

STATE ADMINISTRATION
FEBRUARY 16, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on Monday, February 16, 1981, with Chairman Jerry Feda presiding. All members were absent except Representatives Azzara and Kanduch who were absent.

Chairman Feda opened the meeting to a hearing on HB 717.

HOUSE BILL 717-SPONSOR, Representative Winslow, introduced this bill at the request of the Department of Professional and Occupational Licensing. This bill revises the laws relating to the licensing of dentists and dental hygienists. It eliminates the emergency fund used by the Board of Dentists to administer, police, and enforce the licensing law, permits the Board to send more than one delegate to the National Association meetings and increases the compensation for attending these meetings, grants rulemaking authority to the Board, and revises the procedures for licensing, disciplinary actions and examinations. Another provision in the bill prohibits a municipality or other political subdivision from imposing a license fee or tax on dental hygienists. (UPDATED AMENDMENTS ATTACHED-EXHIBIT 1)

PROPOSERS

ROBERT FRITZ, DDS, Montana State Board of Dentistry, stated that as an individual board member, he supports the amendments submitted by the executive committee of the Montana Dental Association. (SEE EXHIBIT 1). He stated, the Board has been considering rule changes in the areas mentioned in this amendment for some time. The proposed changes have been very emotional and divisive to the members of the Board. The Board has been noticeably split on some of these issues and I can see where the majority opinion of the Board could change at least two times a year with the appointment of a new Board member each April and with the changing of officers each July. Such inconsistency, he stated, cannot benefit the public which we serve as Montana's Board of Dentistry. I believe this amendment would eliminate this problem by letting the legislative process decide these issues when they should come up. Mr. Fritz submitted a statement of intent on Section 3. A copy is attached and is EXHIBIT 2 of the minutes.

DOUGLAS WOOD, representing himself, as a member of the Montana Board of Dentistry, stated that he supports the bill but opposes the amendment made by the Montana Dental Association. He stated that his opposition to the amendment is because of the following reasons:

HB 717 (cont.)

#1- Item (2) would stop existing duties for hygienists such as root planing and curettage and possibly even scaling. #2- It is better, in order to meet changing conditions, for the Board of Dentistry to define by rule and public hearings the delegation of duties for dental hygienists and assistants than to define these areas by legislation. #3- The Board of Dentistry represents the people of Montana and should make these decisions and the Montana Dental Association should not dictate to the Board via legislation.

DAVID B. TAWNEY, DDS, representing himself, stated that he supports the bill but opposes the amendments. He said that the Board members had no part in formulating the amendments and no prior notice that there would be amendments until Friday, February 13, 1981. He said that he opposes the following sections of the amendment: Section 2: states dentists may not delegate surgical procedures including suture placement and cutting or removing hard or soft tissue. If strictly interpreted, this would prevent hygienists from doing prophylaxis. Section 3: if enforced, would prevent polishing fillings. Section 4: forbids administration of local anesthetics or inducing nitrous oxide. Mr. Tawney said that he is involved with the local anesthetic issue because he made the motion last May, 1980 to allow properly trained, qualified, adequately supervised hygienists to give local anesthetics. Eleven states now allow this function and to our knowledge there have been no problems.

WILLIAM R. TIDDY, DDS, representing himself, stated that he supports the bill but is concerned about the wording of Section 4; 37-4-301, lines 17 and 18 and Section 8; 37-4-402, (e) & (f). Section 4, he stated, implies a very arbitrary situation the Board of Dental Examiners would have to deal with and could be contested as an unequal testing provision. Parenthesis (e) & (f) of Section 4 37-4-301 and (e) & (f) of Section 8, 37-4-402 could be considered invasion of rights. The changes can be handled with rule and regulation changes by public hearing, therefore an amendment is not necessary. Several proposals are too restrictive for efficient professional direction and management of a professional auxiliary. Specifically opposed are the sections regarding surgical procedures of hard and soft tissue, and local anesthesia and inhalation sedation. If a licensed hygienist is trained to administer local anesthesia and/or inhalation sedation, the doctor is ultimately the responsible person to or not to authorize that procedure.

HB 717 (cont.)

ROGER TIPPY, Helena lawyer and lobbyist for Montana Dental Assoc., submitted written testimony in support of HB 717. Also attached to his testimony is a proposed amendment submitted by the association. A copy is EXHIBIT 3 of the minutes.

GARY MIHELISH, Montana Dental Assoc., stated that he was in support of the bill but opposed to the amendment.

OPPONENTS

MARY LOU ABBOTT, Vice-President, Montana Dental Hygienists' Assoc., read a prepared statement in opposition to HB 717. A copy of her statement is attached and is EXHIBIT 4 of the minutes.

JUDY HARBRECHT, MDHA, presented prepared testimony to the committee in opposition to HB 717. A copy of her testimony is attached and is EXHIBIT 5 of the minutes.

JIM QUINN, representing himself, stated that he is opposed to the amendments for two reasons. First, the quality of dental care has increased over the years because we can delegate authority to assistants and hygienists. Second, this amendment would prohibit them from doing what they are trained to do.

QUESTIONS BY THE COMMITTEE:

Spilker: Isn't there a bill in the Senate that would reestablish the Board, that deals with many of these same things?

Siecat: SB 391 does this but HB 717 is more detailed.

Following discussion, Representative Winslow closed the hearing on HB 717. He said that most of the opposition was on the amendment and he hoped the committee would not just consider the amendment but would consider the concept of the whole bill. He said that he would try to work out some amendments that might work better.

HOUSE BILL 722-SPONSOR, Representative Vincent, introduced this bill which permits money contributed by the taxpayer to the public campaign fund to be distributed on a percentage basis to candidates for Governor, Lieutenant Governor, Supreme Court Justice, Attorney General, Secretary of State,

HB 722 (cont.)

Superintendent of Public Instruction, State Auditor, Public Service Commissioner, District Court Justice, and State Legislator. If one of these candidates accepts money from the fund, he is limited to the type and amount of expenditure made with public funds. Representative Vincent passed out two exhibits, one showing amounts of the individual funds and the percentage each would receive, EXHIBIT 6, and the second a summary of Senate and House expenditures, EXHIBIT 7. These are attached to the minutes.

PROPOSERS

SENATOR DOROTHY ECK, stated that she has been working on the bill with Representative Vincent and others because throughout the campaign several people have talked to her concerning the large amounts of money that are being spent on campaigns, and have asked if there isn't any way to put a stop to it. This last election, she stated, there was much more money spent on the Governor's race than in the past. This bill is needed to maintain a higher degree of credibility to an elected office. She said that it was the original intent that a person could run for office and spend almost nothing but this is not true anymore. She said that it is very difficult for a new candidate to raise money, whereas someone who has been in office for several years has established contributions. This gives them an advantage and can sometimes win an election. She said that 17 out of 19 Senators that won their elections spent more money than their opponents. In the House it was more like 65% of the winners spent more money.

ALAN OSTBY, representing Common Cause, concurred with the other proponents.

OPPOSERS

There were no opponents present to testify on HB 722.

QUESTIONS BY THE COMMITTEE:

Winslow: Don't you think these limits may lead to the ultimate defeat of some people?

Vincent: This is a voluntary system.

Spilker: There really isn't much incentive for a candidate to go with this system.

Vincent: I realize that the figures will probably have to be adjusted and they would be adjusted in the future also. I am mainly concerned with the concept of the bill now.

McBride: Are the figures on the handout based on funds for both the primary and the general elections?

Eck: It is my understanding that it is both, I'm not sure.

McBride: Then someone could have all their campaign work done out of their primary funds.

Vincent: I do not think any of this money should be available for spending in the primary. It should be financed separately.

Representative Vincent closed the hearing on HB 722.

HOUSE BILL 693-SPONSOR, Representative Fedra, introduced this bill to the committee. This bill permits Fire Department Relief Associations of pure volunteer fire departments to invest most of their funds independent of the Board of Investments by allowing these associations to be managed under the same provisions as associations in third-class cities and towns. Representative Fedra said that Glasgow, his district, has a second- and third-class fire district that is made up of all volunteers. Their system is in good shape and they wish to invest their own money the same as other third-class towns.

DAVE FISHER, Montana Fire Chief Assoc., arose and stated support of this bill

ART KORN, Montana State Volunteer Firemens' Assoc., stated support of HB 693.

OPPONENTS

There were no opponents to House Bill 693.

QUESTIONS BY THE COMMITTEE:

Kropp: Does this involve any additional funds?

Fedra: No

Following brief discussion and questions, Representative Fedra closed the hearing on House Bill 693.

HOUSE BILL 685-SPONSOR, Representative Lory, introduced this bill to the committee at the request of the Department of Professional and Occupational Licensing. This bill reestablishes for six additional years the Board of Sanitarians that is scheduled to terminate July 1, 1981.

HB 685 (cont.)

It further requires that one member of the Board be from the public, revises the minimum standards for an applicant for a license, increases the licensing fees for sanitarians, provides for biennial renewal of a license in odd-numbered years, and outlines procedures for the Board to investigate charges filed against a licensee.

PROPONENTS

JAMES M. PETERSON, Board of Sanitarians, stated that he supports this bill as the continued activity by the Board is necessary to provide qualified persons at the "grass-roots" level of public health protection. He also said that he would propose an amendment that would require biannual registration instead of annual registration.

JOHN BARTLETT, Deputy Director, Department of Health, said that the department depends on the sanitarians at the local level for many reasons.

PETER M. FRAZIER, R.S., submitted written testimony to the committee. A copy is attached and is EXHIBIT 8 of the minutes. He also submitted a packet of letters supporting the need for the Board of Sanitarians. An inventory list of these letters is attached and is EXHIBIT 9 of the minutes. The original letters will be attached to the original set of minutes only and will be part of EXHIBIT 9.

ROGER ANDERSON, President of Montana Restaurant Assoc. and owner of Robbies Restaurant in Great Falls, stated that the Board was formed to protect, promote and improve public health conditions. He said he is concerned about the lack of professionalism that would result from the non-registration of Sanitarians.

RON ANDERSEN, Director of Sanitation and Safety for Buttrey Food Stores in Great Falls, MT., submitted written testimony to the committee. A copy of his testimony is attached and is EXHIBIT 10 of the minutes.

ROBERT K. STEVENSON, R.S., submitted written testimony to the secretary to be entered as part of the minutes. A copy of his testimony is attached and is EXHIBIT 11 of the minutes.

OPPONENTS

There were no opponents present to testify on HB 685.

HB 685 (cont.)

QUESTIONS BY THE COMMITTEE:

Spilker: Sanitarians are employed by the local government offices, what makes you think they would not hire qualified people?

Bartlett: This type of situation has happened in the past, they hire friends or relatives etc.

Spilker: They are held accountable by the local voters.

Bartlett: Yes, that is one reason the Board was created. The Department of Health and the Sanatarians in the past have not always agreed on the functions of the Board. The language has been changed and we have resolved our differences, this is why we can support the Board now.

McBride: The Department of Health seems to have all the control except for the licensing. Why can't they do that also.

Bartlett: With some changes in the laws this could happen but I am a great believer in the "peer system".

McBride: If about 90% of the sanitarians are/or could be exempt from licensing, what is the use of the Board?

Bartlett: I do not think they are all exempt. 92% are employed by state and local agencies but they are not all exempt.

Siecat: They do not have to be licensed unless the department requests that they are.

O'Connell: The Board is more knowledgeable than the local offices on these matters, is this not correct.

Anderson: Yes, the Board is composed of Sanitarians.

Representative Lory closed the hearing on HB 685.

HOUSE BILL 684-SPONSOR, Representative Lory, introduced this bill to the committee. Currently the Department of Business Regulation supervises, regulates, and licenses new motor vehicle dealers, manufacturers, importers, and distributors who operate businesses in Montana. This bill transfers this authority to the Division of Motor Vehicles with the Department of Justice and instructs the Code Commissioner to make the necessary reference changes in the statutes. Representative Lory said there is no opposition from either department.

HB 684 (cont.)

PROPONENTS

There were none present.

OPPONENTS

There were none present.

QUESTIONS BY THE COMMITTEE:

NONE

Representative Lory closed the hearing on House Bill 684.

HOUSE BILL 694-SPONSOR, Representative Fedas, introduced this bill to the committee. This bill prevents a person residing in a television district from registering a motor vehicle until he pays the required tax for the television service unless he signs an affidavit stating that he does not use a television or FM radio within the district. Representative Fedas said that they have a great problem collecting this fee in his area and this is an attempt to do something to make people pay. He also submitted an amendment to the bill. A copy is attached and is EXHIBIT 12 of the minutes.

PROPONENTS

There were none present.

OPPONENTS

There were none present.

QUESTIONS BY THE COMMITTEE:

Kropp: I understand your problem, we have the same problem in our area, but I do not think there is any way you can enforce this.

Holliday: If you do not utilize the translator but live in the district would you still have to pay.

Fedas: The bill would exempt you if you have a direct hook-up.

Mueller: How will the county know who has paid the fee if some pay with their property tax and others do not.

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HB 694 (cont.)

Feda: The county assessor will have a check list.

Representative Feda closed the hearing on HB 694.

EXECUTIVE SESSION

Representatives Azzara and Kanduch were absent.

HOUSE BILL 694

DO PASS AS AMENDED

Representative O'Connell moved the amendments. A vote was taken and carried unanimously.

Representative O'Connell made a DO PASS AS AMENDED motion.

Representative Spilker said that it would not be right to tell people they cannot license their vehicle until they pay their television bill.

A vote was taken on the motion and carried with 14 YES, 3 NO and 2 absent. Representatives Sales, Smith and Spilker voted no.

HOUSE BILL 693

DO PASS

Representative Mueller moved a DO PASS. Following discussion a vote was taken and carried with 15 YES, 2 NO and 2 absent. Representatives Spilker and McBride voted no.

HOUSE BILL 685

DO PASS

Representative Kropp moved a DO NOT PASS. Discussion on the motion followed. A roll call vote was taken and failed with 8 YES and 9 NO. A motion was made to reverse the vote. House Bill 685 DO PASS 9 YES and 8 NO.

HOUSE BILL 684

DO PASS

Representative Sales moved a DO PASS. Brief discussion followed. A vote was taken and carried unanimously with those present.

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EXECUTIVE SESSION (cont.)

HOUSE BILL 683

DO PASS AS AMENDED

The committee discussed the proposed amendments of the sponsor. A copy is attached and is EXHIBIT 13 of the minutes

Representative Spilker moved the amendments. A vote was taken and carried unanimously.

Representative Spilker made a DO PASS AS AMENDED motion. A vote was taken and carried unanimously.

HOUSE BILL 565 -reconsidered

NO ACTION TAKEN

The committee decided to wait until Representative Roth could be present to explain the proposed amendments.

HOUSE BILL 722

DO NOT PASS

Representative Kropp made a motion that HB 722 DO NOT PASS. He said that this voluntary legislation would accomplish nothing and would be very hard to enforce. Following discussion a vote was taken and carried with 15 YES, 1 NO and 3 absent. Representative Dussault voted NO. Representative McBride was excused.

A motion was made to adjourn at 11:30 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

Section 3 provides for the Board of Dentistry to have rule making authority to adopt, amend, or repeal rules necessary for the implementation, continuation, and enforcement of Title 37, Chapter 4.

The intent of this rule making authority granted^{ed} to the Board of Dentistry is to allow the Board to make rules necessary and required to carry out all the sections of the dentistry law. At the present time the board is restricted by Chapter 4 to those sections where the Legislature has specifically given them authority to make rules for examination procedures in 37-4-301 (3), licensure fees in 37-4-402 (2), auxiliary personnel in 37-4-408 and unprofessional conduct in 37-4-321.

The Administrative Procedures Act in 2-4-201 does give rule making authority to a Board like the Board of Dentistry which has quasi-legislative functions to carry out, this new section will allow the board to have a general rule making section which is applicable to all sections of Chapter 4.

Section 37-4-401 is amended to read as follows:

" * * *

However, this section does not allow the board or a licensed dentist to delegate any of the following duties:

(1) diagnosis, treatment planning, and prescription for drugs, medications, or work authorizations;

(2) surgical procedures, including suture placement and cutting or removing on hard and or soft tissues;

(3) restorative, prosthetic, orthodontic, and other procedures which require the knowledge and skill of a dentist; placement, adjustment or intraoral carving of restorations; impressions for permanent fixed or removable prosthesis or tooth restoration; final jaw registrations; activating orthodontic appliances; or adjusting fixed or removable prosthesis;

(4) prescription for drugs, medications, or work authorizations administration of local anesthesia, or induction of nitrous oxide analgesia."

STATE ADMINISTRATION

STATEMENT OF INTENT - HOUSE BILL 717
By Robert W. Fritz DDS
Montana State Board of Dentistry

A STATEMENT OF INTENT IS REQUIRED BECAUSE SECTION 3 DELEGATES TO THE BOARD OF DENTISTRY POWER TO MAKE RULES FOR THE IMPLEMENTATION, CONTINUATION, AND ENFORCEMENT OF ALL SECTIONS WITHIN THE CHAPTER WHERE LAWS FOR THE LICENSING AND REGULATION OF THE DENTAL PROFESSIONS ARE CODIFIED. THIS PROVISION IS INTENDED AS A BACKUP TO THE VARIOUS PROVISIONS GIVING THE BOARD RULEMAKING AUTHORITY OVER PORTIONS OF THE CHAPTER, SUCH AS ARE FOUND IN 37-4-301 (EXAMINATION CRITERIA DENTAL LICENSE), 37-4-307 (DENTIST LICENSE FEES), 37-4-402 (EXAMINATION CRITERIA FOR DENTAL HYGIENIST LICENSE), 37-4-406 (HYGIENIST LICENSE FEES), 37-4-408 (SCOPE OF DUTIES OF DENTAL ASSISTANTS), 37-4-321 (DEFINING UNPROFESSIONAL CONDUCT). SECTION 3 WOULD PROVIDE THE BOARD WITH AUTHORITY TO INTERPRET OR IMPLEMENT SUCH OTHER PARTS OF THE CHAPTER AS MAY NOT BE COVERED BY THESE EXISTING DELEGATIONS. THE BOARD SHALL BE BOUND BY STATEMENTS OF INTENT ADOPTED IN 1979 FOR THESE OTHER SECTIONS, AND MAY NOT USE SECTION 3 FOR RULEMAKING AUTHORITY WHEN A MORE SPECIFIC DELEGATION SECTION WOULD SUFFICE.

BEFORE THE STATE ADMINISTRATION COMMITTEE
MONTANA HOUSE OF REPRESENTATIVES
February 16, 1981

House Bill 717

) TESTIMONY OF MONTANA
) DENTAL ASSOCIATION IN
) SUPPORT OF AMENDMENT

Mr. Chairman and committee members, I am Roger Tippy, a Helena lawyer and lobbyist registered for the Montana Dental Association. Attached to my testimony is an amendment to House Bill 717 which the Association respectfully requests the committee to adopt.

The problem with existing law is that it uses rather vague and general language in section 37-4-401 to tell the Board of Dentistry which functions and procedures it may or may not authorize a dental hygienist to perform. This leaves the Board members constantly wrestling with loosely defined terms. The Montana Supreme Court has several times in recent years said that this legislature must, when delegating discretionary power to a state board or department, include some fairly clear guidelines in the bill as to how that discretion should be used. A law without sufficient guidelines will be held unconstitutional.

A vague and generally worded professional licensing law is a potential breeding ground for lawsuits and controversies. The cure is to tighten down the language in the statute so that the board doesn't have to exercise so much discretion. The Arizona dental law was once vague and general and a source of employment for the legal profession. Eventually, the Arizona legislature spelled out more specifically what dentists could and could not delegate to hygienists, and the wrangling at board meetings stopped. The Arizona law is the source of the language proposed in our amendment.

TESTIMONY GIVEN BEFORE THE HOUSE COMMITTEE ON STATE ADMINISTRATION

ON HB 717 ON FEBRUARY 16, 1981

Comments concerning legislation to amend Section 37-4-408 regarding the Board of Dentistry's role in delineating the employment, duties, and limitations of duties of auxiliary personnel.

The Board of Dentistry is charged with the protection of the public not only in regard to licensed dentists and hygienists but Section 37-4-408 empowers them to regulate unlicensed dental auxiliaries in regard to tasks they may perform on a patient even under the supervision of a dentist.

The majority of unlicensed dental auxiliaries in Montana have had no formal training to learn dental procedures that are performed upon the patient. The day of the unlicensed dental auxiliary who just greets patients and assists the dentist has been superseded by the unlicensed dental auxiliary who is permitted to perform a variety of services directly to the patient.

Presently the Board of Dentistry is mandated, meaning they SHALL, "adopt rules which define the qualifications and outline the tasks of unlicensed dental auxiliary personnel." By changing "shall" to "may", the Board may or may not choose to adopt rules regarding unlicensed dental auxiliaries. The Board of Dentistry has a responsibility to the citizens of Montana to regulate what duties unlicensed auxiliary personnel shall be allowed to perform. To change the word "shall" to "will", weakens that responsibility to protect the public.

The Montana Dental Hygienists' Association opposes the amendment that would change "shall" to "will" in Section 37-4-408.

Mary Lou Abbott

Vice-President, Montana Dental Hygienists' Assoc.



Montana Dental Hygienist's Association

February 16, 1981

TESTIMONY BEFORE THE HOUSE COMMITTEE OF STATE ADMINISTRATION

RE: MDA Proposed Amendment Change to Section 37-4-401 of
The Dental Practice Act

MDHA is opposed to the amendment to Section 37-4-401 of the Dental Practice Act as proposed by the Executive Committee of MDA.

The intent of the dental practice act has remained basically the same over the years. The law establishes minimum qualifications for dentists and dental hygienists to practice in Montana and requires they follow certain practice guidelines. The Board of Dentistry, through its policies and activities, by rule establishes standards for and promotes the safe and qualified practice of dentistry. The proposed change is inconsistent within the framework in which we have operated. The question of what constitutes sufficient training, education, and skill for performance of certain functions is a professional decision. The Board of Dentistry, with its professional majority, should make these decisions affecting dentistry and its auxiliary occupations.

To their credit, the dental profession created the dental hygiene profession to meet dentistrys' and the publics need for a dental prevention specialist. A rigorous dental hygiene curricula was developed to meet the dentists' and publics need in the practice setting. The dental profession promoted dental hygiene licensure to establish professional and uniformity in the performance of dental hygienists.

By virtue of graduation from an accredited dental hygiene program, sucessful completion of a National Board Examination, licensure and a defined scope of practice, the dental hygienist is responsible for the patients oral health care as it relates to the practice of dental hygiene.

The amendment as proposed by MDA is unnecessarily restrictive in granting hygienists authority to perform certain functions relevant to the delivery of preventative dental health services to the public.

In subsection (2) of the proposed amendment, the inclusion of the phrase "including suture placement and cutting or REMOVING HARD OR SOFT TISSUE", could be interpreted to affect the ability of the dental hygienist to perform root planing and soft tissue curetage.

Judy Harbuck, RDA

Judy Harbuck

Statistics show that a vast majority of the public have some form of periodontal or gum disease. Research continues to demonstrate the importance of establishing a clean, smooth planed root surface in order to create an environment for optimal periodontal health. Root planing and soft tissue curettage are vitally important to accomplish our primary preventative function.....oral prophylaxis, cleaning the patients teeth in order to prevent periodontal disease and the loss of teeth. Both functions, root planing and soft tissue curettage, are allowable functions for the dental hygienist in the rules and regulations.

In subsection (3) of the proposed amendment, the terminology "placement, ADJUSTMENT or intraoral carving of restorations" would eliminate the ability of dental hygienists to polish existing silver fillings and trim or remove existing overhanging fillings. These have been widely used and accepted procedures for the dental hygienist to perform.

The objective of polishing an existing filling is to create a smooth surface, thereby increasing the life expectancy of the filling. The presence of excessive filling material on an existing filling can create destruction of normally healthy tissues, making the function of overhang removal necessary for the welfare of the consumer.

In response to the addition of subsection (4), the Board of Dentistry recently addressed the issue of anesthesia and analgesia as an allowable function for the dental hygienist. They researched the subject and heard testimony from several individuals. They explored the topic and exercised their professional judgement as they are mandated by the law to do. The administration of local anesthesia, or induction of nitrous oxide analgesia are presently functions NOT allowed to dental hygienists as dictated in the rules and regulations. This amendment would prevent future research and testimony and prevent the Board of Dentistry from exploring this area of practice which is a concern of dental hygienists, dentists and consumers. These functions, if left in the rules and regulations will allow for the professional discretion of the Board of DEntistry.

In summation, MDHA opposes the amendment as proposed because it alters the basic intent of the Dental Practice Act. The law should establish minimum criteria for dentists and dental hygienists to practice in Montana and the Board of Dentistry should establish the standards for the safe and qualified delivery of dental services. The changes as proposed, would also virtually render the dental hygienist incapable of delivering vital preventative services to the public.

Candidate	% of Fund*	Per Year	No. of Years	Total	No. of Candidates	Amt. Per Candidate	Limitation	% of Allowed Expenditure
Governor/Lt. Governor	20%	40,000	4	160,000	2	80,000	300,000	26%
<u>State Officers</u>								
Att. General	3%	6,000	4	24,000	2	12,000	48,000	25%
Sec. of State	3%	6,000	4	24,000	2	12,000	48,000	25%
Auditor	3%	6,000	4	24,000	2	12,000	48,000	25%
Supt. of Pub. Instruction	3%	6,000	4	24,000	2	12,000	48,000	25%
Supreme Court	12%	24,000	2	48,000	4	12,000	30,000	40%
Public Service Commission	1.5%	3,000	4	12,000	10	1,200	6,000	20%
District Court Judge	5%	10,000	6	60,000	64	937	3,000	31.2%
Legislators	49.5%	99,000	2	198,000	250	792	3,000	26.4%

* Assume a Fund of \$200,000

Summary of Senate Campaign Expenditures

Total Amount Spent in 25 Senate Races: \$139,897.39
Total Average Spent Per District: \$5,595.90
Total Amount Per Candidate: \$2,797.95
17 of 25 Races were uncontested
Total Amount Spent in Contested Races: \$137,925.00
Total Average Spent Per District: \$8,113.24
Total Average Per Candidate: \$4,056.62
In 15 of 17 Contested Races, the Candidate Who Spent the
Most Won: 88.2%

Total Amount Winners Out Spent Losers: \$44,469.47
Average Amount Winners Outspent Losers: \$2,964.63

Summary of House Campaign Expenditures

Total Amount Spent: \$382,278.55
Total Amount Per Race: \$3,822.79
Total Per Candidate: \$1,911.39

Of the 100 Races, 16 were uncontested, 2 were strongly con-
tested in the Primary, and 10 races had Incomplete Figures.
The following represents the 72 contested, complete races:

Total Expenditure for 72 races: \$354,263.00
Average Amount Spent: \$4,920.32
Average Amount Per Candidate: \$2,460.16
45/72 or 62.5% of those who won outspent their
opponent in contested races.

Testimony favoring HB 685

By: Peter M. Frazier, R.S.

Mr. Chairman and committee members, my name is Pete Frazier. I am a Registered Sanitarian and currently the President of the Montana Environmental Health Association, which represents a majority of the more than one hundred (100) registered sanitarians throughout the State of Montana. For the past ten (10) years I have been employed with the City-County Health Department in Great Falls and currently hold the position of Environmental Health Coordinator for that Department. On behalf of the Montana Environmental Health Association I appreciate the opportunity to testify in favor of HB 685 which calls for re-establishing the Board of Sanitarians.

Currently there are sixty four (64) registered sanitarians working at the local level in 30 health jurisdictions covering all 56 counties throughout Montana. In addition there are a number of registered sanitarians working in the private sector of various chain stores, land developers, etc., as well as several registered sanitarians working for the State Health Department and Department of Agriculture.

I believe it is important to briefly explain exactly what a Sanitarian is and what he does, since the 'term' sanitarian has little meaning to the average citizen, yet every day the services the registered sanitarian performs greatly influences the health and well-being of each and every citizen in Montana. The Registered Sanitarian occupies a most important and unique position in the work of public health protection. He is the first line professional, usually a multi-discipline generalist, who carries the tremendous responsibility as primary inspection, evaluator, advisor, educator and enforcer in public health prevention and correction matters. The propriety of his actions is critical to the development and maintenance of a healthful and safe environment.

The food we eat, the water we drink, and the schools our children attend are all inspected for compliance with Montana Public Health Regulations by the registered sanitarian. In addition motels, hotels, trailer courts, and swimming pools are inspected by registered sanitarians for the protection of the public health.

The Sanitarian has long been considered a responsible professional by the Montana Legislature. Many laws, including those dealing with food, public accommodations, and trailer courts specifically name sanitarians as the persons to carry out the provisions of the law. It seems a reasonable assumption that the lawmakers believed that registration requirements qualified and justified the specific inclusion of the sanitarian in these laws.

Because the Sanitarian's activities are essential to the preservation of high quality health, it is essential the sanitarian be well qualified. A Registered Sanitarian is much more than a robot, who by rote reads regulations, mechanically marks a form, and walks away. He is a professional who must be properly educated and qualified in order to make educated decisions concerning public health matters. Unqualified individuals making wrong decisions, or no decisions would be extremely costly to a business or individual and, in turn, to the consumer. The sanitarian at the local level is the right hand of local government in most matters of public health. Through the sanitarians actions or inactions legal indemnities may occur against local or state government. Unqualified sanitarians in the field may significantly increase such actions and thus affect the cost of service to the public, as well as jeopardize public health.

Because of what I have just discussed, it is the feeling of all the sanitarians throughout Montana as well as a number of Boards of County Commissioners, several of the industries that are inspected by sanitarians, and several attorneys, land surveyors and soil scientists that HB 685 re-establishing the Board of Sanitarians is imperative. Registration of Sanitarians is the simplest and most effective method to assure the availability of qualified, competent individuals to deal with the complex problems associated with food, water, housing, and land sanitation. The educational requirements found within this bill are necessary for a basic knowledge that is needed by a sanitarian in order that the individual can make intelligent and valid evaluations of conditions which have the potential of causing disease. Such quality evaluation is a necessary precursor to the formulation of recommendations which will prove effective in alleviating conditions detrimental to public health. The educational requirements are also necessary in order for the sanitarian to understand and interpret to the public the reasoning behind public health laws and regulations.

The Board of Sanitarians is not a State agency but rather is an independent board attached to the Department of Professional and Occupational Licensing for Administrative purpose only. The total budget for the Board of Sanitarians for fiscal year 1980 was \$2,784. None of this budget came from public tax monies. The Board is totally self-sufficient, operating entirely on testing and license fees from members of the sanitarian profession.

There have been comments made in the past that should there be no Board of Sanitarians that the registration of sanitarians would automatically be performed by the State Department of Health and Environmental Sciences. However, this is not true. The State Department of Health and Environmental Sciences has no legal authority to perform this function. Without the Board of Sanitarians there will be no sanitarian registration within the State of Montana and, thus, no control over who provides these extremely important preventative public health services, with regard to the individual's knowledge qualifications and competence. I, therefore, urge this committee to recommend a "do pass" on HB 685 for the re-establishment of the Board of Sanitarians. The Montana Environmental Health Association believes that only qualified and registered sanitarians should be entrusted with the protection of public health in the areas of their responsibility. To place the health and safety in the hands of anyone less qualified would be retrogressive and not in the best interest of the citizens of Montana.

I have provided to the Chairman of this committee an inventory list of letters supporting the need for a Board of Sanitarians and copies of all letters submitted to the Legislative Audit Committee, as well as recent letters of support if you desire to review them.

Should you have any questions I would be happy to answer them.
Thank you.

LETTERS WILL BE ENTERED INTO ORIGINAL MINUTES ONLY

Inventory Letters Supporting Need for Board of Sanitarians

County Commissioners

Big Horn
Broadwater
Hill
Jefferson
Judith Basin
Madison
Petroleum
Toole
Valley
Lake
Cascade

Cities

Billings
Lewistown

Medical Doctors

Robert C. Arfman, M.D.
Robert R. Whiting, Jr., M.D.

Legislator

Rep. Gene Frater, House Dist. #10, Billings, Mt.

Planning Boards

Judith Basin City-County Planning Board

Boards of Health

Butte Silver Bow
Big Horn County Health Board
Missoula City-County Board of Health
Cascade City-County Board of Health

Attorneys

William A. Spoja, Jr., Lewistown
Law offices of Church, Harris, Johnson & Williams, Great Falls, Mt.

Professional Individuals & Businesses

James L. Hahn, Land Surveyor
Donald M. Erb, Soil Scientist
Tom Astle, Jr., Land Surveyor
Sage Engineers & Land Planners, Inc.
Sanderson, Stewart, Gaston Engineering, Inc.
Treftz & Associates, Land Surveyors & Engineers

Industry & Establishment Operators

Curtis D. Langendorff, Chairman, Great Falls Food Service Assoc.
Kenneth E. Hickel, Owner, Ponderosa Inn, Billings
F. Jack Anderson, V.Pres. & General Manager, Northern Hotel, Billings
Klaus H. Schuhbauer, Owner, Trail Dust Inn, Billings
Ron Anderson, R.S. and William Robinson, R.S., Industry Sanitarians,
Buttreys, Great Falls, Montana

State Department of Health & Environmental Sciences

John W. Bartlett, Deputy Director

Association

Montana Local Health Officers' Assoc.
David A. Feffer, Chairman

Testimony provided at Legislative Audit Committee Hearing

Gary Lee Watt, R.S.
James M. Peterson, R.S.
Lawrence Wallace, R.S.

Individuals' Letters

Bill DeCou, R.S., Missoula
Malcolm D. Winter, M.D., Custer Co. Hlth. Officer, Miles City
Stephen Hamann, R.S., Miles City
Larry D. Mitchell, R.S., Helena
Sue Cozzans, R.S., Billings
Gary Bradshaw, R.S., Billings
Louis Ladas, R.S., Billings
Ted Kylander, R.S., Billings
James U. Neely, R.S., Billings
Don McLean, R.S., Butte
Edward Grove, R.S., Sidney
Kenneth B. Read, R.S., Missoula
Pete Frazier, R.S., Great Falls
Samuel R. Kalafat, R.S., Great Falls
Paul J. Gans, Health Officer, Lewistown
Robert Childers, R.S., Lewistown
Steven Isaacson, R.S., Lewistown
Duane L. Robertson, R.S., Helena
John C. Geach, R.S., Helena
James E. Leiter, R.S., Helena
Vic R. Andersen, R.S., Helena
Jerry Cormier, R.S., Billings



P.O. BOX 5008

DIVISION OF JEWEL COMPANIES, INC.
601 SIXTH STREET S.W.
GREAT FALLS, MONTANA 59403

AREA CODE 408
781-3401

February 16, 1981

Testimony Favoring H.B. (685)

Dear Mr. Chairman and Committee Members:

The following testimony in support of H.B. 685 is respectfully offered for your consideration.

My name is Ronny A. Andersen. I have been employed for nine years as the Director of Sanitation and Safety for Buttrey Food Stores Division, Jewel Companies Incorporated, Great Falls, Montana, and I am currently registered under the Sanitarian Registration Act. My job responsibilities include developing and implementing quality assurance, food protection, and general sanitation programs in retail food stores and distribution facilities in the seven state market area, to include monitoring and insuring compliance with the various local, state, and federal food safety regulations. My comments in support of H.B. 685 are therefore limited to the food safety scope of a registered sanitarian's responsibilities.

The Sanitarian Registration Act in my opinion significantly enhances the public health, safety, and welfare of Montana's citizens by requiring that qualified individuals are hired to assure the wholesomeness and safety of the foods consumed by Montanans. The complexity of the causative factors of food borne illness and it's preventative measures necessitates that one be proficient in the basic concepts of food protection and sanitary principles, if he or she is to be able to identify situations or practices in food establishments which may lead to a food borne illness outbreak. Regulations provide the sanitarian with a tool to mandate certain requirements which will reduce the likelihood of a food borne illness, but the sanitarian must be able to interpret these regulations and correlate them with observed situations or practices in a food establishment which might lead to such a food borne illness. If one is not qualified to do this, such situations or practices will very likely go uncorrected and the safety of the consumer will not be assured. The criteria for registration under the current Sanitarians Registration Act helps insure that the individual charged with these responsibilities has this proficiency.

In my opinion the Sanitarian Registration Act does not have the effect of directly or indirectly increasing the costs of

any goods or services involved in the operation of a food establishment. A conscientious food operator will strive to comply with the letter and the intent of the sanitary food regulations applicable to his operation, and will design, construct, and maintain the facility and equipment in compliance with those regulations, integrating the required specifications into his operational design. The sanitarian, through the plan approval process, and through pre-opening, and subsequent inspections, is responsible to insure that these specifications are met. The operator must rely on the proficiency of the sanitarian to define these specifications as they relate to his particular plan, equipment, structure, or current operation. The sanitarian must be able to correlate the specifications required in the regulation to the potential food safety hazards which might be associated with a particular food operation. If the sanitarian does not have the background that will enable him to understand the food safety hazards that might be associated with the operation, arbitrary specifications, based on misinterpretation of the regulations, may be required that are costly or counterproductive and serve no useful purpose. Additionally, during the plan approval, construction, and pre-opening inspection process, interpretations may vary if not based on sound food protection concepts and sanitary principles, necessitating costly plan, equipment, and/or construction changes or construction delays. The qualified sanitarian through his knowledge can assist the operator in complying with the regulations at the minimum cost and in a manner most efficient to the productivity of the operation. The converse is true of an unqualified sanitarian. Since costs of operating a business are necessarily passed on to the consumer, the Sanitarian Registration Act, by requiring proficiency, helps reduce, or at least hold down such operating costs.

I hope my comments have been of assistance to the committee in arriving at their recommendation on this bill. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronny A. Andersen".

Ronny A. Andersen, R.S.

January 20, 1981

Testimony favoring HB 685

Dear Committee Members:

During the past year or two the question of "Sunsetting" the Sanitarians Registration Act has been reviewed and discussed with your fellow colleagues. It appears that some do not support our continued requirement for registration. I am well aware that we are in a time of governmental change and most of us are in the disposition that we have too much government and this trend must be reversed.

However, the eliminating of the Registration Act is taking a blind slice at one aspect of government requirements that is totally unjustified. First of all, there are no expenditures of State funds involved in maintaining the Registration Act. Furthermore, there are significant factors that must be considered before making the final decision on a law requiring registration. You may already be familiar in a general way with the kinds of work the sanitarians do in the field of environmental and public health throughout the State of Montana, but let me elaborate for a minute on my role in the community.

It is important to note that over the past twenty years the role of the sanitarians with regard to environmental and public health has evolved from rather a straight forward performance of tasks to a complex profession. Today we deal with problems far more wide ranging and intricate than our predecessors. We deal daily with questions and problems dealing with air and water pollution, land subdivision, pesticides and other toxic substance contaminations, radiation, sewage disposal technology, land use planning, long range health planning, communicable disease investigations, to name a few.

The world of environmental and public health is complex and even the application of written rules and regulations that we administer are complicated by an exacting legal system. Our efforts must continually dissect the often unclear area between due process and effective enforcement.

A ridged and thoughtless application of health rules and requirements by unregistered and unqualified persons would be certain to cause more problems and further strain relations between the inspectors and inspected. A successful regulatory process is not the mere filling of forms, but it is the professional judgement that the Registered Sanitarian brings to the process that is essential for sound application of the health laws and administrative rules and regulations. Without standards for performance, blind application of regulatory authority would be totally ineffective and costly in terms of health and dollars.

Although I weigh carefully the financial impact of my decisions and always respect a persons rights to do business in the State of Montana, my first concern is the protection of the public from unnecessary risks and dangers.

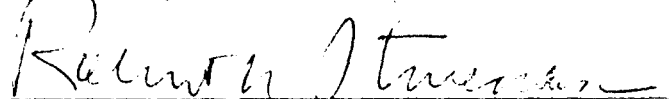
I take seriously the obligation I have to the people of my health jurisdiction and continue to engage in activities of planning and development to insure their well being in years ahead. As involved as the work has become today, tomorrow will no doubt bring more challenges.

Environmental and public health is not a fringe benefit to be taken lightly; rather it is an obligation to be taken seriously. Removal of the Registration Act within Montana will open the profession up to less than trained, competent and dedicated individuals. The loosening of standards can only invite quasi-professional attitudes and knowledge to significant problems of the environmental and public health.

Publicly financed health efforts in Montana need the direction that professional people can give it. We must anticipate the problems of the 1980's and place before the legislature those concerns about Montana's health needs. Clear, professional and concise programs and policies that demand the most of the tax dollars available must not be left in the hands of nonprofessionals.

In conclusion, the majority of us sanitarians work at the local levels of government, near the people that we are charged to protect. I believe that Montanans deserve to have the most qualified people on the frontline where the problems occur. A vote for Sanitarian Registration will help insure that your local community will have qualified health professionals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert K. Stevenson", written over a horizontal line.

Robert K. Stevenson
Registered Sanitarian

STATE ADMINISTRATION

AMENDMENTS HOUSE BILL 694

1. Page 2, lines 7 and 8.

Following: "paid"

Strike: "unless" through "district" on line 8

Insert: "except as examdted under 7-13-2529"

Proposed by Rep. Feda

drafted by Lois Menzies

STATE ADMINISTRATION
AMENDMENTS TO HOUSE BILL 683FEBRUARY 14, 1981
RM 436

1. Page 4, line 9.
Following: "sign"
Strike: "with"
2. Page 4, line 10.
Following: "address"
Strike: "exactly"
Insert: "in substantially the same manner"
Following: "as"
Strike: "he/she is registered to vote"
Insert: "on his/her voter registry card"
3. Page 6, line 18.
Following: line 17
Strike: "exactly"
Insert: "in substantially the same manner"
Following: "as"
Strike: "he/she is registered to vote"
Insert: "on his/her voter registry card"
4. Page 9, line 4.
Following: line 3
Strike: "exactly"
Insert: "in substantially the same manner"
Following: "as"
Strike: "he/she is registered to vote"
Insert: "on his/her voter registry card"
5. Page 11, line 14.
Following: "address"
Insert: "in substantially the same manner"
6. Page 11, line 15.
Following: line 14
Strike: "he/she is registered to vote"
Insert: "on his/her voter registry card"
7. Page 12, line 17.
Following: "petition),"
Strike: "affirms"
Insert: "affirm"
Following: "sworn,"
Strike: "deposes"
Insert: "depone"
Following: "and"
Strike: "says"
Insert: "say"

NAME Donald R. Erickson, D.D.S.

BILL No. HB 717

ADDRESS 1537 Avenue D, Billings

DATE Feb. 16, 1981

WHOM DO YOU REPRESENT Montana Dental Association

SUPPORT _____ OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: A statement of intent for the amendment is proposed,
reading as follows:

"The amendment to 37-4-401 will require amendment of ARM 40.14.602 of the Board's present rules. The changes should indicate that induction of nitrous oxide analgesia does not include the monitoring of such analgesia. Monitoring means hygienists or assistants may observe the patient and equipment to ~~assure~~ adequate oxygenation and may increase oxygenation, but may not increase the analgesia level. Root planing is not to be interpreted as cutting or removing hard or soft tissue.

"*THE UNDERLYING PURPOSE OF THE AMENDMENT IS TO CODIFY THE SCOPE OF FUNCTIONS NOW BEING PERFORMED BY DENTAL AUXILIARIES. NO HYGIENIST WILL SUFFER A RESTRICTED PRACTICE BECAUSE OF THE AMENDMENT. DENTISTS FEEL THAT ANY OF THESE FUNCTIONS ARE TO BE DELEGATED TO HYGIENISTS. IN THE FUTURE, THE DECISION IS IMPORTANT ENOUGH THAT IT SHOULD BE MADE BY THE ~~GTC~~ LEGISLATURE.*

Amendment to HB 717
Proposed by Montana Dental Association

Title, line 15.

Following: "GOVERNMENT;"

Insert: "TO SPECIFY PROCEDURES WHICH MAY NOT BE DELEGATED;"

Title, line 18.

Following: "37-4-321,"

Insert: "37-4-401,"

Page 11.

Following: line 15

Insert: "Section 8. Section 37-4-401,

MCA is amended to read:

"37-4-401. Practice of dental hygiene. The practice of dental hygiene is the doing by one person for a direct or indirect consideration, with respect to the teeth of another person, an act or service, educational, therapeutic, prophylactic, or preventive in nature, as the board in writing defines and authorizes.

However, this section does not allow the board or a licensed dentist to delegate any of the following duties:

(1) diagnosis, treatment planning, and prescription for drugs, medications, or work authorizations;

(2) surgical procedures, including suture placement and cutting or removing on hard and or soft tissues;

(3) ~~restorative, prosthetic, orthodontic, and other procedures which require the knowledge and skill of a dentist,~~ placement, adjustment or intraoral carving of restorations; impressions for permanent fixed or removable prosthesis or tooth restoration; final jaw registrations; activating orthodontic appliances; or adjusting fixed or removable prosthesis;

(4) ~~prescription for drugs, medications, or work authorizations~~ administration of local anesthesia, or induction of nitrous oxide analgesia."

Renumber: all subsequent sections.

NAME ROBERT W. FRITZ DDS BILL No. HB 717
ADDRESS 907 HELENA AVE HELENA DATE 2-16-81
WHOM DO YOU REPRESENT MONTANA STATE BOARD OF DENTISTRY
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

CONCERNING THE AMENDMENT TO H.B. 717

I AS AN INDIVIDUAL BOARD MEMBER SUPPORT THE AMENDMENT TO HB 717

THE BOARD HAS BEEN CONSIDERING RULE CHANGES IN THE AREAS MENTIONED IN THIS AMENDMENT. THESE PROPOSED CHANGES HAVE BEEN VERY EMOTIONAL AND DIVISIVE TO THE MEMBERS OF THE BOARD. THE BOARD HAS BEEN NOTICEABLY SPLIT ON SOME OF THESE ISSUES AND I CAN SEE WHERE THE MAJORITY OPINION OF THE BOARD COULD CHANGE AT LEAST TWO TIMES A YEAR, WITH THE APPOINTMENT OF A NEW BOARD MEMBER EACH APRIL AND WITH THE CHANGING OF OFFICERS EACH JULY.

SUCH INCONSISTENCY CANNOT BENEFIT THE PUBLIC WHICH WE SERVE AS MONTANA'S BOARD OF DENTISTRY.

I BELIEVE THIS AMENDMENT WOULD ELIMINATE THIS PROBLEM BY LETTING THE LEGISLATIVE PROCESS DECIDE THESE ISSUES WHEN THEY SHOULD COME UP.

NAME Douglas E. Wood, DDS ^{House} BILL No. 717
ADDRESS 10 Three Mile Drive, Kalispell, MT DATE 16 Feb 81
WHOM DO YOU REPRESENT Myself-as a member of the ^{Mont. Board} of Dentistry
SUPPORT See below OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I support the bill, but am opposed to the amendment made by the Montana Dental Association. My opposition to the amendment is because of the following:

- ① item (2) would stop existing duties for hygienists such as root planning and curettage and possibly even scaling
- ② it is better in order to meet changing conditions for the Board of Dentistry to define by rule and public hearings the delegation of duties for dental hygienists and assistants than to define these areas by legislation.
- ③ the Board of Dentistry represents the people of Montana and should make these decisions and the Montana Dental Association should not dictate to the Board via legislation.

Douglas E. Wood, DDS

NAME David B Tawary DDS

HB 717

BILL No. ~~37444~~

ADDRESS 1547 South Hygiene Missoula, Mont

DATE 16 Feb 81

WHOM DO YOU REPRESENT SELF

SUPPORT with reservation below OPPOSE _____

AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HB 717

I support bill ~~37444~~ but oppose the amendment of the Montana Dental Assoc. executive committee. I want to point out that we have statements from two board members representing two districts that they had no part in formulating the amendment and prior notice. ~~and~~

I speak only for myself as the members of the board of dentists were not given notice of the amendment until Friday Feb 13.

As you people know the Board of Dentistry represents the public interest not the Montana Dental Assoc.

I vigorously oppose the below portions of the amendment.

Sec 2 states dentists may not delegate surgical procedures including secure placement & cutting or removing hard or soft tissue. If strictly interpreted this would prevent hygienist doing prophylaxis.

Sec 3 it enforced would prevent polishing fillings.

Sec 4 forbids administration of local anesthetics or inducing nitrous oxide.

I am involved with the local anesthetic issue because

I made the motion last May, 1980 to allow properly trained

HB 717

Name: William R. Tiddy, DDS

Address: 2225 11th Ave Helena, MT. 59601

Whom do you represent: Myself

Support: With comment Oppose: Amend:

Comments: I am in favor of HB 717. It will streamline the law and eliminate much outdated material. HB 717 will also provide the Montana Board of Dental Examiners more flexibility and credibility in disciplinary matters.

My concern with this bill is in the wording of Sec. 4; 37-4-301, line 17+18; and (e)+(f); and Sec. 8; 37-4-402, (e)+(f).

Sec. 4 37-4-301 line 17+18 implies a very arbitrary situation the Board of Dental Examiners would have to deal with & could be contested as an unequal testing provision.

Parenthesis (e)+(f) of Sec. 4 37-4-301 & (e)+(f) of Sec. 8 37-4-402 could be considered invasion of rights.

The proposed amendment to this bill by the MDA should not be considered since their sections can be handled with rule & regulation changes by public hearing. Several proposals are too restrictive for efficient professional direction & management of a

professional auxiliary. Specifically opposed are the sections regarding surgical procedures of hard & soft tissue, and local anesthesia and inhalation sedation.

A hygienist can not perform simple removal

of calculus without affecting hard & soft tissue. If a licensed hygienist is trained to administer local anesthesia and/or inhalation sedation, the doctor is ultimately the responsible person (to direct or not to direct that person to administer the procedure) if in his judgement that person is qualified.

Sig: William P. Tindley DDS

NAME James M. Peterson BILL No. HB 685
ADDRESS 709 Logan DATE 16 Feb 81
WHOM DO YOU REPRESENT Board of Sanitarians
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I support this bill as the continued activity
by the Board of Sanitarians is necessary to provide
qualified persons at the grass-roots level of public
health protection.

VISITORS' REGISTER

HOUSE

COMMITTEE

LL

AE 517

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

COMMITTEE

LL

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

COMMITTEE

LL

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

COMMITTEE

ALL

HR 200

Date

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____ COMMITTEE _____

LL H.B. 693

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.