



# NEWS FROM THE Idaho State Board of DENTISTRY

## STATEMENT OF PURPOSE

**T**he purpose of the Idaho State Board of Dentistry is to assure the public health, safety and welfare in Idaho by the licensure and regulation of dentists and dental hygienists.

## BOARD MEMBERS

Thomas R. Curtis, DDS  
Chairman  
Boise, Idaho

Janis Davey, RDH  
Sandpoint, Idaho

Jay M. Harris, DDS  
Idaho Falls, Idaho

Jan M. Simpson, RDH  
Blackfoot, Idaho

Robert Steusloff  
Consumer Member  
Post Falls, Idaho

Kevin T. Stock, DDS  
Burley, Idaho

Richard J. Teich, DDS  
Post Falls, Idaho

Curtis E. Wiggins, DDS  
Lewiston, Idaho

## STAFF

Arthur R. Sacks  
Executive Director  
Susan Miller  
Administrative Assistant  
Bethany Lanham  
Office Specialist

## OUTGOING CHAIRMAN'S MESSAGE

*by Tom Curtis, DDS*

The Board has addressed many new issues this year. I will briefly address the Board's hiring of a new executive director, proposed increase in licensing fees, complaints, oral conscious sedation, substance abuse, advertising rules, Western Regional Examining Board (WREB), review of dental assisting practice act, legal entities/practice ownership statute, and monitoring of prescriptions by the Board of Pharmacy.

- ◆ **Executive Director:** After an extensive interviewing process, Arthur Sacks was selected as our new executive director. Following a vacation in Idaho, Arthur and his wife moved from Arizona to Boise after his first retirement. We are very pleased with Arthur's background, his experience in administrative law and strong work ethic that he brings to the position.
- ◆ **Fee Increase:** You may have noticed that your last license payment was appreciably higher than in the past. Your licensing fee is now paid on a biennial renewal schedule. This method of collection reduces the Board of Dentistry's (BOD) overhead and consequently saves money. Almost ten years have passed since the last fee increase and since the BOD is a self-funded agency, we had no choice but to propose an increase in licensing fees. I can assure you that the Board runs efficiently. In the newsletter you will find a complete explanation regarding licensing fees. Please call the office if you should have any questions regarding the proposed increase in fees.
- ◆ **Complaints:** Complaints against licensees are screened to determine if they warrant Board attention. The Board does not consider complaints that are deemed to be solely monetary in nature. All complaints reviewed by the Board are on an anonymous basis. Names, logos, and addresses are stricken or marked out by staff prior to being reviewed by Board members. Action is taken on complaints at quarterly board meetings.
- ◆ **Anesthesia Permits:** The 2006 Legislature approved changes to the Board of Dentistry's administrative rules regarding anesthesia permits. The administrative rules now provide for three levels of permit: general anesthesia/deep sedation, comprehensive conscious sedation, and limited conscious sedation. The Board expects those dentists providing sedation services to understand and comply with the administrative rules.
- ◆ **PRDP:** The Idaho Board of Dentistry provides a service for those dental professionals in need of alcohol or substance abuse treatment. Southworth Associates is funded by a portion of your licensing fees to provide intervention, treatment and aftercare to our professional peers. John Southworth has saved families and practices throughout the state during his many years of service. The program is completely confidential and privacy of those under his care is strictly maintained. Board members are not informed of those receiving treatment. If you should know of anyone in need of intervention due to an alcohol or substance abuse problem please contact Southworth Associates at 1-800-386-1695.

*Chairman's Message (continued from page 1)*

- ◆ **Advertising:** In 2004, the Board promulgated administrative rules on advertising that follow ADA guidelines. Recently the Board has reviewed an increasing number of complaints regarding improper advertising. At the last Board meeting, fines and/or costs, as well as letters of reprimand were issued. It is the responsibility of each licensed dentist to check that his or her advertising is in compliance with the advertising rules prior to public distribution. The most common infractions and a complete list of advertising rules are covered later in this newsletter.
- ◆ **WREB:** The Western Regional Examining Board (WREB) is seeking to increase its pool of examiners. I have personally enjoyed being a WREB Board member and examiner the past five years. Idaho has always been well represented in WREB and hopefully a few of you will accept the challenge. If you currently hold an active license and are interested in becoming a WREB examiner, please contact WREB for more information at (602) 944-3315. Examiners must be state board approved, so if you are interested please submit your name to the Board.
- ◆ **Dental Assisting:** The Board is currently reviewing regulatory issues related to dental assistants (curriculum, certification, certification portability and continuing education). A representative from the Dental Assisting National Board (DANB) will be attending an upcoming Board meeting to discuss DANB certification and testing services.
- ◆ **Dental Practice Ownership:** The Board is currently engaged in research regarding the ownership and continuation of dental practices, and is actively working with the ISDA on this issue.
- ◆ **Board of Pharmacy:** Are you concerned that a patient in your practice may be "doctor shopping" for controlled substances? For your protection, refer difficult patients to a specialist or another dentist for a second opinion if unreasonable repeated requests are made for pain medications. The Board of Pharmacy database can be a useful tool to check a patient profile in the case of suspected abuse. Requests for prescription database information are processed by the Board of Pharmacy on a daily basis and a response is usually provided to the requesting party within a few hours from the time of receipt. Information about how to obtain a prescription profile may be obtained by contacting the Board of Pharmacy at 334-2356.

Hopefully you have found the above update informative. While I find it hard to believe, my five year term on the Board of Dentistry will come to an end the beginning of February. I sincerely appreciate the opportunity that I have had to serve our profession. Idaho truly is a wonderful place to live and practice dentistry!

*(Dr. Tom Curtis, a dentist practicing in Boise, Idaho, was appointed to the Board of Dentistry in 2003 and will conclude his five year appointment in February of 2008).*

**PENDING ADMINISTRATIVE RULE CHANGES**

The Board of Dentistry is self-funded through license and application fees. The Board has proposed revisions to the administrative rules to increase these fees due to increased operating costs. Fees have not been increased in over ten years. The proposed fee rule has been published to facilitate public review and comment and will be reviewed by the 2008 Legislature. If approved by the Legislature the increases would then become effective upon adjournment of the Legislature. Proposed increases are outlined below.

**One-time Application Fees**

Dentist: Proposed increase from \$100 to \$300  
Dental Hygienist: Proposed increase from \$50 to \$150

**Biennial License Fees**

Active Status Dentist: Proposed increase from \$300 to \$375  
Inactive Status Dentist: Proposed increase from \$150 to \$160  
Active Dental Hygienist: Proposed increase from \$140 to \$175  
Inactive Dental Hygienist: Proposed increase from \$80 to \$85

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**NOTICE**

The Idaho Board of Dentistry brings the following section of the Dental Practice Act to the attention of dentists in the state of Idaho:

**Idaho Statutes**

TITLE 54  
PROFESSIONS, VOCATIONS, AND BUSINESSES  
CHAPTER 9  
DENTISTS

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: [emphasis added]

(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 authorized by the provisions of the professional service corporation act; 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 authorized by the provisions of the professional service corporation act; 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) Employ any person to obtain patronage, or call or seek to call, the attention of the public to him, his office, his skill, or his practice, by public exhibition, use, reproduction, or representation of specimens or samples, of dental work, or by demonstrations in public. This shall not apply to teaching in dental or dental hygiene schools, or demonstrations or exhibitions before meetings of other dentists or dental hygienists; or
- (6) Use intoxicants or drugs to such a degree as to render him unfit to practice; or
- (7) 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
- (8) Engage in unprofessional, unethical or immoral conduct, as defined by board rules; or
- (9) Advertise in such way as to deceive or defraud, or probably deceive or defraud, the public or patrons; or
- (10) 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
- (11) 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
- (12) Violate any other provisions of law or rules adopted by the board; or
- (13) Falsely identify himself to the public as a specialist in a specialty area of dentistry as defined by rule.

**The Idaho State Board of Dentistry is currently examining its policy with regard to the above cited section of the Idaho Dental Practice Act, specific to the imposition of administrative penalties and/or the assessment of the costs in connection with complaints.**

## **ADVERTISING COMPLAINTS**

Following are the most common types of advertising complaints received by the Board:

- ◆ Specialty advertising without a specialty license and no disclaimer that services will be performed by a general dentist
- ◆ Sedation dentistry advertising without sedation permit
- ◆ “Painless Dentistry”
- ◆ Advertising assertions which are not readily subject to verification
- ◆ “Free Whitening for Life” without complete explanation as to requirements for obtaining the “free” service

Although the above examples reflect some of the types of complaints received by the Board of Dentistry, it must be remembered that the Board will investigate all complaints received. With respect to advertising, the Idaho Dental Practice Act provides, in pertinent part sections 54-924(4) and (5) as shown above. Further, the Administrative Rules of the Idaho Board of Dentistry provide at IDAPA 19.01.01.046 as shown on the next page.

## 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. In addition to any other applicable grounds, a violation of this advertising rule shall constitute and be considered as unethical and unprofessional conduct pursuant to the Idaho Dental Practice Act and this chapter.

### 01. General Advertising Provisions.

**a.** "Advertisement" shall mean any public communication, made in any form or manner whatsoever, about a licensee's professional services or qualifications for the purpose of soliciting business. "Advertising" or "advertise" shall mean holding out, broadcasting, mailing, publishing, transmitting, announcing, distributing or otherwise disseminating any advertisement, whether directly or indirectly through the efforts of another person or entity. Any sign soliciting business, whether at the location of the dental practice or otherwise, shall be considered as an advertisement. 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.

**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.

**c.** Any advertisement made under or by means of a fictitious or assumed business name or in the name of a professional service corporation shall be the responsibility of all licensees who are owners of the business or corporation.

**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:

**a.** Makes a material misrepresentation of fact or omits a material fact;

**b.** Makes a representation likely to create an unjustified expectation about the results of a dental procedure;

**c.** Compares a licensee's services with another licensee's services unless the comparison can be factually substantiated;

**d.** Makes a representation that is misleading as to the credentials, education, or the licensing status of a licensee;

**e.** Represents that the benefits of a dental insurance plan will be accepted as full payment when deductibles or copayments are required;

**f.** Makes a representation that is intended to take advantage of the fears or emotions of a particularly susceptible type of patient; and

**g.** Refers to benefits of dental procedures or products that involve significant risks without including realistic assessments of the safety and efficacy of those procedures or products.

**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.

**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 or certification 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 announcing or holding himself out to the public as a specialist or that the licensee specializes in a recognized area of dental practice.

**b.** A licensee who has not been licensed or certified 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 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.

**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 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.

## **WELCOME NEW BOARD MEMBER**

Governor Otter recently appointed Dr. Curt Wiggins for a five year term to the Board of Dentistry. Dr. Wiggins received his D.D.S. in 1974 from Loma Linda University and a certificate in pediatric dentistry from UCLA in 1976. He then served on the faculty of LLU from 1976 until 1981. Dr. Wiggins has enjoyed pediatric practice in Lewiston, Idaho since 1981. The members of the Board of Dentistry look forward to serving with Dr. Wiggins and guarantee that his term on the Board will be both enjoyable and interesting.

## **EXECUTIVE DIRECTOR'S MESSAGE**

As I embark on a new chapter of my career as the new executive director of the Board of Dentistry I have had cause to reflect upon a career in two state governments, and to look forward to the new challenges in working for a third, Idaho. Twenty-five years of public sector employment has been totally rewarding and fulfilling, but I look forward to expanding my experiences. Having chosen a path of government work, I am constantly seeking better ways to serve the people who employ me. You have probably heard the old adage "close enough for government work". Well, I do not follow that. All government employees should strive to always get it right. In my position, I will assure the public that quality is my number one aim.

In the brief time that I have been on board I have learned that Idahoans should take great pride in the work done by the Board of Dentistry. My predecessor, Mike Sheeley, will be a hard act to follow, and Idahoans owe him a big thanks. The staff that I inherited is fabulous to work with, making a newcomer feel at home and very welcome. The Board members are hard working, dedicated professionals who give freely of their time toward the furtherance of the Board's goals.

As stated at the front of this newsletter, the purpose of the Board of Dentistry is to assure the public health, safety and welfare in Idaho by the licensure and regulation of dentists and dental hygienists. To that end, I and the staff will do the utmost. However, it is incumbent upon all dental health professionals to aid us in this endeavor. We cannot do this alone. The health, welfare and safety of all Idahoans are our responsibility.

If I or the Board staff can be of any assistance to you, please do not hesitate to contact us at the Board office.

*(Arthur R. Sacks was hired as Executive Director of the Board of Dentistry in July 2007.)*

## **WHEN CHEMICAL DEPENDENCY COINCIDES WITH THE DENTAL PROFESSION**

### **The Role of the Idaho PRDP and Southworth Associates**

Research suggests that between 10-15 percent of dentists will have drug and alcohol problems at some time in their lives (ADA). Many dental professionals try to maintain an efficient, ethical and successful prac-

tice while struggling with problems of chemical dependence. The inevitable truth of the matter is however that "an untreated substance use disorder in a dentist may not only threaten the dentist's life and family stability, but will place patients and the practice itself in jeopardy" (ADA). Members of the community of dental professionals must be able to identify problems of this type within the self, within colleagues, and furthermore, must be willing to seek assistance with this potentially lethal disorder.

The Idaho State Board of Dentistry subsidizes the Program for Recovering Dental Professionals (PRDP). The PRDP is coordinated by John Southworth and Southworth Associates, a company located in Boise, ID. The primary function of this program is to assist the impaired dentist and dental hygienist in every aspect of recovery from chemical dependence. This includes but is not limited to:

Intervention- The act of confronting the impaired dental professional in a manner that suggests hope and the availability of help.

Consultation- Offering options and guiding the impaired dental professional toward a plan of evaluation, treatment and recovery that will best suit his or her needs.

Monitoring- Assistance in managing the chosen course of recovery.

Advocacy- Corresponding with all parties involved in the chosen recovery course including treatment centers, family members, and counselors.

Education- The PRDP provides lectures and presentations pertinent to addiction recovery during conferences and various gatherings of dental professionals.

Support- A representative from the PRDP is available to accept referrals, answer questions about the program, and respond to emergency situations 24 hours per day.

The scope of the PRDP is not limited to cases of chemical dependence but can also provide all of the above mentioned services to dental professionals with cognitive disorders, and to those with a combination of a cognitive disorder and chemical dependency (dual diagnosis).

Please don't hesitate to contact the PRDP for assistance. All phone calls and correspondence are kept strictly confidential.

John Southworth, CADC  
PRDP Program Coordinator  
Toll Free Cell: (866)460-9014  
Southworth Associates  
5530 W. Emerald  
Boise, ID 83706  
O: (208)323-9555  
Toll Free: (800)386-1695  
F: (208)323-9222

**2008 BOARD  
OF DENTISTRY  
MEETINGS**

January 11-12  
Boise

April 11-12  
Boise

July 25-26  
Location TBD

October 10-11  
Location TBD



**NAME / ADDRESS CHANGE**

If your address of record changes or if you have a name change, you should inform the Board of Dentistry of that fact. You can notify the Board of Dentistry about a change by using the following form. The form can be mailed to the Board of Dentistry, P.O. Box 83720, Boise, ID 83720-0010 or transmitted via facsimile to (208) 334-3247.

NAME (last, first, middle)	FORMER NAME (if applicable)
OLD ADDRESS: Street	NEW ADDRESS (if applicable): Street
City / State / Zip	City / State / Zip
License Number	Daytime Phone Number
Signature	Effective Date

PERMIT No. 1  
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DENTISTRY**

