

# Idaho Board of Dentistry

## Board/Commission Members:

- Richard Howell, Pocatello - Chair
- Carla R. Wolfrum, Sandpoint
- Jacqueline Mabrey, Coeur d'Alene
- Lisa H. Penny, Nampa – Lay Member
- Pamela W. Miller, Nampa – Lay Member

**Board/Commission Composition:** Three (3) nominees by Association of Idaho Denturists or any individual residing in Idaho, two (2) lay persons nominated by the director of the Idaho Department of Health and Welfare or by any individual residing in Idaho; each have a three (3) year term. Idaho Code [§ 54-3307](#).

**Operating costs per licensee: \$458.27.** This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of registrants and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal, inspection and investigative services.

**Total number** of licensees in Idaho on May 19, 2018: **26**

The Idaho Board of Dentistry issued **three (3) licenses** within the timeframe of this report. All licenses (**100 percent**) were issued on the **same day** the applications were completed.

**Note:** All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [I.C. § 74-204](#).

**A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal**

|           |                              | <b>Statute</b><br><a href="#">Title 54,</a><br><a href="#">Chapter 33</a> | <b>Rule</b><br><a href="#">IDAPA</a><br><a href="#">24.16.01</a> | <i>*Policy</i> | <b>Application</b>          | <b>Basis to Deny</b><br><b>Issuance or</b><br><b>Renewal</b>     | <b>Fees</b>  |
|-----------|------------------------------|---|--|----------------|-----------------------------|--|--|
| Denturist | Issuance for Initial License | <a href="#">§ 54-3310</a>   | <a href="#">IDAPA</a><br><a href="#">24.16.01.200</a>            | *              | <a href="#">Application</a> | I.C. <a href="#">§ 54-3310</a><br>I.C. <a href="#">§ 54-3314</a> | <a href="#">\$300 License Fee</a><br><a href="#">\$300 Exam Fee</a>                |
|           | Renewal Requirements         | <a href="#">§ 54-3316</a>   | <a href="#">IDAPA</a><br><a href="#">24.16.01.350</a>            | *              | <a href="#">Application</a> | I.C. <a href="#">§ 54-3314</a><br>I.C. <a href="#">§ 67-2614</a> | <a href="#">\$750 Renewal Fee</a>  |
| Intern    | Issuance for Initial License | <a href="#">§ 54-3310</a>   | <a href="#">IDAPA</a><br><a href="#">24.16.01.300</a>            | *              | <a href="#">Application</a> | I.C. <a href="#">§ 54-3310</a><br>I.C. <a href="#">§ 54-3314</a> | <a href="#">\$300</a><br><a href="#">Application/Permit</a><br><a href="#">Fee</a> |
|           | Renewal Requirements         | N/A   | N/A  | *              |                             |  | N/A  |

*\*All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

**B. Applications and Renewals Denied, May 19, 2017-May 19, 2018**

Refusal to Issue Initial License [Total Number: 0]

|  | <b>Statutory Basis</b> | <b>Summary of Factual Basis</b> |
|--|------------------------|---------------------------------|
|  | None                   |                                 |

Refusal to Renew License [Total Number: 0]

|  | <b>Statutory Basis</b> | <b>Summary of Factual Basis</b> |
|--|------------------------|---------------------------------|
|  | None                   |                                 |

**C. Disciplinary Actions in the Last Five (5) Years**

The Idaho Board of Denturitry received **11 complaints** from Fiscal Year 2013 through May 19, 2018. All **11 complaints were closed** by the Board with no disciplinary action.

| <b>Case No.</b> | <b>Date of Final Action</b> | <b>Action Taken</b> | <b>Statutory Basis</b> | <b>Summary of Factual Basis</b> |
|-----------------|-----------------------------|---------------------|------------------------|---------------------------------|
| None            |                             |                     |                        |                                 |

**D. Changes or Attempted Changes in the Last Five (5) Years to Eliminate Barriers to Entry**

Law and Rule

| Session | Legislation or Rule                     | Summary  |
|---------|---|--|
| 2017    | <a href="#">Docket No. 24-1601-1601</a> | <p>Allows flexibility on meeting dates; provides clarity on examination times and processes; in response to a written comment from a licensee, lowers the requirements for internship supervisors from having actively practiced in the profession the past five (5) years to actively practicing for three (3) of the past five (5) years.</p> <p>Prior to these changes, the rule was very restrictive. These changes eliminate the requirement that the exam be given in June and January, and adds that it be given no less than twice a year. It also removes the requirement that applications be submitted at least 90 days prior to the next scheduled exam and now lets the Board accept them seven days prior to the next scheduled Board meeting.</p> <p><b>Impact:</b> These changes allow the Board greater flexibility in meeting times and exam schedules, thus lessening restrictions on applicants' ability to take the exam when they are ready.</p> |

Additional Barriers Eliminated/Opportunities Provided

| Date | Barriers/Opportunities  | Summary   |
|------|---|---|
| 2017 | Implemented Idaho Code for military service and added it to the Board's website | <p><a href="#">I.C. § 67-2620</a> For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. <b>The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration.</b> Boards may also expedite applications, including military spouse applications.</p> <p><a href="#">I.C. § 67-2602A</a> Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it <b>for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</b></p>   |
| 2015 | <a href="#">I.C. § 67-2614</a>  | <p>Sets the reinstatement fee to \$35 and eliminates the requirement that, in addition to the reinstatement fee, the licensee has to include payment of the license fees for all of the years the license has been expired. It also clarified the continuing education required to reinstate.</p> <p><b>Impact:</b> Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduced barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminated the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency when reviewing applications.</p> |

Additional Barriers Eliminated/Opportunities Provided (continued)

| Date | Barriers/Opportunities                                      | Summary   |
|------|---|---|
| 2010 | <a href="#">House Bill 538</a>                              | This bill removes members of the Idaho Board of Dentistry from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I.C. <a href="#">§ 59-509</a> . |
| 2008 | Application Review Policy                                   | It is the policy of the Board that once a completed application for internship or licensure is received, staff contacts the Board Chair to schedule a meeting in order for the application to be reviewed by the Board.             |
| 2000 | <a href="#">IDAPA 24.16.01.300.02.b</a><br>Military Service | The Board's rules allow military experience in meeting its internship requirement.  |

### **E. Assessment of Public Interest**

Dentistry is the practice of providing prosthetic dental appliances and services directly to the public by persons other than dentists to reduce cost and improve access to care. Licensure for this profession in Idaho was established in 1982 not only to ensure the protection of the public, but also to establish denturists' right to practice independently without dentist supervision. Idaho is only one of five (5) states (Idaho, Washington, Oregon, Maine and Montana) that allow denturists to practice independently.

When the Idaho Legislature passed this Act, it included the following statutory intent (I.C. [§ 54-3301](#)): “This statute is enacted to promote competence and excellence in the providing of prosthetic dental appliances and services related thereto to the public at reasonable costs.” The Act also includes the following language (I.C. [§ 54-3318](#)): “Notwithstanding any provisions of any policy of insurance covering dental health, whenever such policy provides for reimbursement for any service which is within the lawful scope of practice of a denturist, the insured under such policy shall be entitled to reimbursement for such service, whether the service is performed by a licensed dentist or a licensed denturist.” These provisions allow more access to care at reasonable costs.

Dentistry means the making, fitting, constructing, altering, reproducing or repairing of removable full upper and lower dentures, the repairing of removable upper and lower partial prosthetics, and related services such as taking impressions and advising patients. It requires knowledge of head and oral anatomy, oral pathology, physiology, clinical and dental laboratory technology, microbiology, clinical jurisprudence, asepsis (infection control procedures) and first aid. The consequences of poorly or incorrectly made dentures or partials include pain, discomfort and damage to oral tissues and supporting bone structures, which can affect nutrition and health, speech, appearance, social interaction and employability. In addition, provision of services by unqualified persons puts the public at risk for infection and disease transmission. Licensure in Idaho is designed to protect the health, safety, and welfare of the public by ensuring that dentistry services are provided by people who the Board has determined meet minimum qualifications to perform dentistry and do not represent a danger to the people of Idaho.

**F. Recommendations for Improvement, Modification, or Elimination of Requirements**

1. The Idaho Legislature enacted the Freedom of Choice of Dentures Act in 1982, establishing denturists as licensed members of the dental health profession and allowing them to practice independently. This is only an option for denturists in five states, including Oregon, where an online denturist education program was established in 2011 is working toward accreditation. If accredited, this program may allow additional options to Idaho applicants:
  - Online testing.
  - Distance learning.
  - Endorsement.The Board recommends monitoring the program closely, and will evaluate its laws and rules regarding implementing additional options as they become available.
2. The Board recommends updating [IDAPA 24.16.02.450](#), which deals with sanitation, recordkeeping and false advertising.
3. The Board recommends modernizing Idaho Code [§ 54-3310](#), [§ 54-3311](#) and [§ 54-3314](#), which deal with application for license, examinations, and suspension or revocation of a license.
4. The Board recommends adding a continuing education waiver for extenuating circumstances. It also recommends exploring options to add continuing education provisions to allow for carryover and online courses.
5. The Board will review the internship rule as it relates to temporary/provisional permits.
6. The Board will continue to monitor its cash balance. When the financial reserve is sufficient to cover annual operating expenses, the Board will consider a fee decrease.

### Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Board of Dentistry respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
  - ✓ Protect the public. (*I.C. [§ 54-3301](#)*)
  - ✓ Portability of licensure. (*Only 5 states allow independent practice, reviewing options for endorsement*)
  - ✓ Eliminate barriers to entry to work. (*[Title 54, Chapter 33](#) exists to allow denturists to practice independently*)
  - ✓ Do away with unnecessary regulation. (*[Title 54, Chapter 33](#) exists to allow denturists to practice independently*)
  - ✓ Modernize licensure and regulatory requirements. (*See Section F*)
  
- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
  - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*Not applicable. Licensees must be in the room with clients*)
  - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*See Section F*)
  - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. [§ 54-3314](#) allows the Board to determine if the conviction bears relevance to the practice of dentistry*)
  - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*The exam can be offered around the state; see Section F*)
  - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*See Section F*)
  - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*See Section F*)