# IDAHO BOARD OF DENTISTRY

# NEWSLETTER

## LEGISLATIVE PROPOSAL

The Board of Dentistry will introduce legislation during the upcoming session to amend the Idaho Dental Practice Act. Idaho Code §54-924 requires a dentist to practice under his own true name except as authorized by the professional service corporation act. This section of law was enacted before professional limited liability companies were referenced in Idaho Code. Dentists are specifically included in the list of professions that can form professional limited liability companies as long as all members are licensed to render the same professional services. The proposed legislation will add reference to professional limited liability companies in §54-924 and provide the necessary statutory authority for the Board of Dentistry to take disciplinary action against a dentist who engages in the practice of dentistry with any business entity in which a person not licensed to practice dentistry in this state holds an ownership interest.

If you have questions or comments regarding this proposal, please contact the Board's office.

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## BOARD MEMEBERS

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**Jan M. Simpson, RDH**
Blackfoot, ID
**Tina Gustaveson Wilson**
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Administrative Assistant
**Julie Morgan**
Office Specialist

## OVERVIEW OF THE BOARD OF DENTISTRY

**The Idaho Board of Dentistry is governed by the State of Idaho and is a separate and distinct entity from any professional association. The mission of the Board is to assure the public health, safety and welfare in the state of Idaho by the licensure and regulation of dentists and dental hygienists. The Board is self-supporting whose funding is primarily derived from the collection of application and licensing fees. The Board does not receive any general fund monies.**

# BOARD MEETING HIGHLIGHTS

## Board of Dentistry Determination Regarding Botox and Derma Fillers

After considering numerous questions regarding Botox and Derma Fillers, the Board has determined the statutory definition of the practice of dentistry in Idaho is sufficiently broad to allow a dentist to perform dermal filler or Botox procedures as long as those procedures fall within the scope of the practice of dentistry as defined in Idaho Code§54-901. Dentists have a professional responsibility to seek whatever training they deem necessary to assure competence when performing these procedures (or any dental procedures).

Because the statutory definition of the practice of dental hygiene (Idaho Code §54-902) does not include reference to "adjacent tissues" the Board determined that injection by a dental hygienist of Botox into perioral tissue is not allowed.

## Patient X-rays

The Board received a request for a written statement regarding whether x-rays are required by law prior to receiving dental treatment. The Board's responsive statement was: The provisions of Idaho Code regarding the licensure and regulation of dentists, as well as the administrative rules of the Board of Dentistry do not dictate specific patient procedures. The Board of Dentistry members concluded the necessity of dental x-rays is dependent upon on a number of factors including but not limited to a patient's overall oral health, the patient's age, and the patient's risk for disease. The decision as to whether a dentist requires patient x -rays at routine care appointments falls within the dentist's discretion and professional judgment.

This was not a new question received at the Board office. Consumer inquiries regarding x-ray requirements are fairly routine, with patients oftentimes reporting that their dental office told them x-rays are required by state law.

## Sleep Apnea

The Board was recently asked for an opinion as to whether dentists in Idaho can treat sleep apnea. The Idaho State Board of Dentistry considered this matter at their meeting conducted on October 26-27, 2012. Under the provisions of Idaho Code 54-901, it was the Board's opinion that a dentist cannot, by dental examination, diagnose sleep apnea within the scope of the practice of dentistry in Idaho. This interpretation would not preclude a dentist from fabricating and fitting a patient with an oral appliance.

## Statute/Administrative Rule Review

The Board members have undertaken work to complete Board of Dentistry Strategic Plan Goal #6: To assure that the Idaho Dental Practice Act and the administrative rules are periodically reviewed and revised/amended to reflect necessary and appropriate changes to licensing and regulatory standards for dental professionals consistent with the protection of the public health, safety and welfare.

The Board anticipates concluding their review by the April 2013 BOD meeting. Statute and rule revisions recommended by the Board as a result of this review will be disseminated to the associations and parties of interest in order to seek comment.

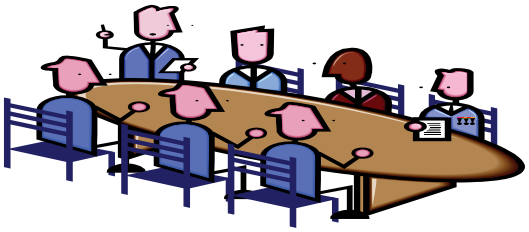
## Social Coupons

The Idaho State Board of Dentistry considered the matter of social coupons (Groupon, Living Social) at their meeting on January 20-21, 2012. The following Idaho laws and administrative rules pertaining to advertising were addressed by Board counsel during the meeting: Idaho Code §54-924(4), The ADA's Principles of Ethics, Code of Professional Conduct and Advisory Opinions as incorporated by reference (IDAPA 19.01.01.004.01.f.), and administrative rule 040.04 (IDAPA 19.01.01.040.04), Dividing Fees. The Oregon Board of Dentistry's position statement related to social coupons and the ADA's legal division memorandum dated October 7, 2011 were also addressed.

Having fully considered all available information, the Board of Dentistry concluded that the use of social coupons is a form of advertising available to dentists and may be used as long as the advertising is not fraudulent, false or misleading.

## NEW APPOINTMENT

At the July 2012 meeting, the Board of Dentistry welcomed a new member, Dr. Dennis Hatch. Dr. Hatch was appointed by Governor Otter to fill the unexpired term of Dr. Robert Timothy. Dr. Hatch is a general dentist from Blackfoot Idaho. **Welcome Dr. Hatch!**



## 2013 Regular Meetings of the Board of Dentistry:

January 25-26 (Boise)

April 26-27 (Boise)

July 19-20 (Coeur d'Alene)

October 18-19 (Boise)

*Meeting agendas are available two weeks prior to the meetings, and all meetings are open to the public.*

**Idaho State Board of Dentistry**

**P.O. Box 83720 • 350 N. 9th Street, Suite M-100**
**Boise, Idaho 83720-0021**

**Phone (208) 334-2369 • Fax (208) 334-3247**

# Interview with Fred Collings, Chief Investigator, Idaho Board of Pharmacy.

***In the past two years, there have been several significant revisions to the Board of Pharmacy's laws and rules which affect prescriber responsibilities. A revision passed in 2011 requires weekly reporting of controlled substances dispensed. Would you detail the requirements of this rule change?*** The Board of Pharmacy (BOP) is authorized to collect specific information regarding controlled substances dispensed by a controlled substance registrant (i.e. dentist, veterinarian, physician, physician assistant, and nurse practitioner) on a weekly basis or more often, as may be required by the board in the future. Information must include Rx#, date dispensed, quantity, days' supply, patient name, address, DOB, and gender. The information can be faxed, emailed or mailed to the Board of Pharmacy. Pharmacies have been required to report this information for at least fifteen years. The information received by BOP is then entered into the prescription monitoring program or PMP. There is no reporting requirement for non-controlled substances. The purpose of this requirement is to have all controlled substances dispensed in the PMP.

***Is the prescription monitoring program (PMP) available to prescribers 24/7? How would a prescriber obtain access to the PMP? Could a dentist designate a staff member to check the PMP before prescribing to patients?*** The PMP is available 24/7 and is available to all registrants. A short registration form is required. Registrants may designate a staff member to check the PMP.

***In 2012 the Idaho Legislature repealed the BOP's rules and a new set of rules was enacted effective 3/29/12. There are several sections affecting prescribers, such as the requirement that prescribers who dispense medications must register as a PDO, or Prescriber Drug Outlet. Would you describe the requirements for registration?*** Any facility dispensing any prescription drug (controlled and non-controlled) must register with the Board of Pharmacy. The effective date of the requirement was July 1, 2012. Practitioners who only administer medications to patients, or distribute samples are exempt from PDO registration. A PDO registration is for the facility, not individual practitioners. (for a complete list of requirements see Board of Pharmacy Rules at www.bop.idaho.gov)

***Given the small quantity of tablets typically needed for minimal sedation or oral moderate sedation, it seems that qualified dentists would find it more convenient for patients if they were to dispense medication rather than giving patients a prescription for one or two tablets. In this scenario, would the dentist be required to register as a PDO?*** Yes, any facility in which a practitioner dispenses medications (samples are exempt) must register as a PDO.

***What is the intent of this rule?*** The intent is to ensure public safety by authorizing the Board of Pharmacy to inspect drug outlets.

***If a dentist has given the patient a prescription for oral sedation and there is leftover medication, does the dentist have a responsibility for disposal of the leftover drugs?*** No, practitioners are prohibited from taking back medications. Medication which was prescribed belongs to the patient and it is the patient's responsibility to properly dispose of leftover drugs. Patients can take leftover prescription drugs to collection bins provided by local law enforcement agencies.

***Interview Cont.***

***If a dentist has expired medications, what are the options for disposal?*** Board of Pharmacy rule 263 states that a registrant must dispose of expired, excess or unwanted controlled substances through the services of a DEA-registered reverse distributor or by another method permitted by federal law.

***How would a dentist contact a reverse distributor?*** The local DEA office (386-2100) can assist with this.

***Would you explain the difference between administering drugs vs. dispensing drugs? For example, if a dentist gives a patient one triazolam tablet with instructions to take the pill the night before scheduled treatment, which category would this fall under?*** This would be considered dispensing. The following definitions apply: Dispensing: medications given to a patient to ingest or consume outside the office setting. Prescribing: practitioner creates prescription and patient picks up medication at the pharmacy. Administer: medications given to a patient while in the practitioner's office.

***What other rule or law changes are of significant note?*** Idaho Code 54-1739(3) requires prospective drug review and counseling and is applicable to prescribers (not just pharmacists) who dispense medications to patients. Drug Enforcement Administration (DEA) has required a biannual CS inventory for decades. As per existing Statute 37-2720, the Board may enforce DEA inventory and record-keeping requirements. In 2011, however, Idaho started requiring an annual CS inventory of prescribers.

## RANDOM OFFICE REVIEWS

Office reviews are one of the core functions of the Board of Dentistry. Conducting inspections of dental offices in Idaho to assure compliance with infection control and emergency preparedness standards is authorized by Idaho Code §54-912(5). Offices are selected on a random basis at geographic locations throughout the state. Reviews are conducted by Board consultants/investigators. All dental offices reviewed are given prior notification of the time and date of the review are advised as to the matters being reviewed.

During fiscal year 2012, seventy-six dentists' offices were reviewed. Consultants reported seven percent (or 5 dentists) received findings. Typical findings include expired emergency drugs and infrequent spore testing. Findings are typically discussed between the dentist and the Board consultant and dentists are then asked to notify the Board in writing once corrective action has been taken.

The cost of this program (consultant fees and travel expenses) averages $75 per dentist reviewed.

# PROGRAM FOR RECOVERING DENTAL PROFESSIONALS

Southworth Associates, LLC administers the Board of Dentistry's Program for Recovering Dental Professionals (PRDP). As of 9/28/12, there were 10 dental professionals in the PRDP program.

**About the Program** –
The Idaho Program for Recovering Dental Professionals (PRDP) is set up to help and support dentists and dental hygienists who are experiencing problems associated with alcohol and/or drug use. The program also focuses on educating dental professionals and their family and friends about the causes, effects and treatment of alcohol and drug dependency.

**Services Provided** –
24 hour phone calls, all calls are confidential.
Guidance for the impaired dental professional or referral sources.
Education.
Interventions.
Correspondence and coordination with treatment centers, family members, counselors, and other parties involved.
After-care program and monitoring.

**If you are concerned about** –
Your own use of alcohol or other drugs…
The use of alcohol or drugs by a colleague…
A fellow dentist or dental hygienist who you see is affected by the use of alcohol or other drugs…
A family member's use of alcohol or other drugs…
….Contact the PRDP for assistance.

**Southworth Associates, LLC**
**Office: (208) 323-9555**
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**Toll-free: (800) 386-1695**
**Email: information@southworthassociates.net**

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## PRESCRIPTION DRUG ABUSE-ARE YOU CONTRIBUTING TO THE PROBLEM?

Prescription drug abuse is the United States' fastest growing drug problem (The Office of National Drug Control Policy). The Board of Dentistry, as well as Idaho's other health regulatory boards, is participating in the Idaho Office of Drug Policy's Prescription (IODP) Drug Work Group to assist in addressing this problem in Idaho. The workgroup's mission is "To coordinate the implementation of a prevention plan to reduce prescription drug misuse and abuse for the purpose of improving Idaho's public health and safety". The following goal and objectives from the IDOP's strategic action plan directly relate to or have potential impact to dentists in Idaho.

Goal 1) Reduce the number of prescription drug related deaths in Idaho by 10% by 2014 as listed on Idaho death certificates. Baseline: 341 deaths between 2007-2009; Target: Fewer than 307 deaths between 2012-2014; 34 lives saved

***Prescription Drug Abuse—Continued***

Objective 1 - Increase the number of prescribers registered for the Board of Pharmacy's Prescription Monitoring Program (PMP). Baseline: 25% (estimated) of prescribers in June 2012; Target: 50% of prescribers in June 2013.

Objective 2 - Identify and implement method(s) to educate prescribers in Idaho regarding the proper treatment of pain and the signs, symptoms, and dangers of prescription drug misuse and abuse.

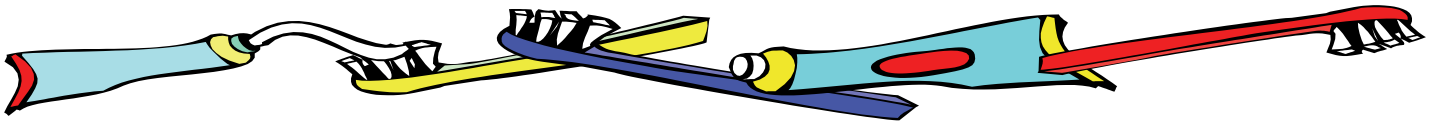
The Board of Dentistry urges you to take part in addressing the prescription drug abuse crisis by registering with the Board of Pharmacy's Prescription Monitoring Program, and seeking education regarding the proper treatment of pain and the signs, symptoms, and dangers of prescription drug misuse and abuse.

At the national level, the ADA's Dentist Health and Wellness, and the Council on Dental Practice held a national issues conference call on 2/22/2012 to examine prescription drug abuse and the role of the dental professional. The call and future webinars on the subject were made possible by a grant from the Substance Abuse and Mental Health Services Administration (SAMHSA). The main focus of the call was to identify ways the ADA and state societies can help dentists improve their prescribing practices, and ways to inspire dentists to seek out training opportunities. The SAMHSA grant provides funding for 4 trainings per year for 3 years (2012, 2013, and 2014). More information on ADA sponsored webinars will be forthcoming in issues of the ADA news.

Prescribers' Clinical Support System-Opioids, or PCSS-O, is a consortium of major stakeholders and constituency groups with interests in safe and effective use of opioid medications. PCSS-O has educational products available at no charge to those wishing to obtain additional knowledge on the safe and effective use of opioid medications. For more information visit www.pcss-o.org

## FY 2008-FY 2012 STATISTICS

| | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|---|---|---|---|---|
| **Initial Licenses Issued:** | | | | |
| Dentists | 83 | 84 | 66 | 67 |
| Dental Hygienists | 124 | 128 | 100 | 120 |
| **Total** | **207** | **212** | **166** | **187** |
| **Professional Licenses Renewed:** | | | | |
| Dentists | 1,432 | Biennial | 1,539 | Biennial |
| Dental Hygienists | 1,435 | Cycle | 1,574 | Cycle |
| **Total** | **2,867** | | **3,113** | |
| **Anesthesia Permits** | | | | |
| General Anesthesia/Deep Sedation | 33 | 35 | 37 | 39 |
| Moderate Parenteral Sedation | 79 | 85 | 89 | 93 |
| Moderate Enteral | 84 | 89 | 100 | 88 |
| **Total** | **196** | **209** | **226** | **220** |
| **Dental Hygiene License Endorsements** | | | | |
| Extended Access Only | 59 | 60 | 60 | 63 |
| Restorative Only | 16 | 19 | 26 | 28 |
| Extended Access w/Restorative | 11 | 12 | 12 | 13 |
| **Total** | **86** | **91** | **98** | **104** |



# DENTAL ASSISTING

**What You Need to Know**

Dental assistants are not licensed or registered in the State of Idaho, however a dental assistant may be considered Board qualified in expanded functions, authorizing the assistant to perform any or all of the expanded functions upon satisfactory completion of Board approved training. Assistants are not authorized to perform expanded function duties in Idaho prior to completion of Board approved training, or until out-of-state training has been evaluated and a certificate of registration has been issued by the Idaho Board of Dentistry. For a complete list of requirements for dental assistant practice, please see Idaho Board of Dentistry Administrative Rule 35.

**In-State training programs:**

Dental assisting curriculum approval is a mandate of the Board of Dentistry. Listed below are the public and proprietary programs in Idaho which offer Board approved curriculum in the fundamentals of dental assisting and expanded functions. A certificate of completion in the fundamentals of dental assisting and expanded functions training issued by a program teaching Board approved curriculum, authorizes the assistant to perform expanded function duties in Idaho. ***The Board does not endorse nor recommend one program over another.***

| Public Programs | Proprietary Programs |
|---|---|
| College of Southern Idaho | Achieve Dental Assistant School |
| College of Western Idaho | Milan Institute |
| Eastern Idaho Technical College | Carrington College |
| Idaho State University | Idaho Center for Emergency Medical Training |
| Lewis Clark State College | North Idaho Dental Assisting Academy* |
| North Idaho College | Assist to Succeed*(Expanded Functions approved at Boise and Idaho Falls Locations) |

*offers Fundamentals of Dental Assisting Only

**Out-of-State Training Programs:**

Assistants who have completed training in expanded functions at an out-of-state program may apply to the Board to obtain approval of the course(s). Typically this would require a letter from the training program verifying completion of the specific expanded function(s). Transcripts or copies of certificates are usually not specific enough. **Expanded function duties authorized by the Board of Dentistry include the following**: Fabrication and placement of temporary crowns; Mechanical polishing of restorations; Aiding in the administration of nitrous oxide; Application of pit and fissure sealants; Coronal polishing; and Use of a highspeed handpiece restricted to removal of orthodontic cement or resin.

The Board of Dentistry has a printed poster of authorized auxiliary duties for distribution to dental offices. The Board provides copies of the poster to all newly licensed dentists, as well as offices where random office reviews are conducted. Please contact the Board office if a replacement poster is needed.

Licensed dentists and hygienists shall notify the board in writing of any change in the person's name or address of record within thirty (30) days after the change has taken place. Please mail this form to:

**Idaho State Board of Dentistry, P.O. Box 83720, Boise, ID 83720-0021 or Fax to: 208-334-3247.**

☐ Name Change ☐ Address Change

Name (last, first, middle): _____

Old Name (if applicable): _____

Old Address: _____

City/State/Zip _____

New address (if applicable): _____

City/State/Zip _____

License Number _____

The ADA will continue to offer opioid prescribing webinars in 2013! Our first webinar is scheduled for ***January 23, 2013 at 2:00 PM (Central Time).*** Below is information on the course. You will be eligible to receive 1 hour of CE!

**Title: Opioid Prescribing – Spokane County Dentists**

Description: Opioid medication is useful in treating pain, but this medication has the potential for misuse or abuse. Information was collected from dentists in Spokane County about their prescribing practices around opioid medication. Ninety-three percent of dentists have prescribed opioid medication in the last year. The most preferred opioid prescribed was hydrocodone/APAP (i.e. Lortab, Vicodin). A factsheet with findings from the survey was developed for the education of and discussion within the dental community. Possible ways to minimize drug diversion are using the Prescription Monitoring Program (PMP), having specific office policies around opioid prescribing, and having good communication within the profession.

Speaker: Amy Riffe, MA, MPH, Epidemiologist, Community Health Assessment, Planning, & Evaluation, Spokane Regional Health District

***We are also offering another webinar on February 20th at 2:00 PM (Central Time):***

**Title: A Statewide Evaluation of Opioid Prescribing Patterns with an on Emphasis Drug Diversion and Substance Abuse**

Speaker: Michael O'Neil, Pharm.D

If you are interested in attending one or both webinars, please contact Alison Siwek at siweka@ada.org. You will be added to the webinar invite list and receive a formal invitation to attend by email. If you have any questions, please don't hesitate to ask! Please forward to your colleagues and state dental society leadership!

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DENTISTRY
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