

24.31.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY

00. LEGAL AUTHORITY.

This Chapter is adopted under the legal authority of Chapter 9, Title 54, Idaho Code. (7-1-24)

01. SCOPE.

The rules constitute the minimum requirements for licensure and regulation of dentists, dental hygienists, and dental therapists. (7-1-24)

02. INCORPORATION BY REFERENCE.

Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the following documents available on the Board's website: (7-1-24)

- 01. Professional Standards. (7-1-24)
 - a. AAOMS, Office Anesthesia Evaluation Manual, 8th Edition, 2012. (7-1-24)
 - b. CDC, Guidelines for Infection Control in Dental Health-Care Settings, 2003. (7-1-24)
 - c. ADA, Principles of Ethics, Code of Professional Conduct and Advisory Opinions, January 2009. (7-1-24)
 - d. ADHA Hygienists' Association, Standards for Clinical Dental Hygiene Practice, 2016. (7-1-24)

03. ABBREVIATIONS.

- 01. ADA. American Dental Association. (7-1-24)
- 02. ADHA. American Dental Hygienists Association. (7-1-24)
- 03. AAOMS. American Association of Oral and Maxillofacial Surgeons. (7-1-24)
- 04. BLS. Basic Life Support. (7-1-24)
- 05. CDC. Centers for Disease Control and Prevention. (7-1-24)
- 06. CODA. Commission on Dental Accreditation. (7-1-24)
- 07. INBDE. Integrated National Board Dental Examination. (7-1-24)
- 08. NBDHE. National Board Dental Hygiene Examination. (7-1-24)

04. -- 099. (RESERVED)

100. LICENSURE

01. Requirements For Licensure. (7-1-24)

a. Applicants for licensure must furnish proof of graduation from a program in dentistry, dental hygiene, or dental therapy accredited by CODA at the time of applicant's graduation. (7-1-24)

b. Applicants for initial licensure will provide proof of current BLS certification. Practicing licensees must maintain current BLS certification. (7-1-24)

02. Examinations For Licensure. (7-1-24)

a. Written Examination. Applicants for dentistry and dental hygiene are required to pass the INBDE or NBDHE. Dental therapists must successfully complete a board-approved written examination. (7-1-24)

b. Clinical Examination. Applicants for general dentistry, dental hygiene or dental therapy are required to pass a Board-approved clinical examination upon such subjects as specified by the Board. Applicants for dental hygiene and dental therapy must pass a board-approved clinical local anesthesia examination. Clinical examination results will be valid for licensure by examination for a period of (5) five years from the date of

successful completion of the examination. (7-1-24)

03. Dental Hygienists – License Endorsements. The Board may grant license endorsements to qualified dental hygienists as follows: (7-1-24)

a. Restorative Endorsement. Notwithstanding any other provision of these rules, a qualified dental hygienist holding a restorative endorsement may perform specified restorative functions under the direct supervision of a dentist. Permissible restorative functions under this endorsement are limited to the placement of a direct 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 a 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: (7-1-24)

i. The person has successfully completed a clinical restorative examination approved by the Board; and (7-1-24)

ii. The person has not been disciplined by the Board or another licensing authority. (7-1-24)

b. Renewal. A person meeting all other requirements for renewal of a license to practice dental hygiene is also entitled to renewal of a license endorsement for the effective period of the license. An endorsement immediately expires and is cancelled at such time as a person no longer holds an unrestricted active status dental hygienist's license issued by the Board. (7-1-24)

04. Licensure Of Dental Specialists. (7-1-24)

a. Requirements for Specialty Licensure. Each applicant for specialty licensure must have graduated from a CODA accredited dental school and successfully completed a CODA accredited postdoctoral advanced dental education program of at least two full-time academic years. (7-1-24)

b. Examination. Examination requirements for applicants who have met the requirements for licensure as a specialist: (7-1-24)

i. Passed a general licensure examination acceptable to the Board or, (7-1-24)

ii. If passed a general licensure examination not acceptable to the Board, passed a specialty examination or, (7-1-24)

iii. Be certified by the American Board of that particular specialty as of the date of application for specialty licensure. (7-1-24)

05. Moderate Sedation, General Anesthesia And Deep Sedation. Dentists licensed in the state of Idaho may administer moderate sedation, general anesthesia, or deep sedation once they have obtained a permit from the Board. A dentist may 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. A moderate enteral sedation permit authorizes dentists to administer sedation by either enteral or combination inhalation-enteral routes of administration. A moderate parenteral, general anesthesia, or deep sedation permit authorizes a dentist to administer sedation by any route of administration. 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, general anesthesia, or deep sedation and providing the equipment, drugs and protocol for patient rescue. (7-1-24)

a. Training Requirements. For Moderate Sedation Permits, completion of training in the administration of moderate sedation to a level consistent with requirements established by the Board within the five (5) year period immediately prior to the date of application. For General Anesthesia and Deep Sedation Permits, completion of an advanced education program accredited by CODA that affords comprehensive training necessary to administer and manage deep sedation or general anesthesia within the five (5) year period immediately preceding the date of application. The five (5) year requirement is not 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. Qualifying training courses must be sponsored by or affiliated with a dental school accredited by CODA, or be approved by the Board. (7-1-24)

b. Permit Renewal. Before the expiration date of a permit, the board will provide notice of renewal to the licensee. Failure to timely submit a renewal application and permit fee shall result in expiration of the permit and termination of the licensee's right to administer sedation. Failure to submit a complete renewal application and permit fee within thirty (30) days of expiration of the permit shall result in cancellation of the permit. Renewal of the permit will be required every five (5) years. Proof of a minimum of twenty-five (25) continuing education credit hours in sedation which may include training in medical/office emergencies will be required to renew a permit. (7-1-24)

c. Reinstatement. A dentist may apply for reinstatement of a canceled or surrendered permit issued by the Board within five (5) years of the date of the permit's cancellation or surrender. Applicants for reinstatement of a sedation permit must satisfy the facility and personnel requirements and verify they have obtained an average of five (5) continuing education credit hours in sedation for each year subsequent to the date upon which the permit was canceled or surrendered. A fee for reinstatement will be assessed. (7-1-24)

06. Continuing Education Requirements. A licensee renewing an active status license shall report 30 oral health/health-related continuing education hour credits to the Board of verifiable CE or volunteer practice. (7-1-24)

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Dental Hygienists – Practice. Dental hygienists are authorized under the supervision of a licensed dentist to perform dental hygiene services for which they are educated and trained unless prohibited by these rules. (7-1-24)

02. Dental Hygienists – Prohibited Practice. (7-1-24)

a. Diagnosis and Treatment. Definitive diagnosis and dental treatment planning. (7-1-24)

b. Operative Preparation. The operative preparation of teeth for the placement of restorative materials. (7-1-24)

c. Intraoral Placement or Carving. The intraoral placement or carving of restorative materials unless authorized by issuance of a restorative endorsement. (7-1-24)

d. Anesthesia. Administration of any general anesthesia or moderate sedation. (7-1-24)

e. Final Placement. Final placement of any fixed or removable appliances. (7-1-24)

f. Final Removal. Final removal of any fixed appliance. (7-1-24)

g. Cutting Procedures. Cutting procedures utilized in the preparation of the coronal or root portion of the tooth, or cutting procedures involving the supportive structures of the tooth. (7-1-24)

h. Root Canal. Placement of the final root canal filling. (7-1-24)

i. Occlusal Equilibration Procedures. Occlusal equilibration procedures for any prosthetic restoration, whether fixed or removable. (7-1-24)

j. Other Final Placement. Final placement of prefabricated or cast restorations or crowns. (7-1-24)

03. Dental Assistants – Practice. Dental assistants are authorized to perform dental services for which they are trained unless prohibited by these rules. Dental assistants must be directly supervised by a dentist when

performing intraoral procedures except when providing palliative care as directed by the supervising dentist. (7-1-24)

- a.** Prohibited Duties. A dental assistant is prohibited from performing the following duties: (7-1-24)
 - i.** The intraoral placement or carving of permanent restorative materials. (7-1-24)
 - ii.** Any irreversible procedure. (7-1-24)
 - iii.** The administration of any sedation or local injectable anesthetic. (7-1-24)
 - iv.** Removal of calculus. (7-1-24)
 - v.** Use of an air polisher. (7-1-24)
 - vi.** Any intra-oral procedure using a high-speed handpiece, except for the removal of orthodontic cement or resin. (7-1-24)
 - vii.** Any dental hygiene prohibited duty. (7-1-24)

04. Dental Therapists – Practice. Dental therapists are authorized to perform activities specified by the supervising dentist who practices in the same practice setting in conformity with a written collaborative practice agreement at the supervision levels set forth in the agreement. (7-1-24)

05. Dental Therapists – Prohibited Practice. (7-1-24)

a. Sedation. Administration of minimal, moderate or deep sedation or general anesthesia except as otherwise allowed by these rules; (7-1-24)

b. Cutting Procedures. Cutting procedures involving the supportive structures of the tooth including both the soft and hard tissues. (7-1-24)

c. Periodontal Therapy. Periodontal scaling and root planing, including the removal of subgingival calculus. (7-1-24)

d. All Extractions with Exception. All extractions except: (7-1-24)

i. Under direct supervision. (7-1-24)

ii. Non-surgical extractions. (7-1-24)

e. Under general supervision or as specified in Subsection 200.04. (7-1-24)

i. Removal of periodontally diseased teeth with class III mobility. (7-1-24)

ii. Removal of coronal remnants of deciduous teeth. (7-1-24)

f. Root Canal Therapy. (7-1-24)

g. All Fixed and Removable Prosthodontics (except stainless steel crowns). (7-1-24)

h. Orthodontics. (7-1-24)

06. Limitation of Practice. No dentist may announce or otherwise hold himself out to the public as a specialist unless he has been issued a specialty license. Any individual granted a specialty license must limit his practice to the specialty(s) in which he is licensed. (7-1-24)

07. Specialty Advertising. The specialty advertising rules are intended to allow the public to be

informed about dental specialties and to require appropriate disclosures to avoid misperceptions on the part of the public. An advertisement may not state that a licensee is a specialist unless the licensee has been granted a license in that specialty area of dental practice by the Board. A licensee who has not been granted a specialty license by the Board 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". A licensee may 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. (7-1-24)

08. Patient Records. A record must be maintained for each person receiving dental services, regardless of whether any fee is charged. Records must be in the form of an acronym such as "PARQ" (Procedure, Alternatives, Risks and Questions) or "SOAP" (Subjective Objective Assessment Plan) or their equivalent. Patient records must be maintained for no less than seven (7) years from the date of last entry unless: the patient requests the records be transferred to another dentist who will maintain the records, the dentist gives the records to the patient, or the dentist transfers the dentist's practice to another dentist who will maintain the records. (7-1-24)

09. Infection Control. Licensees and dental assistants must comply with current CDC infection control guidelines related to personal protective equipment, instrument sterilization, sterilizing device testing, disinfection of non-critical and clinical contact surfaces, and contaminated waste disposal. Heat sterilizing devices must be tested each calendar week in which patients are treated. Testing results must be retained by the licensee for the current calendar year and the two preceding calendar years. (7-1-24)

10. Emergency Medications Or Drugs. The following emergency medications or drugs are required in all sites where anesthetic agents of any kind are administered: anti-anaphylactic agent, antihistaminic, aspirin, bronchodilator, coronary artery vasodilator, and glucose. (7-1-24)

11. Local Anesthesia. 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. (7-1-24)

12. Nitrous Oxide/Oxygen. Persons licensed to practice and dental assistants trained in accordance with these rules may administer nitrous oxide/oxygen to patients. Dental offices where nitrous oxide/oxygen is administered to patients must have the following: a fail-safe nitrous oxide delivery system that is maintained in working order; a scavenging system; and a positive-pressure oxygen delivery system suitable for the patient being treated. (7-1-24)

13. Minimal Sedation. Persons licensed to practice dentistry may administer minimal sedation to patients of sixteen (16) years of age or older. When the intent is minimal sedation, the appropriate dosing of a single enteral drug is no more than the maximum FDA-recommended dose for unmonitored home use. 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. (7-1-24)

14. Use of Other Anesthesia Personnel. A dentist who does not hold a sedation permit may perform dental procedures in a dental office on a patient who receives sedation induced by an anesthesiologist, a certified registered nurse anesthetist, or another dentist with a sedation permit. The qualified sedation provider who induces sedation will monitor the patient's condition until the patient is discharged. The sedation record must be maintained in the patient's dental record and is the responsibility of the dentist who is performing the dental procedures. A dentist who intends to use the services of a qualified sedation provider must notify the Board in writing of his intent. Such notification need only be submitted once every licensing period. (7-1-24)

15. Incident Reporting. Dentists must 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. (7-1-24)

201. -- 299. (RESERVED)

300. DISCIPLINE.

01. Suspension, Revocation Or Restriction Of Sedation Permit. The Board may, at any time and for just cause, institute proceedings to revoke, suspend, or otherwise restrict a sedation permit. 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. (7-1-24)

02. Unprofessional Conduct. A licensee shall not engage in unprofessional conduct in the course of their practice. Unprofessional conduct by a person licensed under the provisions of Title 54, Chapter 9, Idaho Code, is defined as, but not limited to, any of the following: (7-1-24)

a. Fraud. Obtaining fees by fraud or misrepresentation, or over-treatment either directly or through an insurance carrier. (7-1-24)

b. Unlicensed Practice. Employing directly or indirectly any suspended or unlicensed individual as defined in Title 54, Chapter 9, Idaho Code. (7-1-24)

c. Unlawful Practice. Aiding or abetting licensed persons to practice unlawfully. (7-1-24)

d. Dividing Fees. A dentist shall not divide a fee for dental services with another party, who is not a partner or associate in their practice of dentistry, unless: (7-1-24)

i. The patient consents to employment of the other party after a full disclosure that a division of fees will be made; (7-1-24)

ii. The division is made in proportion to the services performed and responsibility assumed by each dentist or party. (7-1-24)

e. Prescription Drugs. Prescribing or administering prescription drugs not reasonably necessary for, or within the scope of, providing dental services for a patient. A dentist may not prescribe or administer prescription drugs 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 prescription drugs. (7-1-24)

f. 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. (7-1-24)

g. Discipline in Other States. Conduct themselves in such manner as results in a suspension, revocation, or other disciplinary proceedings with respect to their license in another state. (7-1-24)

h. Altering Records. Alter a patient's record with intent to deceive. (7-1-24)

i. 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 CDC guidelines as incorporated by reference in these rules. (7-1-24)

j. 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. (7-1-24)

k. Use of Intoxicants. Practicing while under the influence of an intoxicant or controlled substance where the same impairs the licensee's ability to practice with reasonable and ordinary care. (7-1-24)

l. Mental or Physical Condition. The inability to practice with reasonable skill and safety to patients by reason of age, illness, or as a result of any mental or physical condition. (7-1-24)

m. 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. (7-1-24)

n. 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. (7-1-24)

o. 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. (7-1-24)

p. Unauthorized Treatment. Performing professional services that have not been authorized by the patient or his legal representative. (7-1-24)

q. Supervision. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed professional. (7-1-24)

r. 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, dental hygiene, or dental therapy. (7-1-24)

s. 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. (7-1-24)

t. Misrepresentation. Willful misrepresentation of the benefits or effectiveness of dental services. (7-1-24)

u. Disclosure. Failure to advise patients or their representatives in understandable terms of the treatment to be rendered, alternatives, the name and professional designation of the provider rendering treatment, and disclosure of reasonably anticipated fees relative to the treatment proposed. (7-1-24)

v. Sexual Misconduct. Making suggestive, sexual or improper advances toward any person or committing any lewd or lascivious act upon or with any person in the course of dental practice. (7-1-24)

w. Patient Management. Use of unreasonable and/or damaging force to manage patients, including but not limited to hitting, slapping or physical restraints. (7-1-24)

x. Compliance Professional Standards. Failure to comply with professional standards applicable to the practice of dentistry, dental hygiene, or dental therapy as incorporated by reference in this chapter. (7-1-24)

y. Failure to Provide Records to a Patient or Patient's Legal Guardian. Refusal or failure to provide a patient or patient's legal guardian with records within five (5) business days. 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. (7-1-24)

z. 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. (7-1-24)

aa. Advertising. Advertise in a way that is false, deceptive, misleading or not readily subject to verification. (7-1-24)

301. – 399. (RESERVED)

400. FEES.

01. Application and License Fees. Fees are as follows:

License/Permit Type	Application Fee	License/Permit Fee
Dentist/Dental Specialist	<u>Not more than</u> \$300	Active Status: Not more than \$375 Inactive Status: \$160
Dental Hygienist	<u>Not more than</u> \$150	Active Status: Not more than \$175 Inactive Status: \$85
Dental Therapist	<u>Not more than</u> \$200	Active Status: Not more than \$250 Inactive Status: \$125
Sedation Permit	<u>Not more than</u> \$300	\$300

(7-1-24)

401. -- 999. (RESERVED)