

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 31

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1
2 RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-924, IDAHO CODE,
3 TO PROVIDE FOR PROFESSIONAL LIMITED LIABILITY COMPANIES IN DENTAL
4 PRACTICE NAMING STANDARDS AND TO CLARIFY DENTAL PRACTICE OWNERSHIP
5 STANDARDS.

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

7 SECTION 1. That Section 54-924, Idaho Code, be, and the same is hereby
8 amended to read as follows:

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

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

22 (2) Practice dentistry under any name other than his own true name ex-
23 cept as ~~authorized by the provisions of the~~ a professional service corpora-
24 tion ~~act or professional limited liability company organized in accordance~~
25 with chapter 6, title 30, Idaho Code; or

26 (3) Practice or in any manner or by any means or at any place hold out
27 or represent himself as practicing dentistry in or under the name of, or as
28 a member, representative, agent or employee of, or in connection with, any
29 company, association, or corporation, or under any trade, fictitious or
30 business name except as ~~authorized by the provisions of the~~ a professional
31 service corporation ~~act or professional limited liability company organized~~
32 in accordance with chapter 6, title 30, Idaho Code; or

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

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

38 (c) Claim superiority over other dentists; or

39 (d) Publish, advertise, or circulate reports, letters, certificates,
40 endorsements, or evidence of cures or corrections of dental conditions
41 by such dentist, his employee or associate by reason of his or their
42 skill, experience, or ability or of his or their use of any system,

1 method, technique, device, drug, medicine, material, manipulation or
2 machine; or

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

6 (5) Employ any person to obtain patronage, or call or seek to call,
7 the attention of the public to him, his office, his skill, or his practice,
8 by public exhibition, use, reproduction, or representation of specimens
9 or samples, of dental work, or by demonstrations in public. This shall not
10 apply to teaching in dental or dental hygiene schools, or demonstrations or
11 exhibitions before meetings of other dentists or dental hygienists; or

12 (6) Use intoxicants or drugs to such a degree as to render him unfit to
13 practice; or

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

19 (8) Engage in unprofessional, unethical or immoral conduct, as defined
20 by board rules; or

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

23 (10) Employ or permit any person not a dentist to practice dentistry, or
24 any person not a dentist or dental hygienist to practice dental hygiene, in
25 his office or under his control or direction; or

26 (11) Fail, neglect or refuse to keep his office or equipment, or oth-
27 erwise conduct his work in accordance with current state and federal laws,
28 rules and regulations; or

29 (12) Violate any other provisions of law or rules adopted by the board;
30 or

31 (13) Falsely identify himself to the public as a specialist in a spe-
32 cialty area of dentistry as defined by rule; or

33 (14) Engage in the practice of dentistry as a member, stockholder, em-
34 ployee, director, partner or proprietor of any business entity in which a
35 person not duly licensed to practice dentistry in this state holds an owner-
36 ship interest.