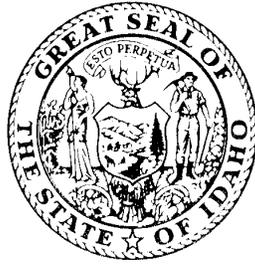


**LAWS AND  
ADMINISTRATIVE RULES**

**IDAHO STATE  
BOARD OF DENTISTRY**



**July 1, 2016**

# STATUTES AND ADMINISTRATIVE RULES



## IDAHO STATE BOARD OF DENTISTRY

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**MISSION STATEMENT:** TO ASSURE THE PUBLIC HEALTH, SAFETY AND WELFARE IN THE STATE OF IDAHO BY THE LICENSURE AND REGULATION OF DENTISTS AND DENTAL HYGIENISTS.

**JULY 1, 2016**

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**IDAHO DENTAL PRACTICE ACT  
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(Omitted sections are currently reserved and do not contain any provisions)

**IDAHO CODE TITLE 54, CHAPTER 9  
DENTISTS**

54-900. PURPOSE. Recognizing that the practice of dentistry and dental hygiene is a privilege granted by the state of Idaho and is not a natural right of individuals, the purpose of this chapter is to assure the public health, safety and welfare in the state by the licensure and regulation of dentists and dental hygienists.

54-901. DEFINITION -- PRACTICE OF DENTISTRY. The practice of dentistry is the doing by one (1) person, for a direct or indirect consideration, of one or more of the following with respect to the teeth, gums, alveolar process, jaws, or adjacent tissues of another person, namely:

Examining for diagnosis, treatment, extraction, repair, replacement, substitution, or correction;

Diagnosing of disease, pain, injury, deficiency, deformity or physical condition;

Treating, operating, prescribing, extracting, repairing, taking impressions, fitting, replacing, substituting, or correcting;

Administering anesthetics or medicaments in connection with any of the foregoing.

54-902. DEFINITION -- PRACTICE OF DENTAL HYGIENE. The practice of dental hygiene is the doing by one (1) person for a direct or indirect consideration of one (1) or more of the following with respect to the teeth or dental health of another person, namely, cleaning, polishing, removing stains or concretions; performing nonsurgical periodontal therapy; administering prescribed anesthetics or medicaments; applying preventive agents; performing nonsurgical, clinical and laboratory oral diagnostic tests for interpretation by a dentist; preparation of preliminary records of oral conditions; and such other dental services as specified by the dentist unless prohibited by the board in its adopted rules.

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

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

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

(3) "Conviction" or "convicted" means a finding of guilt by a judge or jury, an entry of a guilty plea by a defendant and its acceptance by the court, a forfeiture of a bail bond or collateral deposited to secure a defendant's appearance, a judgment of conviction, a suspended sentence, probation, or a withheld judgment.

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

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

(6) "Dental specialist" is a dentist who limits practice to a specialty recognized by the American dental association, who has graduated from a board-approved postgraduate program in the dentist's specialty and is a person both qualified and licensed by the laws of Idaho to practice a dental specialty.

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

(8) "Direct supervision" is supervision of a dental assistant or dental hygienist requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, that a dentist remain in the dental office while the procedure is performed, and that before dismissal of the patient a dentist approves the work performed by the dental assistant or dental hygienist.

(9) "Extended access oral health care program" means and includes:

(a) Dental and dental hygiene treatment and services provided as part of a program conducted by or through a school district, county, state or federal agency, hospital, long-term care facility, public health district, dental or dental hygiene school, tribal clinic, or federally qualified health center; or

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

(10) "General supervision" is supervision of a dental assistant or dental hygienist requiring that a dentist authorize the procedure which is carried out, but not requiring that a dentist be in the office when the authorized procedure is performed.

(11) "Indirect supervision" is supervision of a dental assistant or dental hygienist requiring that a dentist authorize a procedure and that a dentist be in the dental office while the procedure is performed by the assistant or hygienist.

**54-904.AUTHORIZATION FOR PROCEDURES PERFORMED UNDER GENERAL SUPERVISION BY DENTAL HYGIENISTS.** A dental hygienist is authorized to practice under general supervision when:

(1) In a private office where the dental hygienist works, a licensed dentist has diagnosed the condition to be treated and determined the procedure to be performed, or has authorized a qualified dental hygienist to perform the prescribed treatment; or

(2) In an extended access oral health care program, a supervisory dentist, who is employed or retained by or is a volunteer for the program, has determined the treatment to be provided and has authorized a dental hygienist holding a license with an extended access dental hygiene endorsement to provide the prescribed treatment.

**54-905.UNLAWFUL PRACTICE OF DENTISTRY.** (1) Any person who shall practice, or shall in any manner hold himself out to any other person, or to the public, as qualified or licensed to practice dentistry, or who represents himself to be a dentist, within the state of Idaho, without at the time thereof being a dentist, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both.

Each act of practice, or holding out, or representation, shall constitute a separate offense. In

addition, a person found guilty of violating the provisions of this section for commercial gain may be assessed a civil penalty by the court, commensurate with the gain realized by the defendant, of up to twenty-five thousand dollars (\$25,000) for each violation of the provisions of this section. The civil penalty collected by the court shall be remitted to the general fund of the state.

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

54-906.UNLAWFUL PRACTICE OF DENTAL HYGIENE. (1) Any person, not a dentist, who shall practice, or shall in any manner hold himself out to any other person, or to the public, as qualified or licensed to practice dental hygiene within the state of Idaho without at the time being a licensed dental hygienist, or who performs any act, function, or service permitted a dental hygienist by this act without the supervision of a dentist as specified by the rules of the board, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both.

Each act of practice, or holding out, or representation shall constitute a separate offense.

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

54-907.STATE BOARD OF DENTISTRY ESTABLISHED. There is hereby established in the department of self-governing agencies a state board of dentistry to be composed of eight (8) members, five (5) of whom shall be dentists, two (2) of whom shall be dental hygienists, and one (1) of whom shall be a member of the public with an interest in the rights of consumers of dental services. Board members shall be appointed by the governor and shall serve at the pleasure of the governor. Upon appointment by the governor, the term of office of a member of the board shall commence on the first Monday of February following his appointment and shall continue for five (5) years, or until his successor has been named, whichever is later. A vacancy in membership of the board shall occur whenever the regular term of a member expires or when a member dies, resigns or is removed from office by the governor. Appointments to fill a vacancy occurring for some reason other than expiration of term of office shall be made for the unexpired term which is being filled.

54-908.STATE BOARD OF DENTISTRY -- VACANCIES. (1) The governor may consider recommendations for appointment to the board from the Idaho state dental association and from any individual residing in this state. For the purposes of nominations and appointments, the state shall be divided by the association into four (4) components and nominations and appointments to the board shall be made in such a manner that each component shall be represented on the board by one (1) dentist member.

(2) The governor may also consider recommendations for appointment to the board from the Idaho dental hygienists' association and from any individual residing in this state. For the purposes of appointments, the state shall be divided by the Idaho dental hygienists' association into two (2) components and appointments to the board shall be made in such a manner that each component shall be represented on the board by one (1) dental hygienist member.

54-909.BOARD OF DENTISTRY -- QUALIFICATIONS OF MEMBERS. Each dentist and each dental hygienist member of the board shall hold a current, active Idaho license and shall be a resident of the state of Idaho. The consumer member of the board must be a resident of the state of Idaho and shall be representative of the public consumers of dental care services.

54-910.STATE BOARD OF DENTISTRY FUND -- CREATION OF. All fees of any kind collected under the provisions of this act shall be deposited with the state treasury to the credit of a separate fund to be known as the state board of dentistry fund and all money that comes into this fund is appropriated to carry out the purposes and objects of this act, and to pay all costs and expenses incurred in connection with this act. Such moneys shall be paid out upon warrants drawn by the state controller upon presentation of proper vouchers approved by the state board of dentistry or its administrator acting within the administrator's delegated authority. Such claims and vouchers shall be examined by the board of examiners as are other claims against the state. Moneys paid from this fund are expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code (Standard Travel Pay and Allowance Act of 1949).

54-911.BOARD OF DENTISTRY -- ORGANIZATION -- MEETINGS -- EXPENSES -- PER DIEM. The board of dentistry shall select from its dentist members a chairman who shall serve at the pleasure of the board. The board may meet at stated times, and shall meet upon the call of its chairman or a majority of the members. It shall keep minutes of its meetings and actions thereat. Five (5) members, three (3) of whom must be dentists and two (2) of whom must be nondentists, shall constitute a quorum, and the vote of the majority of the members present at a meeting at which a quorum is present shall determine the action of the board.

Out of any appropriation applicable to the administration of this chapter, each member of the board shall be compensated as provided by section 59-509(n), Idaho Code.

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

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

(2) To prescribe rules for a fair and wholly impartial method of licensure and examination of applicants to practice dentistry, a dental specialty or dental hygiene.

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

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

(5) To inspect or cause to be inspected the offices or operating rooms of all persons licensed

under this chapter.

(6) Upon its own motion or upon any complaint, to initiate and conduct investigations on all matters relating to the practice of dentistry or dental hygiene and to conduct hearings or proceedings on its own or through its designated hearing officer, to revoke, suspend or otherwise condition certificates of qualification or licenses of persons practicing dentistry or dental hygiene and, on such terms as the board shall deem appropriate, to revoke, suspend, or otherwise condition such licenses, provided such hearings and proceedings shall be had in conformance with the provisions of chapter 52, title 67, Idaho Code. Final decisions of the board shall be subject to judicial review as provided in chapter 52, title 67, Idaho Code.

(7) The board, its designated hearing officer, or representative shall have power to administer oaths, the power to engage in discovery as provided in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code, including, but not limited to, the power to take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing before it of any matter which it has authority to investigate, and for that purpose the board or its designated hearing officer may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the state of Idaho, where the witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases and shall be paid from the state board of dentistry fund in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court, or any judge thereof, of any county in this state in which the disobedience, neglect or refusal occurs, upon application by the board to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or for refusal to testify. The licensed person accused in the proceedings shall have the same right of subpoena upon making application to the board.

(8) The board shall establish an office and may appoint an executive director and may employ other personnel, including attorneys and hearing officers, as may be necessary to assist the board. The board shall prescribe the duties of the executive director and these duties shall include the preparation of all papers and records under law for the board, and shall include enforcement activities as to the board may from time to time appear advisable, and the executive director shall act for and on behalf of the board in such manner as the board may authorize, keep records, property and equipment of the board and discharge other duties as the board may from time to time prescribe. The compensation of the executive director or other personnel shall be determined by the board and the executive director shall be bonded to the state in the time, form and manner prescribed in chapter 8, title 59, Idaho Code.

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

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

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

(2) The board shall keep a record of all applicants for licensure to qualify as a dentist or dental hygienist, of applicants rejected on application or examination with the reason for rejection, of certificates of qualification and of licenses issued, and of dentists and dental hygienists.

54-914.DENTISTS AND DENTAL HYGIENISTS PREVIOUSLY QUALIFIED. All persons prior to the effective date of this act who had been found qualified to practice dentistry or dental hygiene in this state and who on the effective date of this act were licensed as dentists or dental hygienists in this state shall be deemed to be qualified and licensed dentists or dental hygienists under this act subject to the provisions of this act.

54-915.QUALIFICATIONS REQUIRED FOR DENTIST OR DENTAL HYGIENIST LICENSURE. No person hereafter shall be eligible for licensure to practice dentistry or dental hygiene in this state unless the applicant:

(1) Is of good moral character and has not pled guilty to or been convicted of any felony, or of any misdemeanor involving moral turpitude, unless the person demonstrates that he has been sufficiently rehabilitated to warrant the public trust;

(2) Shall, for dentistry, have successfully completed the course of study in dentistry, and graduated and received a degree of doctor of dental surgery or doctor of dental medicine from a dental school accepted and approved by the board;

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

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

54-916.APPLICATION FOR LICENSURE -- FEE. Any person desiring to practice dentistry, a dental specialty or dental hygiene within the state of Idaho shall make an application for licensure in dentistry, a dental specialty or dental hygiene, as the case may be, on forms furnished by the board, which forms shall call for information from the applicant as shall show his full, true name and that he possesses all the qualifications required by law for the license applied for. The application and supporting instruments as shall be required, together with payment of an application fee of not more than three hundred dollars (\$300) for dentists, the fee to be set by the rules of the board and not more than two hundred fifty dollars (\$250) for dental hygienists, the fee to be set by the rules of the board, and not more than six hundred dollars (\$600) for dental specialists, the fee to be set by the rules of the board, shall be filed with the board at a sufficient time to permit the board to investigate into the moral character of the applicant and his possession of the other qualifications for licensure. The fee shall not be refunded.

54-916A.DENTAL HYGIENE LICENSURE BY CREDENTIALS. The board may issue a license to practice dental hygiene without further examination to an applicant upon evidence that:

(1) The applicant currently holds an active license in good standing to practice dental

hygiene in another state with no disciplinary proceedings or unresolved complaints pending before the state's licensing board;

(2) The applicant has been licensed for at least one (1) year and the applicant has practiced a minimum of one thousand (1,000) hours in the two (2) years immediately preceding the date of application;

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

(4) The applicant has successfully completed a board approved clinical examination;

(5) The applicant has successfully completed the national board dental hygiene examination; and

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

54-916B.DENTAL LICENSURE BY CREDENTIALS. The board may issue a license to practice dentistry without further examination upon evidence that:

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

(2) The applicant has been in clinical practice at least five (5) years immediately preceding the date of application for a minimum of one thousand (1,000) hours in each year;

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

(4) The applicant has successfully completed the national board dental examinations;

(5) The applicant has successfully completed a board approved clinical examination; and

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

54-917.ALLOWANCE OR REJECTION OF APPLICANT. In the event the board finds that the applicant does not possess all the qualifications required for licensure, or that the application or supporting instruments contain false or misleading statements of material facts, the board shall refuse to permit the applicant to be licensed, and shall in writing so notify the applicant giving the reasons therefor. The board shall record such refusal and reasons and the date and means of notification.

54-918.EXAMINATIONS -- CERTIFICATE OF QUALIFICATION. (1) An applicant for licensure shall pass such examinations in dentistry and in dental hygiene as are conducted by the board or its agent. Examinations shall be written or clinical, or both, and upon such subjects in dentistry and dental hygiene as the board shall determine will thoroughly test the fitness and ability of the applicant to practice dentistry or dental hygiene. An applicant for licensure shall pass the written jurisprudence examination conducted by the board. A passing score of seventy-five percent (75%) correct shall be required on the written jurisprudence examination. A passing score of at least seventy-five percent (75%) correct shall be required on any additional written or clinical examinations conducted by the board. It shall report and record the names of applicants who pass and of those who fail the examinations. Upon the candidate's request, the board will issue to each passing applicant in dentistry, who is qualified for Idaho licensure, a certificate of qualification to

practice dentistry, and to each passing applicant in dental hygiene, who is qualified for Idaho licensure, a certificate of qualification to practice dental hygiene within the state of Idaho.

(2) In lieu of conducting written examinations other than the jurisprudence examination, the board may require and accept the results of the national board dental and dental hygiene examinations administered by the American dental association. The American dental association shall set the standards for passing the national board dental and dental hygiene examinations. In lieu of conducting clinical examinations, the board may require and accept the results of clinical examinations administered by national or regional testing organizations approved by the board. The national or regional testing organizations shall set the standards for passing or acceptable level of competency on the clinical examinations administered.

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

(4) Written questions and answers of applicants shall be subject to disclosure according to chapter 3, title 9, Idaho Code, unless exempt from disclosure in that chapter and title, and shall be destroyed by the board after the period of one (1) year following the examination.

54-919.CHEATING. In the event the board finds prior to the issuance of a certificate of qualification that an applicant, whether or not receiving a passing grade in the examination, has made any false statement with intent to mislead or deceive the board or its members in or in connection with his application, or has cheated or attempted to cheat in examination, such applicant shall be denied a certificate of qualification and shall be notified in writing with the reasons, the facts and the date and means of notification shall be recorded by the board.

In the event of such finding, subsequent to the issuance of a certificate of qualification, proceedings may be maintained to revoke such certificate and any license outstanding, on such ground.

54-920.LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES -- LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LICENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by the board as qualified for licensure under this chapter shall pay the prescribed biennial license fee to the board prior to issuance of a license. Unless otherwise specified on a license, licenses issued by the board shall be effective for the biennial licensing period specified in this section. The biennial licensing period for dental licenses shall be a two (2) year period from October 1 of each even-numbered calendar year to September 30 of the next successive even-numbered calendar year. The biennial licensing period for dental hygiene licenses shall be a two (2) year period from April 1 of each odd-numbered calendar year to March 31 of the next successive odd-numbered calendar year. Unless otherwise specified on a license, any license issued during a biennial licensing period shall be effective until the beginning date of the next successive biennial licensing period and the board may prorate the amount of the license fee from the date of issuance of the license until the beginning date of the next applicable biennial licensing period at the discretion of the board. A license issued by the board shall expire unless renewed in the manner specified in this section.

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

- (a) Four hundred dollars (\$400) for a dentist with an active status;
- (b) Two hundred dollars (\$200) for a dentist with an inactive status;
- (c) Two hundred twenty dollars (\$220) for a dental hygienist with an active status;
- (d) One hundred twelve dollars (\$112) for a dental hygienist with an inactive status;
- (e) Four hundred dollars (\$400) for a dentist with a specialist status; or
- (f) Twenty dollars (\$20.00) for a dentist or dental hygienist with a retirement status.

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

(4) Failure to timely submit a complete renewal application and license fee shall result in expiration of the license and termination of the licensee's right to practice. Failure to submit a complete renewal application, license fee and fifty dollar (\$50.00) late fee within thirty (30) days of expiration of the license shall result in cancellation of the license.

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

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

(a) The term "license with active status" means a license issued by the board to a qualified person who is authorized to be an active practitioner of dentistry or dental hygiene in the state of Idaho. A person's right to be issued and maintain a license with active status shall not be affected by any absence, not exceeding two (2) years, from active practice in Idaho by reason of illness or vacation. A person's right to be issued and maintain a license with active status shall not be affected by any absence from active practice in Idaho for any period while serving on active duty in the armed forces of the United States, while employed in the United States public health service or United States veterans administration, or while enrolled in board-approved postgraduate educational courses, either within or without the state of Idaho. Each applicant or licensee requesting an active status license must state that he intends to fulfill the requirements for that status.

(b) The term "license with an inactive status" means a license issued by the board to a qualified person who is not authorized to be an active practitioner of dentistry or dental hygiene in the state of Idaho. A person issued a license with an inactive status is not entitled to practice dentistry or dental hygiene in the state of Idaho.

(c) The terms "license with special status" and "license with provisional status" mean licenses issued by the board to a qualified person on a provisional, conditional, restricted or limited basis under the terms of which the licensee is authorized to practice dentistry or

dental hygiene in the state of Idaho subject to conditions, limitations and requirements imposed by the board. The conditions, limitations and requirements imposed by the board may include, but are not limited to, a limitation on the effective period of the license, a requirement that specific conditions must be fulfilled in order for the license to remain effective, a requirement that specified education, examinations and skills testing be successfully completed during the effective period of the license, a restriction on the scope of permissible services that the licensee is authorized to perform, a restriction on the type of patients for whom treatment may be rendered and a restriction on the locations at which the licensee can perform authorized services.

(d) The term "license with retirement status" means a license issued to a person who was previously licensed as a dentist or dental hygienist in Idaho who no longer intends to practice dentistry or dental hygiene. A license with retirement status does not permit the holder to practice dentistry or dental hygiene in the state of Idaho. A license with retirement status cannot be converted to a license with active or inactive status other than by filing an application for licensure and qualifying as required of a first-time applicant.

(7) (a) The board may issue a license with active status to any qualified applicant or qualified licensee who is an active practitioner of dentistry or dental hygiene in the state of Idaho or who signifies to the board in writing that, upon issuance of an initial license or renewal of a biennial license, he intends to be an active practitioner in this state within two (2) years. Renewal of a license with active status requires compliance with requirements as determined by the board.

(b) The board may issue a license with inactive status to any qualified person who fulfilled the licensure requirements but, for any reason, is not eligible for a license with active status. Renewal of a license with inactive status requires compliance with requirements as determined by the board.

(c) The board may issue a license with provisional status or special status to any person who fulfills, or substantially fulfills, the applicable licensure requirements when the board, acting in its discretion, determined that special circumstances existed which, for the protection of the public health, safety and welfare, required that specific conditions, restrictions or limitations be imposed on the license. A license with special status or provisional status entitles the holder thereof to practice dentistry or dental hygiene in the state of Idaho subject to the conditions, restrictions and limitations specifically determined by the board and for the period of time prescribed. A provisional license is effective for the period specified by the board and may not be renewed. The board shall develop rules to include definitions, application and renewal requirements, limitations of practice and other conditions regarding provisional and special status licenses.

(d) The board may convert a license with inactive status to a license with active status in the event the holder pays the license fee prescribed for licenses with active status and submits to the board satisfactory evidence of:

- (i) Compliance with the requirements of this chapter and all rules promulgated under the provisions of this chapter;
- (ii) Good moral character and good professional conduct; and
- (iii) A minimum of one thousand (1,000) hours of clinical dentistry or dental hygiene practiced within the previous two (2) years or employment full time as a dental or dental hygiene instructor at an American dental association accredited dental or dental hygiene school or enrollment in a board-approved postgraduate educational program.

(e) Persons unable to otherwise fully meet the requirements for conversion of an inactive status license to an active status license may convert their license upon board approval.

(8) Each person licensed under this chapter 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.

54-921.REINSTATEMENT OF CANCELED LICENSE. (1) A license that has been canceled for less than two (2) years may be reinstated by submitting all required application and license fees and submitting evidence of completion of all required continuing education hours.

(2) A license that has been canceled for more than two (2) years may be reinstated by satisfying the license requirements of a first-time applicant for licensure and submitting all required application and license fees.

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

54-923.REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other evidence of qualification and right to practice dentistry, a dental specialty or dental hygiene, and a license, may be revoked by the board whenever it shall be shown to the board that the holder of such certificate or other evidence of qualification, right to practice or license has been convicted of a felony, or of a misdemeanor involving moral turpitude, whether such conviction shall have occurred before or after qualification, or accrual of such right, or the issuance of such certificate or other evidence of qualification, or of such license. A person licensed to practice dentistry, a dental specialty or dental hygiene who is convicted of a felony in any jurisdiction shall notify the board within thirty (30) days of conviction by submitting a copy of the judgment of conviction to the board.

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

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

(2) Practice dentistry under any name other than his own true name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to chapter 39, title 41, Idaho Code; or

(3) Practice or in any manner or by any means or at any place hold out or represent himself as practicing dentistry in or under the name of, or as a member, representative, agent or employee of, or in connection with, any company, association, or corporation, or under any trade, fictitious or

business name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to chapter 39, title 41, Idaho Code, except for a dentist practicing dentistry as an employee or contracting dentist providing dentistry services to any health center as defined and authorized in section 330 of the public health service act, codified as amended at 42 U.S.C. 254b; or

- (4) (a) Make, or cause to be made, or assist in making, any fraudulent, false, or misleading statement as to his own, or an employee's, associate's, or other dentist's or dental hygienist's skill or lack of skill, or method of practice; or
- (b) Claim to practice dentistry without causing pain; or
- (c) Claim superiority over other dentists; or
- (d) Publish, advertise, or circulate reports, letters, certificates, endorsements, or evidence of cures or corrections of dental conditions by such dentist, his employee or associate by reason of his or their skill, experience, or ability or of his or their use of any system, method, technique, device, drug, medicine, material, manipulation or machine; or
- (e) Advertise the use of, or use, any system, method, technique, device, drug, medicine, material or machine, which is either falsely advertised or misnamed; or
- (5) Use intoxicants or drugs to such a degree as to render him unfit to practice; or
- (6) Commit malpractice, that is, to provide dental care which fails to meet the standard of dental care provided by other qualified dentists in the same community or similar communities, taking into account his training, experience and the degree of expertise to which he holds himself out to the public; or
- (7) Engage in unprofessional conduct, as defined by board rules; or
- (8) Advertise in such way as to deceive or defraud, or probably deceive or defraud, the public or patrons; or
- (9) Employ or permit any person not a dentist to practice dentistry, or any person not a dentist or dental hygienist to practice dental hygiene, in his office or under his control or direction; or
- (10) Fail, neglect or refuse to keep his office or equipment, or otherwise conduct his work in accordance with current state and federal laws, rules and regulations; or
- (11) Violate any other provisions of law or rules adopted by the board; or
- (12) Falsely identify himself to the public as a specialist in a specialty area of dentistry as defined by rule; or
- (13) Engage in the practice of dentistry as a member, stockholder, employee, director, partner or proprietor in any business entity in which a person, not duly licensed to practice dentistry in this state, holds an ownership interest. The provisions of this subsection shall not apply to such engagement in a limited managed care plan pursuant to chapter 39, title 41, Idaho Code, or to a dentist practicing dentistry for any health care center as defined and authorized in section 330 of the public health service act, codified as amended at 42 U.S.C. 254b.

54-925.OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTAL HYGIENISTS -- PROBATION AGREEMENTS. The certificate or other evidence of qualification, and the right to practice dental hygiene and the license of any dental hygienist may be revoked, suspended or otherwise conditioned by the board in the event such dental hygienist shall do, in respect to the practice of dental hygiene, or as a dental hygienist, any of the things or acts set forth in section 54-924, Idaho Code; Provided, however, that notwithstanding any provisions of section 54-924, Idaho Code, a dental hygienist shall not practice otherwise than as provided in section 54-904, Idaho Code, and his doing so shall be an additional ground for revocation,

suspension, or other conditions as determined by the board.

The board may refuse to issue or renew a dental hygiene license, or may revoke, suspend, place on probation, reprimand or take other disciplinary action with respect to a dental hygiene license as the board may deem proper, including administrative penalties not to exceed five thousand dollars (\$5,000) per violation and assessment of the costs of disciplinary proceedings.

54-930.EXCEPTIONS TO APPLICATION OF ACT. This act shall not be construed as prohibiting a physician or surgeon, duly authorized to practice as such in this state, from treating diseases of the mouth or performing operations in oral surgery; nor as prohibiting persons authorized by the laws of another state, territory or country to practice dentistry or dental hygiene therein, or persons teaching in approved dental or dental hygiene schools, from making clinical demonstrations before meetings of dentists or dental hygienists in Idaho nor as prohibiting any person from performing merely mechanical work upon inert matter in a dental laboratory, nor to prohibit students in approved dental or dental hygiene schools from practicing dentistry or dental hygiene therein as part of their training or education.

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

54-933.INJUNCTION -- PROCEDURE. The board or any resident citizen may maintain an action in equity in the name of the state of Idaho to perpetually enjoin any person from persisting in the doing of any acts constituting a violation of this act. Such action shall be brought in the district court of the county in which such acts or some of them are claimed to have been or are being committed, by filing a verified complaint setting forth said acts. The court, or a judge thereof at chambers, if satisfied from such complaint or by affidavits that the acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ, without notice or bond, enjoining the defendant from the commission of any such act or acts pending final disposition of the cause. The cause shall proceed as in other cases for injunction. If at the trial the commission of said act or acts by the defendant be established, and the court further find[s] that it is probable that defendant will continue therein or in similar violations, the court, or a judge thereof at chambers, shall enter a decree perpetually enjoining said defendant from thereafter committing said or similar acts.

54-934.PEER REVIEW COMMITTEES -- IMMUNITY FROM LIABILITY -- CONFIDENTIALITY OF RECORDS. (1) The state board of dentistry or the Idaho state dental association or both may establish one (1) or more peer review committees pursuant to this section, for the purpose of:

- (a) Determining the relevancy of a dentist's usual and reasonable fees or treatment procedure to the terms of a contract;
- (b) Assessing the quality of services rendered; or
- (c) Evaluating claims against dentists or engaging in underwriting decisions in connection

with professional liability insurance coverage for dentists.

(2) The board or the associations, any one (1) of which has established a peer review committee pursuant to law, any committee member or any staff member of either the board or of the associations assisting a peer review committee, and any witness or consultant appearing before or presenting information to a peer review committee shall be immune from liability in any civil action brought as a result of a peer review investigation or proceeding conducted by a peer review committee, if the board, association, committee or staff member, witness or consultant, acts in good faith within the scope of the function of the committee, has made a reasonable effort to obtain the facts of the matter as to which the board or association or he acts, in the reasonable belief that the action taken is warranted by the facts.

(3) Any entity, organization or person acting without malice in making any report or other information available to a peer review committee, or who assists in the origination, investigation or preparation of that information, or assists a committee in carrying out any of its duties or functions, shall be immune from civil liability for any such actions.

(4) Any communications or information relating to peer committee investigations or proceedings as provided by law, and the proceedings and records of the committee related to them, shall be subject to disclosure according to chapter 3, title 9, Idaho Code, unless exempt from disclosure in that chapter and title, and shall not be subject to discovery or introduced into evidence in any civil action against a dentist arising out of matters which are the subject of evaluation and review by the committee.

54-935.VOLUNTEER'S LICENSE -- QUALIFICATIONS -- PERMISSIBLE PRACTICE -- IMMUNITY FROM LIABILITY. (1) Upon application and qualification, the board may issue, without examination, a volunteer's license to a dentist or dental hygienist who is retired from the active practice of dentistry or dental hygiene to enable the retired dentist or dental hygienist to provide dental or dental hygiene services at specified locations to persons who, due to age, infirmity, indigence or disability, are unable to receive regular dental treatment.

(2) For purposes of this section, a dentist or dental hygienist previously holding a dental or dental hygiene license with active status in Idaho or another state shall be considered to be retired if, prior to the date of application for a volunteer's license, he has surrendered or allowed his license with active status to expire with the intention of ceasing to actively practice as a dentist or dental hygienist for remuneration, he has converted his license with active status to a license with inactive status with the intention of ceasing to actively practice as a dentist or dental hygienist for remuneration, or he has converted his license with active or inactive status to a license with retirement or similar status that proscribed the active practice of dentistry or dental hygiene. A dentist or dental hygienist whose dental or dental hygiene license had been restricted, suspended, revoked, surrendered, resigned, converted, or allowed to lapse or expire as the result of disciplinary action or in lieu of disciplinary action being taken shall not be eligible for a volunteer's license.

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

(a) Verification of graduation from a dental or dental hygiene school accredited by the Commission on Dental Accreditation of the American Dental Association as of the date of the applicant's graduation;

(b) Verification from each state board in which the applicant was licensed that the applicant maintained his dental or dental hygiene license in good standing without disciplinary action that restricted the applicant's license or resulted in the applicant's license being placed on probation, suspended, revoked or being surrendered, resigned or otherwise allowed to lapse

or expire in lieu of disciplinary action;

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

(d) Verification that the applicant held an active status dental or dental hygiene license in good standing in Idaho or another state within five (5) years of the date of application for a volunteer's license, provided, that the board may waive the five (5) year requirement in the event that the applicant demonstrates he possesses the knowledge and skills requisite to the practice of dentistry or dental hygiene by successfully completing such examinations as are required by the board; and

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

(4) For purposes of this section, the specified locations at which a dentist or dental hygienist holding a volunteer's license may provide dental or dental hygiene services shall be limited to the premises or sites of extended access oral health care programs. The dental services provided at an extended access oral health care program by a dentist holding a volunteer's license shall not require or include the administration of general anesthesia or conscious sedation to a patient unless otherwise specifically approved in advance by the board.

(5) A volunteer's license shall be valid for that period specified for dentists and dental hygienists in section 54-920, Idaho Code, and may be renewed upon application of the licensee unless the license has been revoked in accordance with this section. The board shall maintain a register of all dentists and dental hygienists who hold a volunteer's license. The board shall not charge an application or licensing fee for issuing or renewing a volunteer's license. A volunteer's license cannot be converted to a license with active, inactive, provisional or special status.

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

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

**54-936.CONTINUED OPERATION OF DENTAL PRACTICE -- DEATH OF SOLE PROPRIETOR DENTIST.** In the case of the death of a sole proprietor dentist, the provisions of this chapter shall not be construed as prohibiting the personal representative, executor, surviving spouse or surviving heir of the dentist, upon notification to the state board of dentistry, from continuing to operate the dental practice of the deceased for a period of not more than six (6) months following death. An additional six (6) month period of operation shall be allowed upon approval of the board pursuant to rules as adopted by the board. This exception shall only apply

where during such period of time there is a good faith effort being made to sell the dental practice and that all the decisions pertaining to the diagnosis, care and treatment of the patients are made by a dentist licensed and authorized to practice pursuant to the provisions of this chapter. For purposes of this section, "sole proprietor dentist" means a dentist who solely owns a dental practice, regardless of the type of legal entity under which it is operated.

**ADMINISTRATIVE RULES OF THE  
BOARD OF DENTISTRY**

**IDAPA 19.01.01**

**19.01.01 – Rules of the Idaho State Board of Dentistry**

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**IDAPA 19  
TITLE 01  
CHAPTER 01**

**IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY**

**19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY**

**000. LEGAL AUTHORITY (RULE 0).**

This Chapter is adopted under the legal authority of Chapter 9, Title 54, Idaho Code. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

These rules shall be cited as IDAPA 19.01.01, "Rules of the Idaho State Board of Dentistry." These rules constitute the minimum requirements for licensure and regulation of dentists and dental hygienists. (7-1-93)

**002. WRITTEN INTERPRETATIONS (RULE 2).**

There are no written interpretations to these rules. (7-1-93)

**003. ADMINISTRATIVE APPEALS (RULE 3).**

All contested cases shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code. (3-15-02)

**004. INCORPORATION BY REFERENCE (RULE 4).**

Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the following documents: (7-1-93)

**01. Professional Standards. (3-29-12)**

**a.** American Association of Oral and Maxillofacial Surgeons, Office Anesthesia Evaluation Manual, 8th Edition, 2012. (3-20-14)

**b.** American Dental Association, Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, October 2007. (4-7-11)

**c.** American Dental Association, Guidelines for the Use of Sedation and General Anesthesia by Dentists, October 2007. (4-7-11)

**d.** American Dental Association Policy Statement: The Use of Sedation and General Anesthesia by Dentists, October 2007. (4-7-11)

**e.** Centers for Disease Control and Prevention, DHHS, Guidelines for Infection Control in Dental Health-Care Settings, 2003. (4-6-05)

**f.** American Dental Association, Principles of Ethics, Code of Professional Conduct and Advisory Opinions (ADA Code), January 2009. (4-7-11)

**g.** American Dental Hygienists' Association, Code of Ethics for Dental Hygienists (ADHA Code), June 2009. (4-7-11)

**h.** American Dental Hygienists' Association, Standards for Clinical Dental Hygiene Practice, March 10, 2008. (4-7-11)

**i.** American Association of Dental Boards, the Dental Patient Record, June 12, 2009. (4-7-11)

**02. Availability.** These documents are available for public review at the Idaho State Board of Dentistry, 350 North 9th Street, Suite M-100, Boise, Idaho 83720. (3-29-12)

**005. OFFICE INFORMATION (RULE 5).**

The Board of Dentistry office is located at 350 North 9th Street, Suite M-100, Boise, Idaho. The mailing address is P.O. Box 83720, Boise, Idaho 83720-0021. The telephone number of the Board is (208) 334-2369, the fax number is (208) 334-3247. (3-30-07)

**006. PUBLIC RECORDS ACT COMPLIANCE (RULE 6).**

Board of Dentistry records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-15-02)

**007. -- 009. (RESERVED)**

**010. EXAMINATIONS (RULE 10).**

Examinations may be completed solely by the Board or, at its discretion, the Board may participate in and accept an examining agent. Examination results will be valid for Idaho licensure for a period of five (5) years from the date of successful completion of the examination. (3-18-99)

**011. APPLICATIONS (RULE 11).**

Applications for license to practice dentistry or dental hygiene must be filed in the office of the Board of Dentistry, Boise, Idaho. The application must be accompanied by an unmounted photograph, bust only, taken within the year preceding the date of examination, and attested before a notary public. (3-18-99)

**012. LICENSE AND APPLICATION FEES (RULE 12).**

The license fees and application fees shall be as follows:

**01. Application Fees for Dentists:** (7-1-91)

**a. General:** (3-18-99)

- i. By examination -- three hundred dollars (\$300). (3-26-08)
- ii. By credentials -- three hundred dollars (\$300). (3-20-14)
- b. Specialty: (7-1-91)
  - i. By examination -- three hundred dollars (\$300). (3-26-08)
  - ii. By credentials -- three hundred dollars (\$300). (3-20-14)
- 03. Biennial License Fees for Dentists:** (3-30-07)
  - a. Active -- three hundred seventy-five dollars (\$375). (3-26-08)
  - b. Inactive -- one hundred sixty dollars (\$160). (3-26-08)
  - c. Specialty -- three hundred seventy-five dollars (\$375). (3-26-08)
- 04. Biennial License Fees for Hygienists:** (3-30-07)
  - a. Active -- one hundred seventy-five dollars (\$175). (3-26-08)
  - b. Inactive -- eighty-five dollars (\$85). (3-26-08)
- 05. Application Fees for General Anesthesia and Moderate Sedation Permits:** (4-7-11)
  - a. Initial Application -- three hundred dollars (\$300). (4-2-03)
  - b. Renewal Application -- three hundred dollars (\$300). (4-2-03)
  - c. Reinstatement Application -- three hundred dollars (\$300). (4-2-03)

**013. FEES -- GENERAL (RULE 13).**

A license shall not be issued or renewed unless the fee is paid. Application fees are not refunded. License fees shall be prorated from date of licensure to the next successive license renewal date. (3-30-07)

**014. EXAMINATION FOR GENERAL DENTAL LICENSES (RULE 14).**

Pursuant to Section 54-918, Idaho Code, the Board shall conduct both written and clinical examinations of such duration and character and upon such subjects in dentistry as the Board shall determine to thoroughly test the fitness and ability of the applicant to practice dentistry in the state of Idaho. The Board may accept as meeting this requirement successful completion of an examination administered by the Board or its agent, and completion of supplementary examinations as the Board deems necessary to determine the competency of the applicant for licensure. Any exam conducted by the Board may include: (7-1-93)

**01. Written Examination.** Evidence of passing the National Board examination may be required of all candidates applying for a license to practice dentistry. Any other written examination will be specified by the Board. (7-1-93)

**02. Clinical Examination.** All applicants for license to practice general dentistry shall be required to pass a clinical examination. (3-20-14)

**015. EXAMINATION FOR DENTAL HYGIENE LICENSES (RULE 15).**

Pursuant to Section 54-918, Idaho Code, the Board shall conduct both written and clinical examinations, which shall be of such duration and character and upon such subjects in dental hygiene as the Board shall determine to thoroughly test the fitness and ability of the applicants to practice dental hygiene in the state of Idaho. The Board may accept as meeting this requirement successful completion of an examination administered by the Board or its agent, and completion of supplementary examinations as the Board deems necessary to determine the competency of the applicant for licensure. Any examination conducted by the Board may include: (7-1-93)

**01. Written Examination.** Evidence of passing the National Board examination may be required of all candidates applying for a dental hygiene license. Any other written examination will be specified by the Board. (7-1-93)

**02. Clinical Examination.** All applicants for license to practice dental hygiene shall be required to pass a clinical examination including local anesthesia. (3-20-14)

**016. REQUIREMENTS FOR DENTAL LICENSURE (RULE 16).**

Applicants for licensure to practice dentistry must furnish proof of graduation from a school of dentistry accredited by the Commission on Dental Accreditation of the American Dental Association at the time of graduation. (3-20-14)

**017. REQUIREMENTS FOR DENTAL HYGIENE LICENSURE (RULE 17).**

Applicants for licensure to practice dental hygiene must furnish proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association at the time of applicant's graduation. (3-20-14)

**018. REQUIREMENT FOR CPR (RULE 18).**

Applicants for initial or renewal licensure as a dentist, dental specialist, or dental hygienist shall provide written verification of current cardiopulmonary resuscitation (CPR) certification as a requirement for licensure. (4-2-03)

**019. (RESERVED)**

**020. DENTAL HYGIENE LICENSURE BY CREDENTIALS (RULE 20).**

Applications for dental hygiene licensure by credentials must be filed with the Board along with the following: (3-18-99)

**01. Graduation.** Proof of graduation from a school of dental hygiene accredited by the

Commission on Dental Accreditation of the American Dental Association at the time of applicant's graduation. (7-1-92)

**02. National Board Examination.** Evidence of successful completion of the National Board of Dental Hygiene. Any other written examinations will be specified by the Board. (3-18-99)

**03. Cardiopulmonary Resuscitation.** Evidence of current CPR certification. (7-1-92)

**04. Local Anesthesia.** Applicants who are currently licensed in another jurisdiction to practice local anesthesia must submit evidence of satisfactory completion of a Board-approved examination. (3-20-14)

**05. Provisional License.** Applicants who meet all the requirements to be licensed by credentials, but who have not completed a Board-approved local anesthesia examination, may be provisionally licensed to practice without local anesthesia for a period of not more than one (1) year. Within that year, the applicant must pass a local anesthesia examination approved by the Board. (3-18-99)

**06. Interview.** At the Board's discretion, applicants may be required to appear for a personal interview conducted by the Board. (3-18-99)

**021. -- 024. (RESERVED)**

**025. PROVISIONAL LICENSURE (RULE 25).**

This type of license may be granted at the Board's discretion to applicants who meet the following requirements: (3-18-99)

**01. Active Practice.** Active practice within the previous two (2) years. (7-1-93)

**02. Current Licensure.** Current licensure in good standing in another state. (7-1-93)

**03. Evidence.** Evidence that the applicant has not failed an exam given by the Board or its agent. (3-18-99)

**04. Provisional License.** The provisional license shall be valid for the period of time specified on the provisional license which shall not exceed one (1) year from the date of issuance. (4-2-03)

**05. Additional.** Any additional requirements as specified by the Board. (3-18-99)

**026. -- 027. (RESERVED)**

**028. VOLUNTEER DENTAL HYGIENE SERVICES (RULE 28).**

A person holding an unrestricted active status dental hygienist's license issued by the Board may provide dental hygiene services in an extended access oral health care program without being

issued an extended access dental hygiene license endorsement under the following circumstances:  
(3-30-07)

**01. Extended Access Oral Health Care Program.** The dental hygiene services must be performed in an extended access oral health care program under the supervision of a dentist who is employed, retained by, or is a volunteer for the program; (3-20-14)

**02. Dental Hygiene Services Performed.** The dental hygiene services performed shall be limited to oral health screening and patient assessment, preventive and oral health education, preparation and review of health history, non-surgical periodontal treatment, oral prophylaxis, the application of caries preventive agents including fluoride, the application of pit and fissure sealants with recommendation that the patient will be examined by a dentist; (3-20-14)

**03. Volunteers.** The dental hygienist must perform the dental hygiene services on a volunteer basis and shall not accept any form of remuneration for providing the services; and (3-30-07)

**04. Volunteer Time Limit.** The dental hygienist may not provide dental hygiene services under this provision for more than five (5) days within any calendar month. (3-30-07)

**029. DENTAL HYGIENISTS - LICENSE ENDORSEMENTS (RULE 29).**

Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, and these rules, the Board may grant license endorsements to qualified dental hygienists as follows:(4-6-05)

**01. Extended Access Dental Hygiene Endorsement.** Upon application, the Board may grant an extended access dental hygiene endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that all of the following requirements are met: (3-20-14)

**a.** The person has been licensed as a dental hygienist during the two (2) year period immediately prior to the date of application for an extended access dental hygiene endorsement; (4-6-05)

**b.** For a minimum of one thousand (1000) total hours within the previous two (2) years, the person has either been employed as a dental hygienist in supervised clinical practice or has been engaged as a clinical practice educator in an approved dental hygiene school; (4-6-05)

**c.** The person has not been disciplined by the Board or another licensing authority upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under general supervision in an extended access oral health care program; and (3-20-14)

**d.** Any person holding an unrestricted active status dental hygienist's license issued by the Board who is employed as a dental hygienist in an extended access oral health care program in this state shall be granted an extended access dental hygiene endorsement without being required to satisfy the experience requirements specified in this rule. (3-30-07)

**02. Extended Access Dental Hygiene Restorative Endorsement.** Notwithstanding any other provision of these rules, a qualified dental hygienist holding an extended access dental hygiene restorative endorsement may perform specified restorative functions under the direct supervision of a dentist in an extended access oral health care program. Permissible restorative functions under this endorsement shall be limited to the placement of a restoration into a tooth prepared by a dentist and the carving, contouring and adjustment of the contacts and occlusion of the restoration. Upon application, the Board may grant an extended access dental hygiene restorative endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that the following requirements are met:

**a.** The person has successfully completed the Western Regional Examining Board's restorative examination or an equivalent restorative examination approved by the Board; or  
(3-30-07)

**b.** The person holds an equivalent restorative permit in another state as of the date of endorsement application which required successful completion of the Western Regional Examining Board's restorative examination or an equivalent restorative examination approved by the Board for its issuance; and  
(3-30-07)

**c.** The person has not been disciplined by the Board or another licensing authority upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under in an extended access oral health care program.  
(3-30-07)

**03. Renewal.** Upon payment of the appropriate license fee and completion of required continuing education credits specified for a dental hygiene license endorsement, a person meeting all other requirements for renewal of a license to practice dental hygiene shall also be entitled to renewal of a dental hygiene license endorsement for the effective period of the license. An endorsement shall immediately expire and be cancelled at such time as a person no longer holds an unrestricted active status dental hygienist's license issued by the Board or upon a person's failure to complete the required continuing education credits.  
(3-30-07)

**030. DENTAL HYGIENISTS - PRACTICE (RULE 30).**

Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, dental hygienists are hereby authorized to perform the activities specified below:  
(4-6-05)

**01. General Supervision.** A dental hygienist may perform specified duties under general supervision as follows:  
(4-6-05)

**a.** Oral prophylaxis (removal of stains and plaque biofilm and if present, supragingival and/or subgingival calculus);  
(3-20-14)

**b.** Medical history assessments and intra-oral and extra-oral assessments (including charting of the oral cavity and surrounding structures, taking case histories and periodontal assessment);  
(4-11-06)

**c.** Developing patient care plans for prophylaxis, non-surgical periodontal therapy and supportive and evaluative care in accordance with the treatment parameters set by supervising dentist;(4-11-06)

**d.** Root planing; (4-11-06)

**e.** Non-surgical periodontal therapy; (4-11-06)

**f.** Closed subgingival curettage; (4-11-06)

**g.** Administration of local anesthesia; (4-6-05)

**h.** Removal of marginal overhangs (use of high speed handpieces or surgical instruments is prohibited); (4-6-05)

**i.** Application of topical antibiotics or antimicrobials (used in non-surgical periodontal therapy); (4-6-05)

**j.** Provide patient education and instruction in oral health education and preventive techniques; (3-20-14)

**k.** Placement of antibiotic treated materials pursuant to dentist authorization; and (3-20-14)

**l.** All duties which may be performed by a dental assistant. (3-20-14)

**02. Indirect Supervision.** A dental hygienist may perform specified duties under indirect supervision as follows: (4-6-05)

**a.** Administration and monitoring of nitrous oxide/oxygen; (4-7-11)

**b.** All dental hygienist duties specified under general supervision; and (4-6-05)

**c.** Such other duties as approved by the Board. (4-11-06)

**03. Direct Supervision.** A dental hygienist may perform specified duties under direct supervision as follows: (4-6-05)

**a.** Use of a laser restricted to gingival curettage and bleaching; (4-6-05)

**b.** All dental hygienist duties specified under general and indirect supervision; and (4-6-05)

**c.** Such other duties as approved by the Board. (4-11-06)

**031. DENTAL HYGIENISTS - PROHIBITED PRACTICE (RULE 31).**

Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, and these rules, a dental hygienist may not perform certain specified duties. (4-6-05)

**01. Prohibited Duties.** A dental hygienist is prohibited from performing the duties specified below: (4-6-05)

- a. Definitive diagnosis and dental treatment planning; (4-6-05)
- b. The operative preparation of teeth for the placement of restorative materials; (4-6-05)
- c. The intraoral placement or carving of restorative materials unless authorized by issuance of an extended access restorative license endorsement; (3-20-14)
- d. Administration of any general anesthesia, minimal sedation, or moderate sedation; (4-7-11)
- e. Final placement of any fixed or removable appliances; (4-6-05)
- f. Final removal of any fixed appliance; (4-6-05)
- g. Cutting procedures utilized in the preparation of the coronal or root portion of the tooth; (4-6-05)
- h. Cutting procedures involving the supportive structures of the tooth; (4-6-05)
- i. Placement of the final root canal filling; (4-6-05)
- j. Final impressions of any type, including digital, of any tissue-bearing area, whether hard or soft tissue; (3-20-14)
- k. Occlusal equilibration procedures for any prosthetic restoration, whether fixed or removable; and (3-20-14)
- l. Final placement of prefabricated or cast restorations or crowns. (3-20-14)

**032. -- 034. (RESERVED)**

**035. DENTAL ASSISTANTS - PRACTICE (RULE 35).**

**01. Direct Supervision.** A dental assistant may perform specified activities under direct supervision as follows: (4-6-05)

- a. Recording the oral cavity (existing restorations, missing and decayed teeth); (4-6-05)

- b.** Placement of topical anesthetic agents (prior to administration of a local anesthetic by a dentist or dental hygienist); (4-6-05)
- c.** Removal of excess bonding material from temporary and permanent restorations and orthodontic appliances (using hand instruments or contra-angle handpieces with disks or polishing wheels only); (4-6-05)
- d.** Expose and process radiographs; (4-6-05)
- e.** Make impressions for preparation of diagnostic models, bleach trays, fabrication of night guards, temporary appliances, temporary crowns or bridges; (3-20-14)
- f.** Record diagnostic bite registration; (4-6-05)
- g.** Record bite registration for fabrication of restorations; (4-6-05)
- h.** Provide patient education and instruction in oral hygiene and preventive services; (4-6-05)
- i.** Placement of cotton pellets and temporary restorative materials into endodontic access openings; (4-6-05)
- j.** Placement and removal of arch wire; (4-6-05)
- k.** Placement and removal of orthodontic separators; (4-6-05)
- l.** Placement and removal of ligature ties; (4-6-05)
- m.** Cutting arch wires; (4-6-05)
- n.** Removal of loose orthodontic brackets and bands to provide palliative treatment; (4-6-05)
- o.** Adjust arch wires; (4-6-05)
- p.** Etching of teeth prior to placement of restorative materials; (4-6-05)
- q.** Etching of enamel prior to placement of orthodontic brackets or appliances by a Dentist; (4-6-05)
- r.** Placement and removal of rubber dam; (4-6-05)
- s.** Placement and removal of matrices; (4-6-05)
- t.** Placement and removal of periodontal pack; (4-6-05)

- u. Removal of sutures; (4-6-05)
- v. Application of cavity liners and bases; (4-6-05)
- w. Placement and removal of gingival retraction cord; and (3-20-14)
- x. Application of topical fluoride agents. (3-20-14)

**02. Prohibited Duties.** Subject to other applicable provisions of these rules and of the Act, dental assistants are hereby prohibited from performing any of the activities specified below: (7-1-93)

- a. Definitive diagnosis and treatment planning. (4-6-05)
- b. The intraoral placement or carving of permanent restorative materials. (3-20-14)
- c. Any irreversible procedure using lasers. (3-20-14)
- d. The administration of any general or local injectable anesthetic. (3-20-14)
- e. Any oral prophylaxis (removal of stains and plaque biofilm and if present, supragingival and/or subgingival calculus). (3-20-14)
- f. Use of an air polisher. (3-20-14)
- g. Any intra-oral procedure using a high-speed handpiece, except to the extent authorized by a Certificate of Registration or certificate or diploma of course completion issued by an approved teaching entity. (4-6-05)
- h. The following expanded functions, unless authorized by a Certificate of Registration or certificate or diploma of course completion issued by an approved teaching entity and performed under direct supervision: (4-6-05)
  - i. Fabrication and placement of temporary crowns; (4-6-05)
  - ii. Perform the mechanical polishing of restorations; (7-1-93)
  - iii. Initiating, regulating and monitoring the administration of nitrous oxide/oxygen to a patient; (4-7-11)
  - iv. Application of pit and fissure sealants; (7-1-93)
  - v. Coronal polishing (removal of plaque biofilm and stains from the teeth using an abrasive agent with a rubber cup or brush). (3-20-14)

- vi. Use of a high-speed handpiece only for the removal of orthodontic cement or resin. (3-20-14)

**03. Expanded Functions Qualifications.** A dental assistant may be considered Board qualified in expanded functions, authorizing the assistant to perform any or all of the expanded functions described in Subsection 035.02.g. upon satisfactory completion of the following requirements: (4-6-05)

**a.** Completion of Board-approved training in each of the expanded functions with verification of completion of the training to be provided to the Board upon request by means of a Certificate of Registration or other certificate evidencing completion of approved training. The required training shall include adequate training in the fundamentals of dental assisting, which may be evidenced by: (4-6-05)

- i. Current certification by the Dental Assisting National Board; or (7-1-93)
- ii. Successful completion of Board-approved curriculum in the fundamentals of dental assisting; or (3-29-12)
- iii. Successfully challenging the fundamentals course. (7-1-93)

**b.** Successful completion of a Board-approved competency examination in each of the expanded functions. There are no challenges for expanded functions. (3-18-99)

**04. Curriculum Approval.** Any school, college, institution, university or other teaching entity may apply to the Board to obtain approval of its course curriculum in expanded functions. Before approving such curriculum, the Board may require satisfactory evidence of the content of the instruction, hours of instruction, content of examinations or faculty credentials. (3-29-12)

**05. Other Credentials.** Assistants, who have completed courses or study programs in expanded functions that have not been previously approved by the Board, may submit evidence of the extent and nature of the training completed, and, if in the opinion of the Board the same is at least equivalent to other Board-approved curriculum, and demonstrates the applicant's fitness and ability to perform the expanded functions, the Board may consider the assistant qualified to perform any expanded function(s). (3-29-12)

**036. -- 039. (RESERVED)**

**040. UNPROFESSIONAL CONDUCT (RULE 40).**

A dentist or dental hygienist shall not engage in unprofessional conduct in the course of his practice. Unprofessional conduct by a person licensed under the provisions of Title 54, Chapter 9, Idaho Code, is defined as, but not limited to, one (1) of the following: (3-20-14)

**01. Fraud.** Obtaining fees by fraud or misrepresentation, or over-treatment either directly or through an insurance carrier. (7-1-93)

**02. Unlicensed Practice.** Employing directly or indirectly any suspended or unlicensed dentist or dental hygienist to practice dentistry or dental hygiene as defined in Title 54, Chapter 9, Idaho Code. (7-1-93)

**03. Unlawful Practice.** Aiding or abetting licensed persons to practice dental hygiene or dentistry unlawfully. (7-1-93)

**04. Dividing Fees.** A dentist shall not divide a fee for dental services with another party, who is not a partner or associate with him in the practice of dentistry, unless: (7-1-93)

**a.** The patient consents to employment of the other party after a full disclosure that a division of fees will be made; (7-1-93)

**b.** The division is made in proportion to the services performed and responsibility assumed by each dentist or party. (7-1-93)

**05. Controlled Substances.** Prescribing or administering controlled substances not reasonably necessary for, or within the scope of, providing dental services for a patient. In prescribing or administering controlled substances, a dentist shall exercise reasonable and ordinary care and diligence and exert his best judgment in the treatment of his patient as dentists in good standing in the state of Idaho, in the same general line of practice, ordinarily exercised in like cases. A dentist may not prescribe controlled substances for or administer controlled substances to himself. A dentist shall not use controlled substances as an inducement to secure or maintain dental patronage or aid in the maintenance of any person's drug addiction by selling, giving or prescribing controlled substances. (3-18-99)

**06. Harassment.** The use of threats or harassment to delay or obstruct any person in providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of Title 54, Chapter 9, Idaho Code, or the Board's Rules, or to aid in such compliance. (7-1-93)

**07. Discipline in Other States.** Conduct himself in such manner as results in a suspension, revocation or other disciplinary proceedings with respect to his license in another state. (3-18-99)

**08. Altering Records.** Alter a patient's record with intent to deceive. (7-1-93)

**09. Office Conditions.** Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental profession in the state of Idaho and current recommendations of the American Dental Association and the Centers for Disease Control as referred to in Section 004. (7-1-93)

**10. Abandonment of Patients.** Abandonment of patients by licensees before the completion of a phase of treatment, as such phase of treatment is contemplated by the customary

practice and standards of the dental profession in the state of Idaho, without first advising the patient of such abandonment and of further treatment that is necessary. (7-1-93)

**11. Use of Intoxicants.** Practicing dentistry or dental hygiene while under the influence of an intoxicant or controlled substance where the same impairs the dentist's or hygienist's ability to practice dentistry or hygiene with reasonable and ordinary care. (7-1-93)

**12. Mental or Physical Illness.** Continued practice of dentistry or dental hygiene in the case of inability of the licensee to practice with reasonable and ordinary care by reason of one (1) or more of the following: (7-1-93)

**a.** Mental illness; (7-1-93)

**b.** Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill. (7-1-93)

**13. Consent.** Revealing personally identifiable facts, data or information obtained in a professional capacity without prior consent of the patient, except as authorized or required by law. (3-18-99)

**14. Scope of Practice.** Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities that the licensee knows or has reason to know that he or she is not competent to perform. (3-18-99)

**15. Delegating Duties.** Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or with the exercise of reasonable care and control should know, that such a person is not qualified by training or by licensure to perform them.

**16. Unauthorized Treatment.** Performing professional services that have not been authorized by the patient or his legal representative. (3-18-99)

**17. Supervision.** Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed professional. (7-1-93)

**18. Legal Compliance.** Failure to comply with any provisions of federal, state or local laws, statutes, rules, and regulations governing or affecting the practice of dentistry or dental hygiene. (3-29-12)

**19. Exploiting Patients.** Exercising undue influence on a patient in such manner as to exploit a patient for the financial or personal gain of a practitioner or of a third party. (7-1-93)

**20. Misrepresentation.** Willful misrepresentation of the benefits or effectiveness of dental services. (7-1-93)

**21. Disclosure.** Failure to advise patients or their representatives in understandable terms of the treatment to be rendered, alternatives, and disclosure of reasonably anticipated fees

relative to the treatment proposed. (3-18-99)

**22. Sexual Misconduct.** Making suggestive, sexual or improper advances toward a patient or committing any lewd or lascivious act upon or with a patient. (7-1-93)

**23. Patient Management.** Use of unreasonable and/or damaging force to manage patients, including but not limited to hitting, slapping or physical restraints. (7-1-93)

**24. Compliance With Dentist Professional Standards.** Failure by a dentist to comply with professional standards applicable to the practice of dentistry, as incorporated by reference in this chapter. (3-29-12)

**25. Compliance With Dental Hygienist Professional Standards.** Failure by a dental hygienist to comply with professional standards applicable to the practice of dental hygiene, as incorporated by reference in this chapter. (3-29-12)

**26. Failure to Provide Records to a Patient or Patient's Legal Guardian.** Refusal or failure to provide a patient or patient's legal guardian legible copies of dental records. Failure to provide a patient or patient's legal guardian with records under Subsection 040.26 within five (5) business days shall be considered unprofessional conduct. A patient or patient's legal guardian may not be denied a copy of his records for any reason, regardless of whether the person has paid for the dental services rendered. A person may be charged for the actual cost of providing the records but in no circumstances may a person be charged an additional processing or handling fee or any charge in addition to the actual cost. (3-20-14)

**27. Failure to Cooperate With Authorities.** Failure to cooperate with authorities in the investigation of any alleged misconduct or interfering with a Board investigation by willful misrepresentation of facts, willful failure to provide information upon request of the Board, or the use of threats or harassment against any patient or witness to prevent them from providing evidence. (3-20-14)

**041. -- 044. (RESERVED)**

**045. LICENSURE OF DENTAL SPECIALISTS (RULE 45).**

**01. Requirements for Specialty Licensure.** Each applicant shall have a general license for the practice of dentistry in the state of Idaho or another state. Any applicant who desires to be licensed in one (1) of the Board recognized specialties, which include and are limited to Dental Public Health, Endodontics, Oral and Maxillofacial Pathology, Oral and Maxillofacial Radiology, Oral and Maxillofacial Surgery, Orthodontics, Pediatric Dentistry, Periodontics, and Prosthodontics, must be a graduate of and hold a certificate from both a dental school and a Graduate Training Program that are accredited by the Commission on Dental Accreditation of the American Dental Association. (3-29-10)

**02. Application.** Application for license to practice a recognized dental specialty must be filed in the office of the Board of Dentistry, Statehouse Mail, Boise, Idaho. The application

must be attested before a notary public.

(7-1-93)

**03. Examination.** Specialty licensure in those specialties recognized may be granted solely at the discretion of the Idaho State Board of Dentistry. An examination covering the applicant's chosen field may be required and, if so, will be given by the Idaho State Board of Dentistry or its agent. Applicants who have met the requirements for licensure as a specialist may be required to pass an examination as follows: (3-29-10)

**a.** Applicants who have passed a general licensure examination acceptable to the Board may be granted specialty licensure by Board approval. (3-29-10)

**b.** Applicants who have passed a general licensure examination not acceptable to the Board may be required to pass a specialty examination. (3-29-10)

**c.** Applicants who are certified by the American Board of that particular specialty as of the date of application for speciality licensure may be granted specialty licensure by Board approval. (3-29-10)

**04. Limitation of Practice.** No dentist shall announce or otherwise hold himself out to the public as a specialist unless he has first complied with the requirements established by the Idaho State Board of Dentistry for such specialty and has been issued a specialty license authorizing him to do so. Any individual granted a specialty license must limit his practice to the specialty(s) in which he is licensed. (3-20-04)

**046. ADVERTISING (RULE 46).**

Dentists and dental hygienists licensed to practice in Idaho may advertise in any medium or by other form of public communication so long as any such advertising is not false, deceptive, misleading or not readily subject to verification. A violation of this advertising rule shall constitute and be considered as unprofessional conduct pursuant to the Idaho Dental Practice Act and this chapter. (3-20-14)

**01. General Advertising Provisions.** (3-20-04)

**a.** "Advertisement" shall mean any public communication, made in any form or manner whatsoever, about a licensee's professional services, fees or qualifications for the purpose of soliciting business. A licensee who engages or authorizes another person or entity to advertise for or on the licensee's behalf is responsible for the content of the advertisement unless the licensee can prove that the content of the advertisement was contrary to the licensee's specific directions. (3-20-14)

**b.** If the form or manner of advertising consists of or contains verbal communication to the public by television, radio, or other means, the advertisement shall be prerecorded and approved for broadcast by the licensee and a recording of the actual advertisement shall be retained by the licensee for a period of two (2) years. Upon receipt of a written request from the Board, a licensee shall provide any such recorded advertisement to the Board within five (5) working days. (3-20-04)

c. Any advertisement made under or by means of a fictitious or assumed business name shall be the responsibility of all licensees who are owners, members, partners or proprietors of the business entity. (3-20-14)

**02. Prohibited Advertising.** A licensee shall not advertise in any form or manner which is false, misleading or deceptive to the public or which is not readily susceptible to verification. False, misleading or deceptive advertising or advertising that is not readily susceptible to verification includes, but is not limited to, advertising that: (3-20-04)

a. Makes a material misrepresentation of fact or omits a material fact; (3-20-04)

b. Makes a representation that is false as to the credentials, education, or the licensing status of any licensee; (3-20-14)

c. Represents that the benefits of a dental insurance plan will be accepted as full payment when deductibles or copayments are required; (3-20-04)

**03. Specialty Advertising.** The Board recognizes and licenses the following specialty areas of dental practice: Dental Public Health; Endodontics; Oral and Maxillofacial Pathology; Oral and Maxillofacial Radiology; Oral and Maxillofacial Surgery; Orthodontics; Pediatric Dentistry; Periodontics; and Prosthodontics. The specialty advertising rules are intended to allow the public to be informed about recognized dental specialties and specialization competencies of licensees and to require appropriate disclosures to avoid misperceptions on the part of the public. (4-6-05)

a. An advertisement shall not state that a licensee is a specialist, or specializes in a recognized specialty area of dental practice, or limits his practice to any recognized specialty area of dental practice unless the licensee has been issued a license in that specialty area of dental practice by the Board. Use of words or terms in advertisements such as “Endodontist,” “Pedodontist,” “Pediatric Dentist,” “Periodontist,” “Prosthodontist,” “Orthodontist,” “Oral and Maxillofacial Pathologist,” “Oral Pathologist,” “Oral and Maxillofacial Radiologist,” “Oral Radiologist,” “Oral and Maxillofacial Surgeon,” “Oral Surgeon,” “Specialist,” “Board Certified,” “Diplomate,” “Practice Limited To,” and “Limited To Specialty Of” shall be prima facie evidence that the licensee is holding himself out to the public as a licensed specialist in a specialty area of dental practice. (3-20-14)

b. A licensee who has not been licensed by the Board in a recognized specialty area of dental practice may advertise as being qualified in a recognized specialty area of dental practice so long as each such advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the licensee is “licensed as a general dentist” or that the specialty services “will be provided by a general dentist.” Any disclaimer in a written advertisement shall be in the same font style and size as that in the listing of the specialty area. (3-20-14)

c. A licensee shall not advertise as being a specialist in or as specializing in any area of dental practice which is not a Board recognized and licensed specialty area unless the

advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the advertised area of dental practice is not recognized as a specialty area of dental practice by the Idaho Board of Dentistry. Any disclaimer in a written advertisement shall be in the same font style and size as that in the listing of the specialty area. (3-20-14)

**047. -- 049. (RESERVED)**

**050. CONTINUING EDUCATION FOR DENTISTS (RULE 50).**

Effective October 1994, renewal of any active dental license will require evidence of completion of continuing education or volunteer dental practice that meets the following requirements.

(4-6-05)

**01. Requirements:** (3-18-99)

**a.** All active dentists must hold a current CPR card. (7-1-93)

**b.** All active dentists shall acquire thirty (30) credits of verifiable continuing education in each biennial renewal period. One (1) credit is defined as one (1) hour of instruction. (3-29-12)

**c.** Continuing education must be oral health/health-related for the professional development of a dentist. (3-20-14)

**d.** A dentist holding an active status license issued by the Board shall be allowed one (1) credit of continuing education for every two (2) hours of verified volunteer dental practice performed during the biennial renewal period up to a maximum of ten (10) credits. (3-30-07)

**e.** Any person who becomes licensed as an active dentist during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of continuing education credits as specified by the Board. (3-30-07)

**02. Documentation.** In conjunction with license renewal, the dentist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental practice performed and certify that the minimum requirements were completed in the biennial renewal period. (3-30-07)

**051. CONTINUING EDUCATION FOR DENTAL HYGIENISTS (RULE 51).**

Effective April 1994, renewal of any active dental hygiene license or dental hygiene license endorsement will require evidence of completion of continuing education or volunteer dental hygiene practice that meets the following requirements. (4-6-05)

**01. Requirements for Renewal of an Active Status Dental Hygiene License:**(4-6-05)

**a.** All active dental hygienists must hold a current CPR card. (6-2-92)

**b.** All active dental hygienists shall acquire twenty-four (24) credits of verifiable continuing education in each biennial renewal period. One (1) credit is defined as one (1) hour of instruction. (3-29-12)

**c.** Continuing education must be oral health/health-related education for the professional development of a dental hygienist. (3-20-14)

**d.** A dental hygienist holding an active status license issued by the Board shall be allowed one (1) credit of continuing education for every two (2) hours of verified volunteer dental hygiene practice performed during the biennial renewal period up to a maximum of ten (10) credits. (3-30-07)

**e.** Any person who becomes licensed as an active dental hygienist during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of continuing education credits as specified by the Board. (3-30-07)

**02. Requirements for Renewal of an Extended Access Dental Hygiene License Endorsement.** In addition to any other continuing education requirements for renewal of a dental hygiene license, a person granted an extended access dental hygiene license endorsement shall complete four (4) credits of verifiable continuing education in each biennial renewal period in the specific practice areas of medical emergencies, local anesthesia, oral pathology, care and treatment of geriatric, medically compromised or disabled patients and treatment of children. Any person who is issued an extended access dental hygiene license endorsement during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of those continuing education credits required under this section as specified by the Board. (3-20-14)

**03. Documentation.** In conjunction with license and endorsement renewal, the dental hygienist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental hygiene practice performed and certify that the minimum requirements were completed in the biennial renewal period. (3-30-07)

**052. -- 053. (RESERVED)**

**054. DEFINITIONS (RULE 54).**

For the purposes of these anesthesia rules, the following terms will be used, as defined below: (4-11-06)

**01. Methods of Anxiety and Pain Control.** (4-11-06)

**a.** Analgesia shall mean the diminution or elimination of pain. (4-7-11)

**b.** Local anesthesia shall mean the elimination of sensation, especially pain, in one (1) part of the body by the topical application or regional injection of a drug. (4-7-11)

**c.** Minimal sedation shall mean a minimally depressed level of consciousness that

retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilator and cardiovascular functions are unaffected. In accord with this particular definition, the drugs and/or techniques used should carry a margin of safety wide enough never to render unintended loss of consciousness. Further, patients whose only response is reflex withdrawal from repeated painful stimuli would not be considered to be in a state of minimal sedation. (4-7-11)

**d.** Moderate sedation shall mean a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained. (4-7-11)

**e.** Deep sedation shall mean a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilator function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained. (4-7-11)

**f.** General anesthesia shall mean a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilator function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired. (4-7-11)

## **02. Sedation Terms.** (4-11-06)

**a.** Advanced Cardiac Life Support (ACLS) shall mean an advanced cardiac life support course or a pediatric advanced life support course offered by a recognized accredited organization. (4-11-15)

**b.** Monitor or monitoring shall mean the direct clinical observation of a patient during the administration of anesthesia by a person trained to observe the physical condition of the patient and capable of assisting with emergency or other procedures. (4-11-06)

**c.** Operator shall mean the supervising dentist or another person who is authorized by these rules to induce and administer the proper level of anesthesia/sedation. (4-11-15)

**d.** Titration shall mean the administration of incremental doses of a drug until a desired effect is reached. Knowledge of each drug's time of onset, peak response and duration of action is essential to avoid over sedation. Although the concept of titration of a drug to effect is critical for patient safety, when the intent is moderate sedation one must know whether the previous dose has taken full effect before administering an additional drug increment. (4-7-11)

**e.** Maximum recommended dose (MRD) shall mean maximum FDA-recommended

dose of a drug, as printed in FDA-approved labeling for unmonitored home use. (3-20-14)

**f.** Incremental dosing shall mean administration of multiple doses of a drug until a desired effect is reached, but not to exceed the maximum recommended dose (MRD). (4-7-11)

**g.** Supplemental dosing during minimal sedation shall mean a single additional dose of the initial drug that may be necessary for prolonged procedures. The supplemental dose should not exceed one-half of the initial dose and should not be administered until the dentist has determined the clinical half-life of the initial dosing has passed. The total aggregate dose must not exceed one and one-half times (1.5x) MRD on the day of treatment. (4-7-11)

**03. Routes of Administration.** (4-11-06)

**a.** Enteral. Any technique of administration in which the agent is absorbed through the gastrointestinal (GI) tract or oral mucosa (i.e., oral, rectal, sublingual). (4-11-06)

**b.** Inhalation. A technique of administration in which a gaseous or volatile agent is introduced into the lungs and whose primary effect is due to absorption through the gas/blood interface. (4-7-11)

**c.** Parenteral. A technique of administration in which the drug bypasses the gastrointestinal (GI) tract [i.e., intramuscular (IM), intravenous (IV), intranasal (IN), submucosal (SM), subcutaneous (SC), intraosseous (IO)]. (4-7-11)

**d.** Transdermal. A technique of administration in which the drug is administered by patch or iontophoresis through skin. (4-7-11)

**e.** Transmucosal. A technique of administration in which the drug is administered across mucosa such as intranasal, sublingual, or rectal. (4-7-11)

**055. MINIMAL SEDATION (RULE 55).**

Persons licensed to practice dentistry in accordance with the Idaho Dental Practice Act and these rules are not required to obtain a permit to administer minimal sedation to patients of sixteen (16) years of age or older. In cases where the patient weighs less than one hundred (100) pounds, or is under the age of sixteen (16) years, minimal sedation may be administered without a permit by use of nitrous oxide, or with a single enteral dose of a sedative agent administered in the dental office. When the intent is minimal sedation, the appropriate initial dosing of a single enteral drug is no more than the maximum recommended dose (MRD) of a drug that can be prescribed for unmonitored home use. (3-20-14)

**01. Patient Safety.** The administration of minimal sedation is permissible so long as it does not produce an alteration of the state of consciousness in a patient to the level of moderate sedation, deep sedation or general anesthesia. A dentist must first qualify for and obtain the appropriate permit from the Board of Dentistry to be authorized to sedate patients to the level of moderate sedation, deep sedation or general anesthesia. Nitrous oxide/oxygen may be used in combination with a single enteral drug in minimal sedation, except as described in Section 055 of

these rules. Notwithstanding any other provision in these rules, a dentist shall initiate and regulate the administration of nitrous oxide/oxygen when used in combination with minimal sedation.

(3-20-1

**02. Personnel.** At least one (1) additional person currently certified in Basic Life Support for Healthcare Providers must be present in addition to the dentist. (4-7-11)

**056. LOCAL ANESTHESIA (RULE 56).**

Persons licensed to practice dentistry and dental hygiene in accordance with the Idaho Dental Practice Act and these rules are not required to obtain a permit to administer local anesthesia to patients. Dental offices in which local anesthesia is administered to patients shall, at a minimum, have and maintain suction equipment capable of aspirating gastric contents from the mouth and pharynx, a portable oxygen delivery system including full face masks and a bag-valve mask combination capable of delivering positive pressure, oxygen-enriched ventilation to the patient, a blood pressure cuff of appropriate size and a stethoscope. (4-11-06)

**057. NITROUS OXIDE/OXYGEN (RULE 57).**

Persons licensed to practice dentistry and dental hygiene and dental assistants certified in accordance with the Idaho Dental Practice Act and these rules are not required to obtain a permit to administer nitrous oxide/oxygen to patients. Nitrous oxide/oxygen when used in combination with other sedative agents may produce an alteration of the state of consciousness in a patient to the level of moderate sedation, deep sedation or general anesthesia. A dentist must first qualify for and obtain the appropriate permit from the Board of Dentistry to be authorized to sedate patients to the level of moderate sedation, deep sedation or general anesthesia. (4-7-11)

**01. Patient Safety.** In connection with the administration of nitrous oxide/oxygen, a dentist shall: (4-7-11)

**a.** Evaluate the patient to insure that the patient is an appropriate candidate for nitrous/oxygen; and (4-7-11)

**b.** Insure that any patient under nitrous/oxygen shall be continually monitored; and (4-7-11)

**c.** Insure that a second person shall be on the office premises who can immediately respond to any request from the person administering the nitrous/oxygen. (4-7-11)

**02. Required Facilities and Equipment.** Dental offices in which nitrous oxide/oxygen is administered to patients shall, at a minimum and in addition to emergency medications, maintain appropriate facilities and have equipment on site for immediate use as follows: (4-7-11)

**a.** A nitrous oxide delivery system with a fail-safe system that is maintained in working order: (3-20-14)

**i.** A functioning device that prohibits the delivery of less than thirty percent (30%) oxygen; or (4-7-11)

ii. An appropriately calibrated and functioning in-line oxygen analyzer with audible alarm; and (4-7-11)

b. An appropriate scavenging system must be available; and (4-7-11)

c. A positive-pressure oxygen delivery system suitable for the patient being treated. (4-7-11)

**03. Personnel.** For nitrous oxide/oxygen administration, personnel shall include: (4-7-11)

a. An operator; and (4-11-06)

b. An assistant currently certified in Basic Life Support for Healthcare Providers. (4-7-11)

c. Auxiliary personnel must have documented training in Basic Life Support for Healthcare Providers, shall have specific assignments, and shall have current knowledge of the emergency cart inventory. The dentist and all office personnel must participate in periodic reviews of office emergency protocol. (4-7-11)

**058. -- 059. (RESERVED)**

**060. MODERATE SEDATION (RULE 60).**

Dentists licensed in the state of Idaho cannot administer moderate sedation in the practice of dentistry unless they have obtained the proper moderate sedation permit from the Idaho State Board of Dentistry. A moderate sedation permit may be either enteral or parenteral. A moderate enteral sedation permit authorizes dentists to administer moderate sedation by either enteral or combination inhalation-enteral routes of administration. A moderate parenteral sedation permit authorizes a dentist to administer moderate sedation by any route of administration. A dentist shall not administer moderate sedation to children under sixteen (16) years of age and one hundred (100) pounds unless they have qualified for and been issued a moderate parenteral sedation permit. (3-29-12)

**01. Requirements for a Moderate Enteral Sedation Permit.** To qualify for a moderate enteral sedation permit, a dentist applying for a permit shall provide proof that the dentist has completed training in the administration of moderate sedation to a level consistent with that prescribed in the American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," as incorporated in Section 004 in these rules. The five (5) year requirement regarding the required training for a moderate enteral sedation permit shall not be applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the application date. To obtain a moderate enteral sedation permit, a dentist must provide verification of the following:

(4-11-15)

**a.** Completion of an American Dental Association accredited or Board of Dentistry approved post-doctoral training program within five (5) years of the date of application for a moderate enteral sedation permit that included documented training of a minimum of twenty-four (24) hours of instruction plus management of at least ten (10) adult case experiences by the enteral and/or enteral-nitrous oxide/oxygen route. These ten (10) cases must include at least three live clinical dental experiences managed by participants in groups no larger than five (5). The remaining cases may include simulations and/or video presentations, but must include one experience in returning a patient from deep to moderate sedation; and (4-7-11)

**b.** Current certification in Advanced Cardiac Life Support. (4-11-15)

**02. Requirements for a Moderate Parenteral Sedation Permit.** To qualify for a moderate parenteral sedation permit, a dentist applying for a permit shall provide proof that the dentist has completed training in the administration of moderate parenteral sedation as prescribed in the American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," as incorporated in Section 004 of these rules within the five (5) year period immediately prior to the date of application for a moderate parenteral sedation permit. The five (5) year requirement shall not be applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the date of application. The training program shall: (4-7-11)

**a.** Be sponsored by or affiliated with a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or a teaching hospital or facility approved by the Board of Dentistry; and (4-5-00)

**b.** Consist of a minimum of sixty (60) hours of instruction, plus management of at least twenty (20) patients by the intravenous route; and (4-7-11)

**c.** Include the issuance of a certificate of successful completion that indicates the type, number of hours, and length of training received. (3-18-99)

**d.** In addition, the dentist must maintain current certification in Advanced Cardiac Life Support. (4-11-15)

**03. General Requirements for Moderate Enteral and Moderate Parenteral Sedation Permits.**

The qualified dentist is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of moderate sedation and providing the equipment, drugs and protocol for patient rescue. Evaluators appointed by the Idaho State Board of Dentistry will periodically assess the adequacy of the facility and competence of the anesthesia team. The Board adopts the standards incorporated by reference in Section 004.01.c. and Section 004.01.d. of these rules as set forth by the American Dental Association. (4-11-15)

**a.** Facility, Equipment and Drug Requirements. The following facilities, equipment and drugs shall be available for immediate use during the sedation and recovery phase: (4-11-15)

- i. An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two (2) individuals to freely move about the patient; (4-11-15)
  - ii. An operating table or chair that permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support; (4-11-15)
  - iii. A lighting system that permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure; (4-11-15)
  - iv. Suction equipment that permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure; (4-11-15)
  - v. An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system; (4-11-15)
  - vi. A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room; (4-11-15)
  - vii. A sphygmomanometer, pulse oximeter, oral and nasopharyngeal airways, supraglottic airway devices, and automated external defibrillator (AED); and (4-11-15)
  - viii. Emergency drugs including, but not limited to, pharmacologic antagonists appropriate to the drugs used, bronchodilators, and antihistamines. (4-11-15)
  - ix. Additional emergency equipment and drugs required for moderate parenteral sedation permits include precordial/pretracheal stethoscope, intravenous fluid administration equipment, vasopressors, and anticonvulsants. (4-11-15)
- b.** Personnel. For moderate sedation, the minimum number of personnel shall be two (2) including: (4-7-11)
- i. The operator; and (10-1-87)
  - ii. An assistant currently certified in Basic Life Support for Healthcare Providers. (4-7-11)
  - iii. Auxiliary personnel must have documented training in basic life support for healthcare providers, shall have specific assignments, and shall have current knowledge of the emergency cart inventory. The dentist and all office personnel must participate in documented periodic reviews of office emergency protocol, including simulated exercises, to assure proper equipment function and staff interaction. (4-11-15)

- c. Pre-sedation Requirements.** Before inducing moderate sedation, a dentist shall: (4-11-15)
- i. Evaluate the patient's medical history and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for moderate sedation; (4-11-15)
  - ii. Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; (4-11-15)
  - iii. Obtain written informed consent from the patient or patient's guardian for the sedation; and (4-11-15)
  - iv. Maintain an anesthesia record, and enter the individual patient's sedation into a case/drug log. (4-11-15)
- d. Patient Monitoring.** Patients shall be monitored as follows: (4-11-15)
- i. Patients must have continuous monitoring using pulse oximetry. The patient's blood pressure, heart rate, and respiration shall be recorded every five (5) minutes during the sedation and then continued every fifteen (15) minutes until the patient meets the requirements for discharge. These recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under moderate sedation shall be continuously monitored; (4-11-15)
  - ii. During the recovery phase, the patient must be monitored by an individual trained to monitor patients recovering from moderate sedation; (4-11-15)
  - iii. A dentist shall not release a patient who has undergone moderate sedation except to the care of a responsible third party; (4-11-15)
  - iv. The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met: vital signs are stable, patient is alert and oriented, and the patient can ambulate with minimal assistance; and (4-11-15)
  - v. A discharge entry shall be made by the dentist in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged. (4-11-15)
- e. Sedation of Other Patients.** The permit holder shall not initiate sedation on another patient until the previous patient is in a stable monitored condition and in the recovery phase following discontinuation of their sedation. (4-11-15)

**f.** Permit Renewal. Renewal of the permit will be required every five (5) years. Proof of a minimum of twenty-five (25) credit hours continuing education in moderate sedation which may include training in medical/office emergencies will be required to renew a permit. A fee shall be assessed to cover administrative costs. In addition to the continuing education hours, a dentist must: (3-20-14)

i. For a moderate enteral sedation permit, maintain current certification in basic life support for healthcare providers or advanced cardiac life support; (4-11-15)

ii. For a moderate parenteral sedation permit, maintain current certification in advanced cardiac life support. (3-20-14)

**g.** Reinstatement. A dentist may make application for the reinstatement of an expired or surrendered permit issued by the Board under this rule within five (5) years of the date of the permit's expiration or surrender. Applicants for reinstatement of a permit shall satisfy the facility and personnel requirements of this rule and shall be required to verify that they have obtained an average of five (5) credit hours of continuing education in moderate sedation for each year subsequent to the date upon which the permit expired or was surrendered. A fee for reinstatement shall be assessed to cover administrative costs. (4-7-11)

**061. GENERAL ANESTHESIA AND DEEP SEDATION (RULE 61).**

Dentists licensed in the state of Idaho cannot use general anesthesia or deep sedation in the practice of dentistry unless they have obtained the proper permit from the Idaho State Board of Dentistry by conforming with the following conditions: (4-7-11)

**01. Requirements for a General Anesthesia and Deep Sedation Permit.** A dentist applying for a permit to administer general anesthesia or deep sedation shall provide proof that the dentist: (4-11-15)

**a.** Has completed an advanced education program accredited by the ADA Commission on Dental Accreditation that affords comprehensive and appropriate training necessary to administer and manage deep sedation or general anesthesia, commensurate with Part IV.C of the American Dental Association's "Guidelines for the Use of Sedation and General Anesthesia by Dentists" within the five (5) year period immediately prior to the date of application for a permit. The five (5) year requirement shall not be applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the date of application; and (4-7-11)

**b.** Current Certification in Advanced Cardiac Life Support; and (4-11-15)

**c.** Has an established protocol or admission to a recognized hospital. (3-18-99)

**02. General Requirements for General Anesthesia and Deep Sedation Permits.** The qualified dentist is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of general anesthesia or deep

sedation and providing the equipment, drugs and protocol for patient rescue. Evaluators appointed by the Idaho State Board of Dentistry will periodically assess the adequacy of the facility and competence of the anesthesia team. The Board adopts the standards incorporated by reference in Section 004 of these rules, as set forth by the American Association of Oral and Maxillofacial Surgeons in their office anesthesia evaluation manual. (4-11-15)

**a.** Facility, Equipment and Drug Requirements. The following facilities, equipment and drugs shall be available for immediate use during the sedation and recovery phase: (4-11-15)

i. An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two (2) individuals to freely move about the patient; (4-11-15)

ii. An operating table or chair that permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support; (4-11-15)

iii. A lighting system that permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure; (4-11-15)

iv. Suction equipment that permits aspiration of the oral and pharyngeal cavities and a backup suction device that will function in the event of a general power failure; (4-11-15)

v. An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system; (4-11-15)

vi. A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room; (4-11-15)

vii. A sphygmomanometer, precordial/pretracheal stethoscope, end-tidal carbon dioxide monitor, pulse oximeter, oral and nasopharyngeal airways, supraglottic airway devices, intravenous fluid administration equipment, and automated external defibrillator (AED); and (4-11-15)

viii. Emergency drugs including, but not limited to, pharmacologic antagonists appropriate to the drugs used, vasopressors, bronchodilators, antihistamines, and anticonvulsants. (4-11-15)

**b.** Personnel. For general anesthesia or deep sedation, the minimum number of personnel shall be three (3) including: (4-7-11)

i. A qualified operator to direct the sedation; and (4-11-15)

ii. Two (2) additional individuals who have current certification in Basic Life Support for the Healthcare Provider. (4-7-11)

iii. When the same individual administering the deep sedation or general anesthesia is performing the dental procedure, one (1) of the additional appropriately trained team members must be designated for patient monitoring. (4-7-11)

**c. Pre-sedation Requirements.** Before inducing general anesthesia or deep sedation, a dentist shall: (4-11-15)

i. Evaluate the patient's medical history and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for deep sedation; (4-11-15)

ii. Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; (4-11-15)

iii. Obtain written informed consent from the patient or patient's guardian for the sedation; and (4-11-15)

iv. Maintain an anesthesia record, and enter the individual patient's sedation into a case/drug log. (4-11-15)

**d. Patient Monitoring.** Patients shall be monitored as follows: (4-11-15)

i. Patients must have continuous monitoring using pulse oximetry and end-tidal carbon dioxide monitors. The patient's blood pressure, heart rate, and respiration shall be recorded every five (5) minutes during the sedation, and then continued every fifteen (15) minutes until the patient meets the requirements for discharge. These recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under deep sedation or general anesthesia shall be continuously monitored; (4-11-15)

vi. During the recovery phase, the patient must be monitored by an individual trained to monitor patients recovering from general anesthesia and deep sedation; (4-11-15)

vii. A dentist shall not release a patient who has undergone general anesthesia, deep sedation or moderate sedation except to the care of a responsible third party; (4-11-15)

viii. The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met: vital signs are stable, patient is alert and oriented, and the patient can ambulate with minimal assistance; and (4-11-15)

ix. A discharge entry shall be made by the dentist in the patient's record indicating the

patient's condition upon discharge and the name of the responsible party to whom the patient was discharged. (4-11-15)

**e. Sedation of Other Patients.** The permit holder shall not initiate sedation on another patient until the previous patient is in a stable monitored condition and in the recovery phase following discontinuation of their sedation. (4-11-15)

**03. Moderate Sedation.** A dentist holding a permit to administer general anesthesia or deep sedation under this rule may also administer moderate sedation. (4-7-11)

**04. Permit Renewal.** Renewal of the permit will be required every five (5) years. Proof of a minimum of twenty-five (25) credit hours of continuing education in general anesthesia or deep sedation and proof of current certification in Advanced Life Support will be required to renew a permit. A fee shall be assessed to cover administrative costs. (4-11-15)

**05. Reinstatement.** A dentist may make application for the reinstatement of an expired or surrendered permit issued by the Board under this rule within five (5) years of the date of the permit's expiration or surrender. Applicants for reinstatement of a permit shall satisfy the facility and personnel requirements of this rule and shall be required to verify that they have obtained an average of five (5) credit hours of continuing education in general anesthesia or deep sedation for each year subsequent to the date upon which the permit expired or was surrendered. A fee for reinstatement shall be assessed to cover administrative costs. (4-7-11)

## **062. USE OF OTHER ANESTHESIA PERSONNEL (RULE 62).**

A dentist who does not hold an anesthesia permit may perform dental procedures in a dental office on a patient who receives anesthesia induced by an anesthesiologist, a certified registered nurse anesthetist (CRNA), or another dentist with an anesthesia permit as follows: (3-29-10)

**01. Personnel and Equipment Requirements.** The dentist shall have the same personnel, facilities, equipment, and drugs available during the procedure and during recovery as required of a dentist who has a permit for the level of anesthesia being provided. (3-29-10)

**02. Patient's Condition Monitored Until Discharge.** The qualified anesthesia provider who induces anesthesia shall monitor the patient's condition until the patient is discharged and record the patient's condition at discharge in the patient's dental record as required by the rules applicable to the level of anesthesia being induced. The anesthesia record shall be maintained in the patient's dental record and is the responsibility of the dentist who is performing the dental procedures. (3-29-10)

**03. Use of Services of a Qualified Anesthesia Provider.** A dentist who intends to use the services of a qualified anesthesia provider shall notify the Board in writing of his intent. Such notification need only be submitted once every licensing period. (3-29-10)

**04. Advertising.** A dentist who intends to use the services of a qualified anesthesia provider may advertise the service provided so long as each such advertisement contains a prominent disclaimer that the service "will be provided by a qualified anesthesia provider."

(3-29-10)

**063. INCIDENT REPORTING (RULE 63).**

Dentists shall report to the Board, in writing, within seven (7) days after the death or transport to a hospital or emergency center for medical treatment for a period exceeding twenty-four (24) hours of any patient to whom sedation was administered. (4-7-11)

**064. SUSPENSION, REVOCATION OR RESTRICTION OF ANESTHESIA PERMIT (RULE 64).**

The Board may, at any time and for just cause, institute proceedings to revoke, suspend, or otherwise restrict an anesthesia a permit issued pursuant to Sections 060 and 061 of these rules. If the Board determines that emergency action is necessary to protect the public, summary suspension may be ordered pending further proceedings. Proceedings to suspend, revoke or restrict a permit shall be subject to applicable statutes and rules governing administrative procedures before the Board. (3-18-99)

**065. DETERMINATION OF DEGREE OF SEDATION BY THE BOARD (RULE 65).**

In any matter under review or in any proceeding being conducted in which the Board must determine the degree of central nervous system depression, the Board may base its findings or conclusions on, among other matters, the type, and dosages, and routes of administration of drugs administered to the patient and what result can reasonably be expected from those drugs in those dosages and routes administered in a patient of that physical and psychological status. (4-11-15)

**02. Expected Results.** The result that can reasonably be expected from the medication(s) administered when considering the physical and psychological status of the patient. (4-11-06)

**066. -- 999. (RESERVED)**