41 fee to the board prior to September 30 of every even-numbered calendar year.  
42 To renew a dental hygiene license, each licensee shall submit a properly com-  
43 pleted renewal application and the appropriate biennial license fee to the  
44 board prior to March 31 of each odd-numbered calendar year. Each licensee  
45 determined by the board as qualified for renewal of a license shall be issued  
46 a license for the applicable biennial licensing period.

47 (4) Failure to timely submit a complete renewal application and li-  
48 cense fee shall result in expiration of the license and termination of the  
49 licensee's right to practice. Failure to submit a complete renewal applica-



1 tion, license fee and fifty dollar (\$50.00) late fee within thirty (30) days  
2 of expiration of the license shall result in cancellation of the license.

3 (5) Any person who delivers a check or other payment to the board that is  
4 returned to the board unpaid by the financial institution upon which it was  
5 drawn shall pay to the board as an administrative cost, in addition to any  
6 other amount owing, the amount of fifty dollars (\$50.00). Following notifi-  
7 cation by the board of the returned check or other payment, the person shall  
8 make payment of all moneys owing to the board by certified check or money or-  
9 der within thirty (30) days of the date of notification. A failure to submit  
10 the necessary remittance within the thirty (30) day period may result in the  
11 expiration of a license or constitute grounds for the board to deny, cancel,  
12 suspend or revoke a license.

13 (6) The board of dentistry may issue different classes of licenses as  
14 defined in this subsection.

15 (a) The term "license with active status" means a license issued by the  
16 board to a qualified person who is authorized to practice dentistry,  
17 dental therapy, or dental hygiene in the state of Idaho.

18 (b) The term "license with an inactive status" means a license issued  
19 by the board to a qualified person who is not authorized to be an ac-  
20 tive practitioner of dentistry, dental therapy, or dental hygiene in  
21 the state of Idaho. A person issued a license with an inactive status is  
22 not entitled to practice dentistry, dental therapy, or dental hygiene  
23 in the state of Idaho.

24 (c) The terms "license with special status" and "license with provi-  
25 sional status" mean licenses issued by the board to a qualified person  
26 on a provisional, conditional, restricted or limited basis under the  
27 terms of which the licensee is authorized to practice dentistry, den-  
28 tal therapy, or dental hygiene in the state of Idaho subject to condi-  
29 tions, limitations and requirements imposed by the board. The condi-  
30 tions, limitations and requirements imposed by the board may include,  
31 but are not limited to, a limitation on the effective period of the li-  
32 cense, a requirement that specific conditions must be fulfilled in or-  
33 der for the license to remain effective, a requirement that specified  
34 education, examinations and skills testing be successfully completed  
35 during the effective period of the license, a restriction on the scope  
36 of permissible services that the licensee is authorized to perform, a  
37 restriction on the type of patients for whom treatment may be rendered  
38 and a restriction on the locations at which the licensee can perform au-  
39 thorized services.

40 (7) (a) The board may issue a license with active status to any quali-  
41 fied applicant or qualified licensee who is authorized to practice den-  
42 tistry, dental therapy, or dental hygiene in the state of Idaho. Re-  
43 newal of a license with active status requires compliance with require-  
44 ments specified in rule.

45 (b) The board may issue a license with inactive status to any qualified  
46 applicant or qualified licensee who fulfilled the licensure require-  
47 ments but does not practice in the state of Idaho. Renewal of a license  
48 with inactive status requires compliance with requirements specified  
49 in rule.

1 (c) The board may issue a license with provisional status or special  
2 status to any person who fulfills, or substantially fulfills, the  
3 applicable licensure requirements when the board, acting in its dis-  
4 cretion, determined that special circumstances existed which, for the  
5 protection of the public health, safety and welfare, required that  
6 specific conditions, restrictions or limitations be imposed on the li-  
7 cense. A license with special status or provisional status entitles  
8 the holder thereof to practice dentistry, dental therapy, or dental  
9 hygiene in the state of Idaho subject to the conditions, restrictions  
10 and limitations specifically determined by the board and for the period  
11 of time prescribed. A provisional license is effective for the period  
12 specified by the board and may not be renewed. The board shall develop  
13 rules to include definitions, application and renewal requirements,  
14 limitations of practice and other conditions regarding provisional and  
15 special status licenses.

16 (d) The board may convert a license with inactive status to a li-  
17 cense with active status in the event the holder pays the license fee  
18 prescribed for licenses with active status and submits to the board sat-  
19 isfactory evidence of:

20 (i) Compliance with the requirements of this chapter and all  
21 rules promulgated under the provisions of this chapter;

22 (ii) Good moral character and good professional conduct; and

23 (iii) Completion of accumulated continuing education as required  
24 of a license with uninterrupted active status.

25 (e) Persons unable to otherwise fully meet the requirements for conver-  
26 sion of an inactive status license to an active status license must ap-  
27 ply as a first-time applicant.

28 (8) Each person licensed under this chapter shall notify the board in  
29 writing of any change in the person's name or address of record within thirty  
30 (30) days after the change has taken place.

31 SECTION 12. That Section 54-922, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 54-922. DISPLAY OF LICENSE. No person shall practice dentistry, den-  
34 tal therapy, or dental hygiene unless he either has on display in his office  
35 an unrevoked and unsuspended license for the time period in which he shall  
36 practice or has the same immediately producible upon request.

37 SECTION 13. That Section 54-923, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other  
40 evidence of qualification and right to practice dentistry, a dental spe-  
41 cialty, dental therapy, or dental hygiene, and a license, may be revoked  
42 by the board whenever it shall be shown to the board that the holder of such  
43 certificate or other evidence of qualification, right to practice or li-  
44 cense has been convicted of a felony, or of a misdemeanor involving moral  
45 turpitude, whether such conviction shall have occurred before or after qual-  
46 ification, or accrual of such right, or the issuance of such certificate or  
47 other evidence of qualification, or of such license. A person licensed to

1 practice dentistry, a dental specialty, dental therapy, or dental hygiene  
2 who is convicted of a felony in any jurisdiction shall notify the board  
3 within thirty (30) days of conviction by submitting a copy of the judgment of  
4 conviction to the board.

5 SECTION 14. That Section 54-924, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 54-924. OTHER GROUNDS OF REFUSAL, REVOCATION OR SUSPENSION OF DEN-  
8 TISTS -- PROBATION AGREEMENTS. The board may refuse to issue or renew a den-  
9 tal license, or may revoke, suspend, place on probation, reprimand or take  
10 other disciplinary action with respect to a dental license as the board may  
11 deem proper, including administrative penalties not to exceed ten thousand  
12 dollars (\$10,000) per violation and assessment of the costs of disciplinary  
13 proceedings in the event a dentist shall:

14 (1) Intentionally misstate, or fail fully to disclose, a fact mate-  
15 rial to determination of fitness and qualification in an application for  
16 licensure to practice dentistry, or cheat in an examination to practice  
17 dentistry; or procure a certificate or finding of qualification to practice  
18 dentistry or subsequently a license by false, fraudulent or deceitful means  
19 or in any other name than his own true name; or

20 (2) Practice dentistry under any name other than his own true name ex-  
21 cept as a professional service corporation or professional limited liabil-  
22 ity company or as a limited managed care plan pursuant to chapter 39, title  
23 41, Idaho Code; or

24 (3) Practice or in any manner or by any means or at any place hold out  
25 or represent himself as practicing dentistry in or under the name of, or as  
26 a member, representative, agent or employee of, or in connection with, any  
27 company, association, or corporation, or under any trade, fictitious or  
28 business name except as a professional service corporation or professional  
29 limited liability company or as a limited managed care plan pursuant to chap-  
30 ter 39, title 41, Idaho Code, except for a dentist practicing dentistry as an  
31 employee or contracting dentist providing dentistry services to any health  
32 center as defined and authorized in section 330 of the public health service  
33 act, codified as amended at 42 U.S.C. 254b; or

34 (4) (a) Make, or cause to be made, or assist in making, any fraudulent,  
35 false, or misleading statement as to his own, or an employee's, asso-  
36 ciate's, or other dentist's, dental therapist's, or dental hygienist's  
37 skill or lack of skill, or method of practice; or

38 (b) Claim to practice dentistry without causing pain; or

39 (c) Claim superiority over other dentists; or

40 (d) Publish, advertise, or circulate reports, letters, certificates,  
41 endorsements, or evidence of cures or corrections of dental conditions  
42 by such dentist, his employee or associate by reason of his or their  
43 skill, experience, or ability or of his or their use of any system,  
44 method, technique, device, drug, medicine, material, manipulation or  
45 machine; or

46 (e) Advertise the use of, or use, any system, method, technique, de-  
47 vice, drug, medicine, material or machine, which is either falsely ad-  
48 vertised or misnamed; or

1 (5) Use intoxicants or drugs to such a degree as to render him unfit to  
2 practice; or

3 (6) Commit malpractice, that is, to provide dental care which fails to  
4 meet the standard of dental care provided by other qualified dentists in the  
5 same community or similar communities, taking into account his training, ex-  
6 perience and the degree of expertise to which he holds himself out to the pub-  
7 lic; or

8 (7) Engage in unprofessional conduct, as defined by board rules; or

9 (8) Advertise in such way as to deceive or defraud, or probably deceive  
10 or defraud, the public or patrons; or

11 (9) Employ or permit any person not a dentist to practice dentistry, or  
12 any person not a dentist or dental therapist to practice dental therapy, or  
13 any person not a dentist or dental hygienist to practice dental hygiene, in  
14 his office or under his control or direction; or

15 (10) Fail, neglect or refuse to keep his office or equipment, or oth-  
16 erwise conduct his work in accordance with current state and federal laws,  
17 rules and regulations; or

18 (11) Violate any other provisions of law or rules adopted by the board;  
19 or

20 (12) Falsely identify himself to the public as a specialist in a spe-  
21 cialty area of dentistry as defined by rule; or

22 (13) Engage in the practice of dentistry as a member, stockholder, em-  
23 ployee, director, partner or proprietor in any business entity in which a  
24 person, not duly licensed to practice dentistry in this state, holds an own-  
25 ership interest. The provisions of this subsection shall not apply to such  
26 engagement in a limited managed care plan pursuant to chapter 39, title 41,  
27 Idaho Code, or to a dentist practicing dentistry for any health care center  
28 as defined and authorized in section 330 of the public health service act,  
29 codified as amended at 42 U.S.C. 254b.

30 SECTION 15. That Chapter 9, Title 54, Idaho Code, be, and the same is  
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
32 ignated as Section 54-926, Idaho Code, and to read as follows:

33 54-926. OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTAL THER-  
34 APISTS -- PROBATION AGREEMENTS. The certificate or other evidence of  
35 qualification, and the right to practice dental therapy and the license of  
36 any dental therapist, may be revoked, suspended, or otherwise conditioned  
37 by the board in the event such dental therapist shall do, in respect to the  
38 practice of dental therapy, or as a dental therapist any of the things or acts  
39 set forth in section 54-924, Idaho Code. Notwithstanding any provisions of  
40 section 54-924, Idaho Code, a dental therapist shall not practice otherwise  
41 than as provided in section 54-902A, Idaho Code, and his doing so shall be  
42 an additional ground for revocation, suspension, or other conditions as  
43 determined by the board. The board may refuse to issue or renew a dental  
44 therapist license, or may revoke, suspend, place on probation, reprimand, or  
45 take other disciplinary action with respect to a dental therapy license as  
46 the board may deem proper, including administrative penalties not to exceed  
47 five thousand dollars (\$5,000) per violation and assessment of the costs of  
48 disciplinary proceedings.

1 SECTION 16. That Section 54-930, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-930. EXCEPTIONS TO APPLICATION OF ACT. This act shall not be con-  
4 strued as prohibiting a physician or surgeon, duly authorized to practice  
5 as such in this state, from treating diseases of the mouth or performing op-  
6 erations in oral surgery; nor as prohibiting persons authorized by the laws  
7 of another state, territory or country to practice dentistry or dental hy-  
8 giene therein, or persons teaching in approved dental, dental therapy, or  
9 dental hygiene schools, from making clinical demonstrations before meetings  
10 of dentists, dental therapists, or dental hygienists in Idaho; nor as pro-  
11 hibiting any person from performing merely mechanical work upon inert matter  
12 in a dental laboratory; nor to prohibit students in approved dental, dental  
13 therapy, or dental hygiene schools from practicing dentistry, dental ther-  
14 apy, or dental hygiene therein as part of their training or education.

15 SECTION 17. That Section 54-932, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 54-932. LOST OR DESTROYED CERTIFICATES OR LICENSES. If the certifi-  
18 cate of qualification or the license of a dentist, dental therapist, or den-  
19 tal hygienist be lost or destroyed, and such fact appear by affidavit of such  
20 dentist, dental therapist, or dental hygienist filed with the board together  
21 with a fee of ten dollars (\$10.00), the board shall issue a duplicate.

22 SECTION 18. That Section 54-935, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 54-935. VOLUNTEER'S LICENSE -- QUALIFICATIONS -- PERMISSIBLE PRAC-  
25 TICE -- IMMUNITY FROM LIABILITY. (1) Upon application and qualification, the  
26 board may issue, without examination, a volunteer's license to a dentist,  
27 dental therapist, or dental hygienist who is retired from the active prac-  
28 tice of dentistry, dental therapy, or dental hygiene to enable the retired  
29 dentist, dental therapist, or dental hygienist to provide dental, dental  
30 therapy, or dental hygiene services at specified locations to persons who,  
31 due to age, infirmity, indigence or disability, are unable to receive regu-  
32 lar dental treatment.

33 (2) For purposes of this section, a dentist, dental therapist, or den-  
34 tal hygienist previously holding a dental, dental therapist, or dental hy-  
35 giene license with active status in Idaho or another state shall be consid-  
36 ered to be retired if, prior to the date of application for a volunteer's li-  
37 cense, he has surrendered or allowed his license with active status to expire  
38 with the intention of ceasing to actively practice as a dentist, dental ther-  
39 apist, or dental hygienist for remuneration, he has converted his license  
40 with active status to a license with inactive status with the intention of  
41 ceasing to actively practice as a dentist, dental therapist, or dental hy-  
42 giene for remuneration, or he has converted his license with active or in-  
43 active status to a license with retirement or similar status that proscribed  
44 the active practice of dentistry, dental therapy, or dental hygiene. A den-  
45 tist, dental therapist, or dental hygienist whose dental, dental therapy,  
46 or dental hygiene license had been restricted, suspended, revoked, surren-

1 dered, resigned, converted, or allowed to lapse or expire as the result of  
2 disciplinary action or in lieu of disciplinary action being taken shall not  
3 be eligible for a volunteer's license.

4 (3) An application for a volunteer's license shall include, but not be  
5 limited to, the following:

6 (a) Verification of graduation from a dental, dental therapy, or dental  
7 hygiene school accredited by the ~~C~~ommission on ~~D~~dental Accreditation  
8 of the American ~~D~~dental Association as of the date of the applicant's  
9 graduation;

10 (b) Verification from each state board in which the applicant was li-  
11 censed that the applicant maintained his dental, dental therapy, or  
12 dental hygiene license in good standing without disciplinary action  
13 that restricted the applicant's license or resulted in the applicant's  
14 license being placed on probation, suspended, revoked or being sur-  
15 rendered, resigned or otherwise allowed to lapse or expire in lieu of  
16 disciplinary action;

17 (c) Verification that the applicant held a dental, dental therapy, or  
18 dental hygiene license in good standing in Idaho or another state as of  
19 the date upon which the dentist, dental therapist, or dental hygienist  
20 became retired;

21 (d) Verification that the applicant held an active status dental, den-  
22 tal therapy, or dental hygiene license in good standing in Idaho or an-  
23 other state within five (5) years of the date of application for a vol-  
24 unteer's license, provided that the board may waive the five (5) year  
25 requirement in the event that the applicant demonstrates he possesses  
26 the knowledge and skills requisite to the practice of dentistry, den-  
27 tal therapy, or dental hygiene by successfully completing such examina-  
28 tions as are required by the board; and

29 (e) A notarized statement from the applicant on a form prescribed by  
30 the board, that the applicant will not provide any dental, dental ther-  
31 apy, or dental hygiene services to any person or at any location other  
32 than as permitted by this section and that the applicant will not accept  
33 any amount or form of remuneration, other than as reimbursement for the  
34 amount of actual expenses incurred as a volunteer dentist, dental ther-  
35 apist, or dental hygienist, for any dental, dental therapy, or dental  
36 hygiene services provided under the authority of a volunteer's license.

37 (4) For purposes of this section, the specified locations at which a  
38 dentist, dental therapist, or dental hygienist holding a volunteer's li-  
39 cense may provide dental, dental therapy, or dental hygiene services shall  
40 be limited to the premises or sites of extended access oral health care  
41 settings. The dental services provided in an extended access oral health  
42 care setting by a dentist holding a volunteer's license shall not require or  
43 include the administration of general anesthesia or moderate sedation to a  
44 patient unless otherwise specifically approved in advance by the board.

45 (5) A volunteer's license shall be valid for that period specified for  
46 dentists, dental therapists, and dental hygienists in section 54-920, Idaho  
47 Code, and may be renewed upon application of the licensee unless the license  
48 has been revoked in accordance with this section. The board shall maintain a  
49 register of all dentists, dental therapists, and dental hygienists who hold  
50 a volunteer's license. The board shall not charge an application or licens-

1 ing fee for issuing or renewing a volunteer's license. A volunteer's license  
2 cannot be converted to a license with active, inactive, provisional or spe-  
3 cial status.

4 (6) The board may revoke a volunteer's license upon receiving proof  
5 satisfactory to the board that the holder of a volunteer's license provided  
6 dental, dental therapy, or dental hygiene services outside the permissible  
7 scope of the volunteer's license or that grounds existed for enforcement or  
8 disciplinary action against the holder of a volunteer's license under other  
9 sections of this chapter or the administrative rules promulgated under this  
10 chapter.

11 (7) When practicing dentistry, dental therapy, or dental hygiene  
12 within the permissible scope of a volunteer's license, the holder of a  
13 volunteer's license issued pursuant to this section shall be immune from  
14 liability for any civil action arising out of the provision of volunteer  
15 dental, dental therapy, or dental hygiene services. This section does not  
16 provide or extend immunity to a holder of a volunteer's license for any acts  
17 or omissions constituting negligence.