

SENATE BILL NO. 90

INTRODUCED BY JERGESON, MAZUREK, WEEDING, FRANKLIN,
HAGER, WATERMAN, KOEHNKE, BURNETT, B. BROWN, BENGTSON,
VAUGHN, PINSONEAULT, J. BROWN, CONNELLY, J. RICE,
SPRING, REAM, MEASURE, MENAHAN, GILBERT, DRISCOLL,
SCOTT, MCCULLOCH, HARPER, CODY, HANSEN, L. NELSON,
GRADY, STEPPLER, HARRINGTON, COCCHIARELLA, GERVAIS

IN THE SENATE

JANUARY 15, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

JANUARY 24, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 25, 1991 PRINTING REPORT.

SECOND READING, DO PASS AS AMENDED.

JANUARY 26, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 40; NOES, 6.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 26, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

JANUARY 31, 1991 ON MOTION, REREFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

FEBRUARY 12, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

FEBRUARY 16, 1991 SECOND READING, CONCURRED IN.

FEBRUARY 18, 1991 THIRD READING, CONCURRED IN.
AYES, 92; NOES, 7.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 5, 1991

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 6, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *90* *E. Frenkel*
 2 INTRODUCED BY *Bergeson* *Maryuh* *J. Brown* *Connelly*
 3 *Johnson* *McClure* *Stevens* *Waters*
 4 *Johnson* *McClure* *Stevens* *Waters*
 5 DENTAL HYGIENE SCHOOLS; CHANGING THE LICENSURE REQUIREMENTS
 6 FOR OUT-OF-STATE DENTAL HYGIENISTS AND ALLOWING DENTAL
 7 HYGIENISTS TO PERFORM MORE TASKS UNDER THE GENERAL AS
 8 OPPOSED TO THE DIRECT SUPERVISION OF A DENTIST; RECOGNIZING
 9 ACCREDITED DENTAL HYGIENE SCHOOLS; AND AMENDING SECTIONS
 10 37-4-302, 37-4-401, 37-4-404, 37-4-405, AND 37-4-408, MCA."

STATEMENT OF INTENT

13 The intent of the amendments to 37-4-404(2) is to permit
14 the board of dentistry to establish, within the parameters
15 set by statute, the number of practice hours required for
16 licensure of dental hygienists by credentials.

17 The intent of the amendments to 37-4-405(1) is to ensure
18 that it is up to the discretion of the supervising dentist
19 and not the board to determine if a dental hygienist is to
20 perform the duties referred to in that section under general
21 or direct supervision.

23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 **Section 1.** Section 37-4-302, MCA, is amended to read:

25 "37-4-302. Recognition of dental schools and dental

1 hygiene schools. In determining what shall---constitute
 2 constitutes a recognized dental college or school and/or a
 3 recognized school of dental hygiene, the board shall be
 4 guided by the standards, canons, and practices required for
 5 such recognition by the council on dental education--of--the
 6 American---dental---association commission on dental
 7 accreditation. In determining what constitutes a recognized
 8 dental hygiene school, the board shall recognize only those
 9 dental hygiene schools accredited by the authorized body as
 10 designated by the United States department of education or
 11 the council on post-secondary accreditation, or both."

12 **Section 2.** Section 37-4-401, MCA, is amended to read:

13 "37-4-401. Practice of dental hygiene. The practice of
 14 dental hygiene is services, performed by a licensed
 15 preventive oral health practitioner known as a dental
 16 hygienist, that are educational, therapeutic, prophylactic,
 17 or preventive procedures in nature, as the board in writing
 18 defines and authorizes. These services include and the board
 19 shall authorize the administration of local anesthetic
 20 agents by a licensed dental hygienist certified by the board
 21 to administer the agents under the direct general
 22 supervision and authorization of a licensed dentist.
 23 However, this section does not allow the board or a licensed
 24 dentist to delegate any of the following duties:

- 25 (1) diagnosis, treatment planning, and prescription;

1 (2) surgical procedures on hard and soft tissues other
2 than root planing and subgingival curettage;

3 (3) restorative, prosthetic, orthodontic, and other
4 procedures which require the knowledge and skill of a
5 dentist;

6 (4) prescription for drugs or medications or work
7 authorizations."

8 **Section 3.** Section 37-4-404, MCA, is amended to read:

9 "37-4-404. Admission of dental hygienists from other
10 states ----reciprocity. (1) On the payment of a fee
11 prescribed by the board and--after--satisfactory--practical
12 examination---demonstrating---his---proficiency, a dental
13 hygienist may be granted a license to practice dental
14 hygiene in this state without--being-required-to-take-an
15 examination-in-theory if he:

16 (a)(1) has been lawfully licensed to practice in
17 another state or territory which has and maintains a
18 standard for the practice of dental hygiene which, in the
19 opinion of the board, is equal to that at the time
20 maintained in this state;

21 (b)(2) has been lawfully and continuously engaged in
22 the practice of dental hygiene for a period of 1-year-or
23 more at least 500 hours during the 1-year period immediately
24 before filing his application to practice in this state; and

25 (c)(3) deposits in person with the department an

1 attested certificate from the examining board of the state
2 or territory in which he is registered or licensed,
3 certifying to the fact of his registration and license and
4 of his being a person of good moral character and of
5 professional attainments; and

6 (4) deposits in person with the department evidence of
7 graduation from a school of dental hygiene accredited by the
8 authorized accrediting body as recognized by the United
9 States department of education and the council on
10 post-secondary accreditation.

11 (2)--No license may be issued to the applicant without
12 an examination in theory unless the state or territory from
13 which the certificate has been granted extends a like
14 privilege to engage in the practice of dental hygiene to
15 dental hygienists licensed by this state who have moved to
16 the other state;

17 (3)--The board may enter into reciprocity agreements
18 with other states or territories, the standards of which as
19 to the practice of dental hygiene are, in the opinion of the
20 board, equal to those of this state."

21 **Section 4.** Section 37-4-405, MCA, is amended to read:

22 "37-4-405. Dental hygienist to practice under
23 supervision of licensed dentist. (1) A licensed dental
24 hygienist with the permission of the supervising dentist,
25 may practice in the office of a licensed and actively

1 practicing dentist, in a public or private institution,
 2 under a board of health, or in a public clinic authorized by
 3 the board, ~~but may not practice except~~ under the direct
 4 personal general supervision of a licensed dentist; however,
 5 the dental hygienist may give instruction in oral hygiene
 6 without the supervision of a licensed dentist in a public or
 7 private institution or hospital or extended care facility or
 8 under a board of health or in a public clinic authorized ~~by~~
 9 ~~the board.~~

10 (2) ~~The board may, in lieu of the direct supervision~~
 11 ~~requirement set forth in subsection (1), permit a licensed~~
 12 ~~dental hygienist to provide clinical dental hygiene services~~
 13 ~~to a public or private institution, a hospital or extended~~
 14 ~~care facility, or a school or public health program after a~~
 15 ~~review of a request for such service and a description of~~
 16 ~~the type of supervision necessary is made by the board. For~~
 17 ~~the purposes of this section, "supervision" is defined as~~
 18 ~~follows:~~

19 (a) "direct supervision" means ~~the supervision of those~~
 20 ~~tasks and procedures that do not require the dentist in the~~
 21 ~~room where performed but require his presence on the~~
 22 ~~premises and availability for prompt consultation and~~
 23 ~~treatment; and treatment by a dental auxiliary provided with~~
 24 ~~the intent and knowledge of the dentist. The treatment must~~
 25 ~~be performed while the dentist is on the premises.~~

1 (b) "general supervision" means ~~those tasks and~~
 2 ~~procedures that do not require the presence of a dentist on~~
 3 ~~the premises but shall remain under the dentist's directive~~
 4 ~~order, control, responsibility, and evaluation treatment by~~
 5 ~~a licensed dental hygienist provided with the intent and~~
 6 ~~knowledge of the dentist. The supervising dentist need not~~
 7 ~~be on the premises.~~

8 ~~(3) Notwithstanding any other provisions of this~~
 9 ~~section, a dental hygienist may continue performing tasks~~
 10 ~~and procedures requiring direct supervision if:~~

11 (a) ~~the supervising dentist required to be on the~~
 12 ~~premises has been called out of the office briefly for an~~
 13 ~~emergency; and~~

14 (b) ~~both the hygienist and the patient consent."~~

15 **Section 5.** Section 37-4-408, MCA, is amended to read:

16 "37-4-408. Auxiliary personnel -- employment, duties,
 17 and limitations. A dental auxiliary is a person other than a
 18 licensed dental hygienist employed by a licensed dentist.
 19 The board may, within the limitations of this chapter, adopt
 20 rules which that define the qualifications and outline the
 21 tasks of any unlicensed auxiliary personnel to be employed
 22 by any a licensed dentist in his office, except that nothing
 23 herein shall in this section may be construed to allow the
 24 board by rule to provide for delegation by a licensed
 25 dentist to any such auxiliary personnel any of the duties

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1 prohibited to dental hygienists under 37-4-401 or a
2 prophylaxis. The performance of intraoral tasks by all
3 dental auxiliaries, as permitted by board rules, ~~shall~~ must
4 be under the direct supervision of the licensed dentist
5 employing such the personnel."

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
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A BILL FOR AN ACT ENTITLED: "AN ACT RECOGNIZING DENTAL AND
DENTAL HYGIENE SCHOOLS; CHANGING THE LICENSURE REQUIREMENTS
FOR OUT-OF-STATE DENTAL HYGIENISTS AND ALLOWING DENTAL
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the board of dentistry to establish, within the parameters
set by statute, the number of practice hours required for
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that it is up to the discretion of the supervising dentist
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such recognition by the council on dental education--of--the
American---dental---association commission on dental
accreditation. In determining what constitutes a recognized
dental hygiene school, the board shall recognize only those
dental hygiene schools accredited by the authorized body as
designated by the United States department of education or
the council on post-secondary accreditation, or both."

Section 2. Section 37-4-401, MCA, is amended to read:

"37-4-401. Practice of dental hygiene. The practice of
dental hygiene is services, performed by a licensed
preventive oral health practitioner known as a dental
hygienist, that are educational, therapeutic, prophylactic,
or preventive procedures in nature, as the board in writing
defines and authorizes--These services include, AND THAT MAY
BE PERFORMED UNDER GENERAL SUPERVISION OF A LICENSED
DENTIST. THE PRACTICE OF DENTAL HYGIENE ALSO INCLUDES and



1 the board shall authorize the administration of local
 2 anesthetic agents by a licensed dental hygienist certified
 3 by the board to administer the agents ONLY under the ~~direct~~
 4 ~~general~~ DIRECT supervision and authorization of a licensed
 5 dentist. However, this section does not allow the board or a
 6 licensed dentist to delegate any of the following duties:

- 7 (1) diagnosis, treatment planning, and prescription;
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 9 than root planing and subgingival curettage;
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 11 procedures which require the knowledge and skill of a
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16 "37-4-404. Admission of dental hygienists from other
 17 states ~~----reciprocity.~~ (1) On the payment of a fee
 18 prescribed by the board ~~and-after-satisfactory-practical~~
 19 ~~examination--demonstrating--his---proficiency,~~ a dental
 20 hygienist may be granted a license to practice dental
 21 hygiene in this state ~~without--being--required--to--take--an~~
 22 ~~examination-in-theory~~ if he:

23 (a)(1) has been lawfully licensed to practice in
 24 another state or territory which has and maintains a
 25 standard for the practice of dental hygiene which, in the

1 opinion of the board, is equal to that at the time
 2 maintained in this state;

3 (b)(2) has been lawfully and continuously engaged in
 4 the practice of dental hygiene for a period of ~~1--year--or~~
 5 ~~more~~ at least 500 hours during the 1-year period immediately
 6 before filing his application to practice in this state; and

7 (c)(3) deposits in person with the department an
 8 attested certificate from the examining board of the state
 9 or territory in which he is registered or licensed,
 10 certifying to the fact of his registration and license and
 11 of his being a person of good moral character and of
 12 professional attainments; and

13 (4) deposits in person with the department evidence of
 14 graduation from a school of dental hygiene accredited by the
 15 authorized accrediting body as recognized by the United
 16 States department of education and the council on
 17 post-secondary accreditation.

18 (2) ~~--No--license--may--be--issued--to--the--applicant--without~~
 19 ~~an-examination-in-theory-unless-the-state-or-territory--from~~
 20 ~~which--the--certificate--has--been--granted--extends--a--like~~
 21 ~~privilege-to-engage-in-the-practice--of--dental--hygiene--to~~
 22 ~~dental--hygienists--licensed-by-this-state-who-have-moved-to~~
 23 ~~the-other-state;~~

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11 ~~personal~~ general supervision of a licensed dentist; however,
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14 private institution or hospital or extended care facility or
15 under a board of health or in a public clinic ~~authorized by~~
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24 and limitations. A dental auxiliary is a person other than a
25 licensed dental hygienist employed by a licensed dentist.

1 The board may, within the limitations of this chapter, adopt
2 rules ~~which~~ that define the qualifications and outline the
3 tasks of any unlicensed auxiliary personnel to be employed
4 by ~~any~~ a licensed dentist in his office, except that nothing
5 ~~herein-shall~~ in this section may be construed to allow the
6 board by rule to provide for delegation by a licensed
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THIRD READING

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AS AMENDED

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 2 anesthetic agents by a licensed dental hygienist certified
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17 (2) The-board-may,-in-lieu-of--the--direct--supervision
18 requirement--set--forth-in-subsection-(1),-permit-a-licensed
19 dental-hygienist-to-provide-clinical-dental-hygiene-services
20 to-a-public-or-private-institution,-a-hospital--or--extended
21 care--facility,-or-a-school-or-public-health-program-after-a
22 review-of-a-request-for-such-service-and--a--description--of
23 the--type-of-supervision-necessary-is-made-by-the-board. For
24 the purposes of this section, "supervision" is defined as
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2 tasks--and-procedures-that-do-not-require-the-dentist-in-the
3 room--where--performed--but--require--his--presence--on--the
4 premises--and--availability--for--prompt--consultation--and
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10 the-premises-but-shall-remain-under-the-dentist's--directive
11 order,-control,-responsibility,-and-evaluation treatment by
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2 The board may, within the limitations of this chapter, adopt
3 rules which that define the qualifications and outline the
4 tasks of any unlicensed auxiliary personnel to be employed
5 by any a licensed dentist in his office, except that nothing
6 ~~herein-shall~~ in this section may be construed to allow the
7 board by rule to provide for delegation by a licensed
8 dentist to any such auxiliary personnel any of the duties
9 prohibited to dental hygienists under 37-4-401 or a
10 prophylaxis. The performance of intraoral tasks by all
11 dental auxiliaries, as permitted by board rules, ~~shall~~ must
12 be under the direct supervision of the licensed dentist
13 employing such the personnel."

-End-

HOUSE STANDING COMMITTEE REPORT

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9. Page 7, line 14.
Following: line 13
Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 1991."

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 90 (third reading copy -- blue) be concurred in as amended.

Signed: 
Angela Russell, Chairman

CARRIED BY: REP. LEE

And, that such amendments read:

1. Title, line 14.
Strike: "AND"
2. Title, line 15.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
3. Page 1, line 23.
Following: "that"
Insert: ", except for the administration of local anesthesia,"
4. Page 1, line 25.
Strike: "that section"
Insert: "Title 37, chapter 4,"
5. Page 2, line 14.
Strike: "authorized body"
Insert: "commission on dental accreditation or its successor"
6. Page 4, line 15.
Strike: "authorized accrediting body"
Insert: "Commission on dental accreditation or its successor"
7. Page 6, line 5.
Following: "auxiliary"
Insert: "or licensed dental hygienist"
8. Page 6, line 11.
Following: "treatment"
Insert: ", except the administration of local anesthesia,"

SB 90
HOUSE

SENATE BILL NO. 90

INTRODUCED BY JERGESON, MAZUREK, WEEDING, FRANKLIN, HAGER, WATERMAN, KOEHNKE, BURNETT, B. BROWN, BENGTON, VAUGHN, PINSONEAULT, J. BROWN, CONNELLY, J. RICE, SPRING, REAM, MEASURE, MENAHAN, GILBERT, DRISCOLL, SCOTT, MCCULLOCH, HARPER, CODY, HANSEN, L. NELSON, GRADY, STEPLER, HARRINGTON, COCCHIARELLA, GERVAIS

A BILL FOR AN ACT ENTITLED: "AN ACT RECOGNIZING DENTAL AND DENTAL HYGIENE SCHOOLS; CHANGING THE LICENSURE REQUIREMENTS FOR OUT-OF-STATE DENTAL HYGIENISTS AND ALLOWING DENTAL HYGIENISTS TO PERFORM MORE TASKS UNDER THE GENERAL AS OPPOSED TO THE DIRECT SUPERVISION OF A DENTIST; RECOGNIZING ACCREDITED DENTAL HYGIENE SCHOOLS; AND AMENDING SECTIONS 37-4-302, 37-4-401, 37-4-404, 37-4-405, AND 37-4-408, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

The intent of the amendments to 37-4-404(2) is to permit the board of dentistry to establish, within the parameters set by statute, the number of practice hours required for licensure of dental hygienists by credentials.

The intent of the amendments to 37-4-405(1) is to ensure that, EXCEPT FOR THE ADMINISTRATION OF LOCAL ANESTHESIA, it is up to the discretion of the supervising dentist and not

the board to determine if a dental hygienist is to perform the duties referred to in that-section TITLE 37, CHAPTER 4, under general or direct supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-4-302, MCA, is amended to read:

"37-4-302. Recognition of dental schools and dental hygiene schools. In determining what shall--constitute constitutes a recognized dental college or school--and/or--a recognized--school--of--dental--hygiene, the board shall be guided by the standards, canons, and practices required for such recognition by the council--on--dental--education--of--the American---dental---association commission on dental accreditation. In determining what constitutes a recognized dental hygiene school, the board shall recognize only those dental hygiene schools accredited by the authorized-body COMMISSION ON DENTAL ACCREDITATION OR ITS SUCCESSOR as designated by the United States department of education or the council on post-secondary accreditation, or both."

Section 2. Section 37-4-401, MCA, is amended to read:

"37-4-401. Practice of dental hygiene. The practice of dental hygiene is services, performed by a licensed preventive oral health practitioner known as a dental hygienist, that are educational, therapeutic, prophylactic, or preventive procedures in nature, as the board in writing

REFERENCE BILL



1 defines and authorizes, ~~These services include,~~ AND THAT MAY
 2 BE PERFORMED UNDER GENERAL SUPERVISION OF A LICENSED
 3 DENTIST. THE PRACTICE OF DENTAL HYGIENE ALSO INCLUDES and
 4 the board shall authorize the administration of local
 5 anesthetic agents by a licensed dental hygienist certified
 6 by the board to administer the agents ONLY under the ~~direct~~
 7 general DIRECT supervision and authorization of a licensed
 8 dentist. However, this section does not allow the board or a
 9 licensed dentist to delegate any of the following duties:

- 10 (1) diagnosis, treatment planning, and prescription;
 11 (2) surgical procedures on hard and soft tissues other
 12 than root planing and subgingival curettage;
 13 (3) restorative, prosthetic, orthodontic, and other
 14 procedures which require the knowledge and skill of a
 15 dentist;
 16 (4) prescription for drugs or medications or work
 17 authorizations."

18 **Section 3.** Section 37-4-404, MCA, is amended to read:

19 "37-4-404. Admission of dental hygienists from other
 20 states ~~reciprocity.~~ (1) On the payment of a fee
 21 prescribed by the board ~~and after satisfactory practical~~
 22 ~~examination demonstrating his proficiency,~~ a dental
 23 hygienist may be granted a license to practice dental
 24 hygiene in this state ~~without being required to take an~~
 25 ~~examination in theory~~ if he:

1 (1) has been lawfully licensed to practice in
 2 another state or territory which has and maintains a
 3 standard for the practice of dental hygiene which, in the
 4 opinion of the board, is equal to that at the time
 5 maintained in this state;

6 (2) has been lawfully and continuously engaged in
 7 the practice of dental hygiene for a period of ~~1 year or~~
 8 more at least 500 hours during the 1-year period immediately
 9 before filing his application to practice in this state; and

10 (3) deposits in person with the department an
 11 attested certificate from the examining board of the state
 12 or territory in which he is registered or licensed,
 13 certifying to the fact of his registration and license and
 14 of his being a person of good moral character and of
 15 professional attainments; and

16 (4) deposits in person with the department evidence of
 17 graduation from a school of dental hygiene accredited by the
 18 authorized accrediting body COMMISSION ON DENTAL
 19 ACCREDITATION OR ITS SUCCESSOR as recognized by the United
 20 States department of education and the council on
 21 post-secondary accreditation.

22 (2) ~~No license may be issued to the applicant without~~
 23 ~~an examination in theory unless the state or territory from~~
 24 ~~which the certificate has been granted extends a like~~
 25 ~~privilege to engage in the practice of dental hygiene to~~

1 dental hygienists licensed by this state who have moved to
2 the other state.

3 (3) The board may enter into reciprocity agreements
4 with other states or territories, the standards of which as
5 to the practice of dental hygiene are, in the opinion of the
6 board, equal to those of this state."

7 **Section 4.** Section 37-4-405, MCA, is amended to read:

8 "37-4-405. Dental hygienist to practice under
9 supervision of licensed dentist. (1) A licensed dental
10 hygienist, with the permission of the supervising dentist,
11 may practice in the office of a licensed and actively
12 practicing dentist, in a public or private institution,
13 under a board of health, or in a public clinic authorized by
14 the board, but may not practice except under the direct
15 personal general supervision of a licensed dentist; however,
16 the dental hygienist may give instruction in oral hygiene
17 without the supervision of a licensed dentist in a public or
18 private institution or hospital or extended care facility or
19 under a board of health or in a public clinic authorized by
20 the board.

21 (2) The board may, in lieu of the direct supervision
22 requirement set forth in subsection (1), permit a licensed
23 dental hygienist to provide clinical dental hygiene services
24 to a public or private institution, a hospital or extended
25 care facility, or a school or public health program after a

1 review of a request for such service and a description of
2 the type of supervision necessary is made by the board. For
3 the purposes of this section, "supervision" is defined as
4 follows:

5 (a) "direct supervision" means the supervision of those
6 tasks and procedures that do not require the dentist in the
7 room where performed but require his presence on the
8 premises and availability for prompt consultation and
9 treatment, and treatment by a dental auxiliary OR LICENSED
10 DENTAL HYGIENIST provided with the intent and knowledge of
11 the dentist. The treatment must be performed while the
12 dentist is on the premises.

13 (b) "general supervision" means those tasks and
14 procedures that do not require the presence of a dentist on
15 the premises but shall remain under the dentist's directive
16 order, control, responsibility, and evaluation treatment,
17 EXCEPT THE ADMINISTRATION OF LOCAL ANESTHESIA, by a licensed
18 dental hygienist provided with the intent and knowledge of
19 the dentist LICENSED AND RESIDING IN THE STATE OF MONTANA.
20 The supervising dentist need not be on the premises.

21 (3) Notwithstanding any other provisions of this
22 section, a dental hygienist may continue performing tasks
23 and procedures requiring direct supervision if:

24 (a) the supervising dentist required to be on the
25 premises has been called out of the office briefly for an

1 emergency; and

2 ~~{b}--both-the-hygienist-and-the-patient-consent--~~"

3 **Section 5.** Section 37-4-408, MCA, is amended to read:

4 "37-4-408. Auxiliary personnel -- employment, duties,
5 and limitations. A dental auxiliary is a person other than a
6 licensed dental hygienist employed by a licensed dentist.
7 The board may, within the limitations of this chapter, adopt
8 rules ~~which~~ that define the qualifications and outline the
9 tasks of any unlicensed auxiliary personnel to be employed
10 by any a licensed dentist in his office, except that nothing
11 ~~herein--shall~~ in this section may be construed to allow the
12 board by rule to provide for delegation by a licensed
13 dentist to any such auxiliary personnel any of the duties
14 prohibited to dental hygienists under 37-4-401 or a
15 prophylaxis. The performance of intraoral tasks by all
16 dental auxiliaries, as permitted by board rules, ~~shall~~ must
17 be under the direct supervision of the licensed dentist
18 employing such the personnel."

19 NEW SECTION. SECTION 6. EFFECTIVE DATE. {THIS ACT} IS
20 EFFECTIVE JULY 1, 1991.

-End-