

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
March 18, 1981

The Human Services Committee convened at 12:30 p.m. on Wednesday, March 18, 1981, in room 436 of the Capitol, with CHAIRMAN BUDD GOULD presiding. All members were present with the exception of REPRESENTATIVES BARDANOUVE and BRAND.

SB 390.

SENATOR HIMSL opened the hearing on SB 390, which is to re-establish the Board of Pharmacy. He explained the new sections and the deletions appearing on the third reading copy of SB 390.

PROPONENTS:

FRANK DAVIS, of Great Falls, representing the Montana Pharmaceutical Association, stated that he supports the bill with one exception--the repealer for a law passed in 1977, requiring continuing education in pharmacies. He offered an amendment to remove the repealer, as the board feels continuing education is necessary. He presented written testimony.
(EXHIBIT I)

ED CARNEY, representing the Department of Occupational Licensing, appeared in favor of the bill. He concurred with Mr. Davis that there was a need to exclude the repealer on continuing education. Section 6 should be removed, he felt.

DENNIS YOST, the director of pharmacy at St. Peter's Hospital in Helena, and president of the Montana Society of Hospital Pharmacies, supported continuing education in a mandatory setting, he said. In his position at St. Peter's Hospital, he is expected to teach both nurses and doctors about available drugs. He said the programs must be available for the pharmacists to further their education.

BECKY DESCHAMPS, a community pharmacist in Missoula, said there are new drugs put out each month and programs to teach pharmacists are much broader than before. A pharmacist's role is changing and includes counseling, she said. She read a letter written by James Van Campen, the senior citizen's center director in Missoula (EXHIBIT II) in which he stated the importance of counseling by pharmacists. He said that senior citizens depend upon the programs put on by pharmacists. She also presented letters to the committee from other senior citizens for the record (EXHIBITS IIa, IIb, IIc).

CHAIRMAN GOULD said that he had been informed that many more proponents had planned to attend but that, due to poor road conditions, they were unable to come.

OPPONENTS: There were none.

QUESTIONS BY THE COMMITTEE:

REP. KEYSER said that he had a problem with the number of four members on the board and thought there might be a possibility of tie vote problems.

SENATOR HIMSL said that the board had been harmonious and could (financially) afford another member, so it was introduced that way.

FRANK DAVIS said that the number of public members was originally two (2), and the member of pharmacists three (3). Because the board's work could be time-consuming, it was felt that one of the public members could be eliminated because it would be difficult to find two who would care to serve, most likely. He believed that the president of the board might not vote on an issue that would be tied except to break the tie. He said that all decisions made by the board have been unanimous, but agreed that the harmony could change. He would not object to a 5-member board.

SENATOR HIMSL said the continuing education was dropped at the request of another group, but saw no problem in including it in this bill. He then closed the hearing.

REP. NILSON agreed to carry the bill in the House.

SB 391.

SENATOR HIMSL opened the hearing on the bill, which is to re-establish the board of dentistry. He explained the bill for the committee, and said that there was some discord between some dentists and some dental hygienists (Section 9 of SB 391). He hoped that the committee could resolve the problem by a change of language in the bill.

PROPOSERS:

JUDY HARBRECK, Helena, representing the Montana Dental Hygienists' Association, supported the bill, but called attention to Section 9, regarding the authority of the Board of Dentistry and supervision of the practice of dental hygiene. She felt the law should allow general supervision in special circumstances or settings, rather than requiring direct supervision at all times. She presented written testimony stating this view. (EXHIBIT III)

ROGER TIPPY, lobbyist for the Montana Dental Association, distributed written testimony to committee members (EXHIBIT IV), explaining the association's proposed amendment to the bill. He said the board of the dental association has problems with some of the language in the bill, but felt the problem could be solved by amendments.

DR. DON ERICKSON, Billings, president of the Montana Dental Association, said the association represents over 400 dentists. He said the association supports the bill, but wished to amend page 14, as it feels the hygienist should not work without the supervision of a dentist (on the premises). The amendment would also address the possibility of emergency situations, he said (see page 3 of EXHIBIT IV).

DR. WILLIAM TIDDY, Helena dentist, presented written testimony in favor of the bill, but with comment on the issue of "direct supervision." (EXHIBIT V).

DR. DOUGLAS E. WOOD, representing the Board of Dentistry, supported the bill as written. (EXHIBIT VI).

ELAINE ROWE, a dental hygienist employed at the Boulder River School in Boulder, presented written testimony telling of her work there and stating her view on supervision of a hygienist (EXHIBIT VII).

OPPONENTS: There were none.

REP. MANNING asked for Dr. Tiddy's views of the bill. DR. TIDDY said he agreed with the bill in its present form.

REP. SEIFERT asked if the dental hygienists contracted to clean teeth for students at the University of Montana in Missoula.

DR. ERICKSON said he believed that was true. But he believed they were under the supervision of dentists, and felt that should be the case unless an exemption were granted.

REP. SEIFERT asked if a dentist would have to be right on the premises for a hygienist to practice. DR. ERICKSON said yes. His opposition to them practicing alone was only if the dentist were going to be gone for a whole afternoon or for a week.

REP. CONN wondered if there was a requirement for "supervision" in a doctor's (dentist's) office but not in an institution. ERICKSON said yes, that a hygienist in an institution has personnel to act as "backup." But the intent of the amendment, he said, was to prevent an unethical dentist from allowing a hygienist to practice while on a week's absence or under circumstances of that nature. Emergency situations can occur, he said. He also told the committee that the CPR training is required in his office.

REP. CONN asked if there were any statistics on how many emergency situations have occurred in dentist's offices.

DR. ERICKSON said he knew of none, but felt that situation should be considered possible and planned for.

REP. KEYSER asked if any changes had been made on the board in the last three years. DR. WOOD said that a voting hygienist has been added to the board.

REP. KEYSER asked if the rules were made by the board. DR. WOOD said that some rules are addressed by statute, and by other bills--SB 412, for example, and also by the Department of Occupational Licensing. Another change by the board is that Montana now uses a regional testing service.

REP. KEYSER asked if the regional testing service allows reciprocity between states. DR. WOOD said it would depend on the states, and where and when the test had been taken. Oregon, Utah, Arizona, Colorado and Montana tests are accepted for licensing in Montana, he said.

ROGER TIPPY stated that a bill passed in a previous session added the regional testing in lieu of testing here in Helena. The companion bill, including a hygienist on the board also passed at that time, he said.

REP. KEYSER asked if there had been fewer problems since those bills had been in effect. DR. WOOD believed so, and felt the testing content and conditions had become much more uniform.

REP. SEIFERT asked if a dental hygienist could take the examination for licensing in Montana. DR. WOOD said the examination was given here in Helena at Carroll College.

SENATOR HIMSL pointed out to the committee that a hygienist is a well-educated professional. When the bill was developed, he stated, it was felt that a dentist should be able to determine whether or not supervision was necessary for his hygienist. He urged passage of the bill as written, and closed the hearing.

SB 397.

SENATOR STEVE BROWN opened the hearing on SB 397, which is to reestablish the board of psychology. He explained the provisions of the bill which included expanding the board to 5 members: 1 psychologist in practice, 1 in teaching, 1 in public health, as well as 2 members from the general public. They are to serve on staggered 3-year terms. The main thrust of the bill is to provide insurance reimbursement for any psychologist providing services, he said. Another provision of the bill deletes the provision which denies licensing for

a person who has served a prison term. He felt that once a person has served his sentence, he has rights to practice his profession.

ED CARNEY, of the Department of Occupational Licensing, said that the board members of the Board of Psychology were not able to be present and that he was representing them. He feels the enlargement of the board will have a financial impact and said that, because there were only 100 licensed psychologists in the state, he felt a 5-member board was too large. He agreed with the public members being part of the board, however. (EXHIBIT VIII).

DR. PAUL MOOMAN, a clinical psychologist representing the Montana Psychological Association, testified in favor of the bill.

QUESTIONS FROM THE COMMITTEE:

REP. KEYSER asked why the board had been increased when the Board of Psychology had been unhappy with the increase. SENATOR BROWN said that the Board of Psychology had never contacted him about any opposition to the increase, and that the Audit Committee had made the increase to solve problems between psychologists in practice, teaching and public health. He felt the board's size could be reduced by eliminating a public member.

REP. KEYSER asked what were the revenues. SCOTT SECATT, of the Audit Office, said the revenues are \$1,500 per year and that there is a balance of \$5,600 in the board's account.

CHAIRMAN GOULD asked what was the cost of licensing. SECATT said the application fee is \$50, the examination fee is \$65 and the renewal fee is \$50.

SENATOR BROWN closed the hearing on the bill.

SB 398.

SENATOR STEVE BROWN opened the hearing on SB 398, which re-establishes the Board of Morticians. According to BROWN, one change is reducing the size of the board from 6 to 5 members. Another change is the addition of educational requirements. Exposure of funeral costs was dealt with in new section 7. The morticians had requested an amendment dealing with continuing education, and SENATOR BROWN said he had no objection to it.

PROPONENTS:

ROLAND D. PRATT, executive director of the Montana Funeral

Directors Association, presented written testimony (EXHIBIT IX) which included amendment of the bill. He urged support of the bill.

JOHN MALLETTA, president of the Montana Funeral Directors Association and a practicing funeral director in Missoula, testified in favor of the bill (EXHIBIT X).

LYMAN CLAYTON, representing the State Board of Morticians, stated that John Severns, president of the Board, had also wished to appear in behalf of the bill, but was unable to attend. Both Lyman and Severns concurred with the bill and the amendment.

OPPONENTS: There were none.

QUESTIONS FROM THE COMMITTEE:

REP. PAVLOVICH asked if a person arranged for a funeral and paid for it but didn't die for ten years, would the cost remain the same as stated in the original agreement? MALETTA said it would, that the money paid would go into a CD until the day the person died.

REP. KEYSER asked if new section 7 would require the funeral director to itemize costs, and why did the funeral directors include that provision. MALETTA said that the Audit Committee inserted that provision. SENATOR BROWN said that the Audit Committee had been told that people were not being informed as they should about costs, so he felt this provision should be included.

LYMAN said the Funeral Directors association had made a ruling requiring that costs be itemized. He said it was also required that a family or family representative be informed as to the range of prices available and whether or not embalming was necessary.

REP. KEYSER asked where continuing education was required. PRATT said it was required by the Administrative Procedures Act.

REP. KEYSER commented that he thought a continuing education requirement might be the board's way of bringing under control a "maverick" in the funeral association.

SENATOR BROWN closed the hearing.

EXECUTIVE SESSION.

SB 390.

REP. NILSON moved that SB 390 DO PASS. He then moved the amendments to strike Section 6 and correcting the title. The motion was seconded and PASSED UNANIMOUSLY. REP. NILSON's motion for DO PASS AS AMENDED was seconded and PASSED UNANIMOUSLY.

REP. KEYSER MOVED TO RECONSIDER SB 390, so that he could offer an amendment. REP. KEYSER MOVED TO AMEND the bill on page 7, line 3, striking "3" and inserting "2", changing the number of pharmacist board members. He said the same correction would have to be made on page 6, line 24.

After some discussion by the committee, REP. CONN moved a substitute motion to provide for 2 consumers and 3 pharmacists on the board.

REP. NILSON moved that the amendment DO PASS. The motion was seconded and PASSED UNANIMOUSLY.

REP. NILSON was assigned to CARRY THE BILL.

SB 391.

CHAIRMAN GOULD stated that he was disappointed to see the disagreement between the dentists and the dental hygienists. Two years ago, the same had occurred, but he thought the problem had been worked out. But, once again, the problem is here, he said.

REP. KEYSER MOVED that SB 391 DO PASS.

REP. KEYSER moved the amendments allowing a hygienist to practice without immediate supervision, in an institutional setting or in cases of emergencies, as written by RUSS JOSEPHSON, legal counsel for the committee. The amendments' motion PASSED by a vote of 9 YES and 4 NO votes, the NO votes being cast by REPRESENTATIVES SEIFERT, BENNETT, MANNING and METCALF.

REP. KEYSER MOVED that SB 391 DO PASS AS AMENDED. The motion PASSED UNANIMOUSLY.

REP. SEIFERT was appointed to CARRY THE BILL.

SB 397.

REP. SEIFERT moved that SB 397 BE CONCURRED IN.

REP. SEIFERT moved that the committee accept the STATEMENT OF INTENT. The motion was seconded and PASSED UNANIMOUSLY.

REP. SEIFERT moved that SB 397 BE CONCURRED IN AS AMENDED. The bill passed with one (1) NO vote by REP. KEYSER.

REP. PAVLOVICH was appointed to CARRY THE BILL.

SB 398.

REP. MANNING moved that SB 398 BE CONCURRED IN.

REP. MANNING moved that the continuing education amendments to SB 398 be accepted by the committee.

After some discussion regarding educational requirements, REP. MENAHAN moved that on page 7, the new language on lines 22 through line 2 on page 8 be stricken. He felt that attending an accredited college of mortuary science was sufficient.

REP. BENNETT disagreed with that motion, saying that page 8, line 1 gave an option "or have experience considered equivalent by the board".

REP. NILSON asked if areas of concern could be addressed by the Statement of Intent. RUSS JOSEPHSON read an amendment to the Statement of Intent regarding continuing education. He said that "educational" language was added in the Senate committee. He also read new section 8, a proposed amendment regarding continuing education.

REP. MANNING asked for a definition of "an accredited college of mortuary science". MALETTA stated that it is a 1-year college curriculum, especially for mortuary science, and that there are several accredited schools. There are 2-year courses offered at the University of Minnesota and at Mt. Hood. LYMAN said there are many courses offered throughout the United States varying from two to four years.

REP. BENNETT asked how long the two academic years at an accredited college or university (page 7, lines 21 and 22) had been required by statute. LYMAN thought it had become law in 1962. He said that the academic years were to be science classes, and added that in 1962, most of the mortuary science schools were only one year, but required 1 year's internship. He said the educational requirements were increased for reciprocity. He added that other states require more education, and said the state would be making a mistake if it lowered the requirements.

REP. KEYSER moved a motion in place of all motions pending, that on page 7, subsection (2), the crossed out language be reinserted and that the new language be stricken. It will be returned to its original language, he said. The amendment PASSED UNANIMOUSLY.

RUSS JOSEPHSON read the language proposed for continuing education requirements (New Section 8, and renumbering Sections 8 and 9). (See Standing Committee Report.)

REP. NILSON moved that the committee accept the amendment as read. A vote was taken on this amendment. The motion PASSED with REPRESENTATIVES KEYSER, SEIFERT, MENAHAN and SWITZER voting NO.

CHAIRMAN GOULD stated that a Statement of Intent had been prepared conforming with the previous motion.

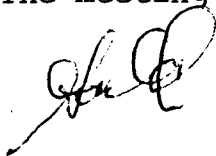
REP. MANNING moved that the Statement of Intent be accepted as prepared. RUSS JOSEPHSON said the language regarding continuing education referred to a requirement after licensing. The amendment on the clarification for the Statement of Intent PASSED UNANIMOUSLY.

REP. BENNETT moved an amendment to directly follow REP. KEYSER's amendment on page 7, line 22, striking a period and inserting: ", or have experience considered equivalent by the board." The motion PASSED UNANIMOUSLY.

REP. MANNING moved that SB 398 AS AMENDED BE CONCURRED IN, to include the Statement of Intent. The motion PASSED UNANIMOUSLY.

REP. BENNETT was assigned to CARRY THE BILL.

The meeting adjourned at 2 p.m.



CHAIRMAN BUDD GOULD

rj

VISITORS' REGISTER

HOUSE

COMMITTEE

BILL

SPONSOR

Date _____

3-18-82

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME FRANK J. DAVIS BILL No. 390
ADDRESS GREAT FALLS, DATE 3-18-81
WHOM DO YOU REPRESENT MONT. ST. PHARMACEUTICAL ASSOC.
SUPPORT ✓ OPPOSE _____ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Written testimony supplied.

MONTANA STATE PHARMACEUTICAL ASSN.
P. O. Box 6335
Great Falls, Mt. 59406

RE: SENATE BILL 390, AN ACT TO)
REESTABLISH THE BOARD OF PHARM-)
ACISTS UNDER EXISTING STATUTORY)
AUTHORITY AND RULES; ETC.)

THIS BILL CONTAINS A PROVISION THAT
WOULD DELETE THE MANDATORY CONTINUING
EDUCATION REQUIREMENT WHICH RESULTS
FROM A STATUTE PASSED IN THE 1977
LEGISLATURE.

TESTIMONY BY: Frank J. Davis, R.Ph.
Great Falls, Montana

Pharmacists renew their license to practice each fiscal year running from July 1 to June 30. Until the continuing education law was passed there was no actual requirement to fulfill for relicensure excepting to pay the annual renewal fee. Any pharmacist could renew whether in actual practice or not. Any pharmacist could come back into practice after an absence of any number of years. Presently a pharmacist requesting the annual license must be able to prove that he/she has completed at least 15 hours of accredited continuing education. We believe this to be a safeguard to public health. It makes the pharmacist prove that he has at least done something to maintain professional competency.

To gather the 15 hours a year is not expensive. Most programs offered in Montana cost less than \$4.50 per hour of credit and many of them are free. Since the law was passed there has been a considerable increase in the number and the quality of programs available.

Other professions have mandatory continuing education requirements for relicensure. These I can name to you at your request. These professional boards were examined by the same sunset audit committee that did the review on the Board of Pharmacists. It was not proposed that their continuing educational requirements be removed.

The majority of pharmacists (I would estimate 95%) do not object to fulfilling the continuing education requirement. Most of them agree the programs have resulted in an improvement of their practice habits.

Information received from the American Council on Pharmaceutical Education indicates that 22 states now have laws requiring continuing education for pharmacists. Seven others have laws in the legislative process. The District of Columbia and Puerto Rico also have this law.

We hope you can consider favorably leaving our continuing education law in place as it was passed by the 1977 Legislature.

The mechanism to remove the language that repeals the continuing education requirement is printed on the following page.

Frank J. Davis

MONTANA STATE PHARMACEUTICAL ASSN.

P. O. Box 6335

Great Falls, Mt. 59406

RE: SENATE BILL NO. 390) AN AMENDMENT TO REMOVE THE
) DELETION OF THE CONTINUING
) EDUCATION REQUIREMENT BY
) THE FOLLOWING.

Line 8, Page 1, Remove "DELETING THE MANDATORY CONTINUING"

Line 9, Page 1, Remove "EDUCATION REQUIREMENT:"

Line 11, Page 1, Remove "REPEALING"

Line 12, Page 1, Remove "SECTIONS 37-7-304 AND 37-7-305, MCA;"

Line 23, Page 10, Remove "Section 6. Repealer. Sections 37-7-304 and 37-7-305,"

Line 24, Page 10, Remove "MCA, are repealed."

WITNESS STATEMENT

NAME St. Louis BILL No. 386
3737 ADDRESS St. Louis DATE 3-7-61
WHOM DO YOU REPRESENT St. Louis
SUPPORT ✓ OPPOSE ✓ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Board of the committee is in support of the amendment about deletion of continuing education requirement. It would be to have it remain. S.B. 386 was killed in Senate (3rd Reading) and deleted in this bill. Section 6 should be removed.

WITNESS STATEMENT

NAME Marty Ellison BILL No. SB 390
ADDRESS Montana City MT DATE Mar. 18, 1981
WHOM DO YOU REPRESENT Mont. Nurses Assoc.
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Montana Nurses Association supports SB390 and the mandatory continuing education provisions.

MISSOULA SENIOR CITIZENS CENTER ASSOCIATION, INC.

705 South Higgins Avenue, Missoula, MT 59801

Phone 543-7154 Phone 549-8970

March 12, 1981

Representative Bud Gould
House of Representatives
Capitol Station
Helena, MT 59601

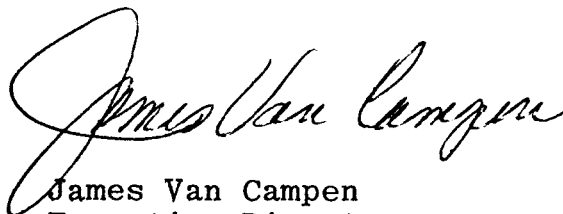
Dear Sir:

Senior Citizens rely heavily on the pharmacists for information on the correct administration of drugs. The benefit of counselling cannot be measured, but we have had several very enlightening programs at the Missoula Senior Citizens Center. We depend upon the pharmacists for up-to-date information.

We know, also, that our pharmacists are generous with their time and knowledge and we appreciate this important service.

We therefore wish to see continuing Education for Pharmacists as a must. Please give it your earnest consideration.

Sincerely yours,



James Van Campen
Executive Director

JVC:phb

17 a
March 17, 1981

To the Chairman of the Public Health Committee:

It has come to my attention that a bill has been introduced to cut the funding for Continuing Education for pharmacists. I write and ask you not to support this bill. Not because I have any personal reasons but rather because many senior citizens have come to rely on their pharmacists almost to the same extent as their family doctor when it pertains to drugs. With all the new prescription medications these days, there must be continuing education for these professionals.

If you would like to talk to me further regarding this bill, I can be reached in Missoula at 728-0389 or by writing me at 228 Woodford, Missoula, Montana 59801.

Your support in this matter is greatly appreciated.

Respectfully,



Mary E. Palmer

Retired Senior Volunteer Program

235 E. Pine Suite 3
Telephone 728-7682
Missoula, Montana 59801

Why Be A Volunteer?

It's not for money;
it's not for fame;
It's not for any
personal gain;
It's just for love
of fellow man;
It's just to lend
a helping hand;

It's that reward
down in your heart;
It's feeling you
have been a part;
It's helping others
far and near,
That makes you
be a volunteer.

— Author Unknown

Missoula , Montana
March 18th , 1981

Public Health Committee
House of Representatives
Capitol Station
Helena , Montana 59620

Dear Representatives :

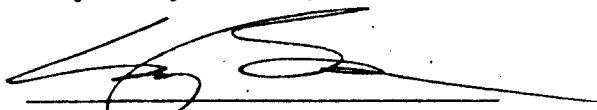
I am writing at this time to express the support of the Missoula Retired Senior Volunteer Program for Continuing Education Funds for Pharmacists .

We feel that in many cases the local pharmacist takes on roles not perceived by many in the community , and , in fact , becomes a sort of medical interpreter and adviser to many elderly who cannot afford to go to the doctor .

For this reason , and because of the proliferation of drugs and the corresponding lack of information about them for the person who is taking them , we feel that an up-to-date , informed pharmacist standing on the lines of direct service is very important . We therefore urge your support of renewal of these Continuing Education Funds , so that the local pharmacist can give current information to those who need it .

Thanking you for your time and attention , I am ,

Very Truly Yours ,



William J. Shea , Director
Missoula County R.S.V.P.

I APPROVE CONTINUED EDUCATION FOR PHARMACISTS IN THE STATE OF MONTANA.

Bill 390-----

Carmine Fintley Fuchner - class of 1939

Colman Fuchner

David S. Hunt

E. L. Fuchner

VISITORS' REGISTER

HOUSE

COMMITTEE

E LL 391

Date 3-18-81

SPONSOR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



Montana Dental Hygienists' Association

March 18, 1981

TESTIMONY PRESENTED TO THE HOUSE HUMAN SERVICES COMMITTEE

RE: Support for Senate Bill #391

MDHA supports Senate Bill #391 which will reestablish the Board of Dentistry

MDHA also supports the inclusion of a public member on the Board, Section 2-15-1606. Because the Board of Dentistry's primary concern is with the safety and welfare of the consumer, it seems logical and positive to add a public member to the Board.

On page 14, lines 13-14, I would like to especially address Section 9. Section 37-4-405, subsection (2) regarding the authority of the Board of Dentistry and supervision of the practice of dental hygiene.

In a recent survey taken by MDHA, the membership overwhelmingly expressed that they favor the team concept in dentistry. I want to strongly emphasize that MDHA does not support separation of dentist and dental hygienist; but, that MDHA does support, in non-traditional treatment facilities, where dentists are not present to provide customary supervision of traditional and/or legal dental hygiene services, alternative methods of providing adequate preventive services to the patient, need to be developed. Examples of non-practice settings might include schools, nursing, sheltered workshops, homebound service programs, correctional facilities and public health programs, to name some.

Section 37-4-405, as written now, allows the Board of Dentistry the discretion to review all applications for provision of dental hygiene services in public institutions, hospitals, extended care facilities or school and public health programs under a dentist's general supervision. This section, at present, lists specific settings in which preventive dental hygiene services may be requested, but general supervision rather than direct supervision would be permitted. For further clarification, the definitions of direct and general supervision follow this section.

Dental Hygienists in Montana are licensed only after proof of educational preparation and evidence of competency in dental hygiene services through extensive examination. The Board of Dentistry should be allowed discretion in evaluating additional circumstances in which dental hygiene services may be performed by a licensed dental hygienist under a dentist's prescription rather than his presence.

The Board of Dentistry is committed to optimal dental health for ALL the citizens of Montana. They should be allowed to exercise their professional judgement in regard to special circumstances in which dental hygiene services might be provided under general supervision rather than be restricted by specific settings as listed in 37-4-405.

I appreciate the opportunity to address this committee, and urge you to favor Senate Bill 391 as proposed by the Legislative Audit Committee.

111

WITNESS STATEMENT

NAME Idy Liebert BILL No. 391
ADDRESS 714 Broadway DATE 3/18/81
WHOM DO YOU REPRESENT International Hygienists Association
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Montana Dental Association

P. O. Box 513 Butte, Montana 59701 Phone (406) 792-9333

Constituent: AMERICAN DENTAL ASSOCIATION

TO: PUBLIC HEALTH COMMITTEE, MONTANA HOUSE OF REPRESENTATIVES

SUBJECT: SB 391

The Montana Dental Association proposes to amend Senate Bill 391, specifically that portion of MCA37-4-405 Section 9 on page 14. The bill as written will delete the words on line 13 and 14.. The legislative audit committee thereby intends to permit a dental hygienist to perform dental hygiene services without a dentist on the premises with Board approval. The MDA opposes this. This change apparently was initiated by the request of one dental hygienist. The only reason given was the dentist or dental hygienist would benefit economically if the dental hygienist could work while the dentist is on vacation or an afternoon off for golfing or fishing. The MDA does not feel the safety and welfare of the patient should be compromised for the economic benefit of the dental office. A dental hygienist's 2 years of dental education does not prepare them for either the dental emergency, that is a broken instrument, inadvertent tissue cutting, excessive hemorrhaging or medical problems that do arise. They should not be expected to assume that responsibility or liability of working without the dentist on the premises.

The MDA met with the Board of Dentists and the Montana Dental Hygienist Association. The Board concurred that the deleted words of lines 13 and 14 on page 14 should be reinserted by amendment. There is a difference between the dental hygienist working under general supervision in a private office or the institutions mentioned. In the institutions any medical emergency could be handled by a trained nursing staff. Another problem was discussed and resolved by the Board of Dentistry and the Montana Dental Association, that is occasionally an emergency arises at the local hospital, personal or family, that requires the dentist to briefly leave the premises while the dental hygienist is performing services. It was agreed that by adding that exception to the definition of direct supervision with the consent of the patient and the dental hygienist, those hygiene services could be continued during the brief absence. We therefore propose to amend the paragraph which begins on line 19 with the attached amendment.

ROGER TIPPY

Attorney at Law

BOX 475

36 SOUTH LAST CHANCE MALL

HELENA, MONTANA 59601

442-4451

March 10, 1981

Senator Matt Himsl
Montana Senate
Capitol Station
Helena, Montana 59620

Re: Senate Bill 391

Dear Senator Himsl:

The above-entitled bill, reestablishing the Board of Dentistry, is scheduled for hearing before the House Human Services Committee next Monday, March 16, at 12 noon. For your information, I am enclosing an amendment which the Dental Association will offer. The purpose of this amendment is to exempt dental hygienists from the direct supervision requirement for those short-duration situations when the dentist is called out of the office to respond to an emergency of some sort. This language would replace the provisions now contained in section 9 of the bill.

Sincerely,


Roger Tippy

RT:ah
Enclosure

STATE OF MONTANA
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING
BOARD OF MORTICIANS



ED CARNEY, DIRECTOR

LALONDE BUILDING
HELENA, MONTANA 59601
PHONE (406) 449-3737

March 18, 1981

Budd Gould, Chairman
Public Health Committee
House of Representatives
State Capitol
Helena, MT 59620

Dear Chairman Gould and Members of the Committee:

The Montana Board of Morticians is requesting your support of Senate Bill 398 reestablishing the Board of Morticians. The Board is necessary to regulate the funeral profession in Montana to guarantee the rights of the public to quality care in time of their greatest need.

The Board is also requesting support for the amendment which would allow the Board to establish continuing education requirements for morticians. The Board feels this is a necessity for the profession to stay abreast of current laws, rules, and procedures in the field.

Sincerely,

Jack Severns
Jack Severns *Hydes*
Chairman
Board of Morticians

JS/dcc

✓

WITNESS STATEMENT

NAME W.R. Tully BILL No. SB 391
ADDRESS 2225 11th Ave Helena, Mt. DATE 3-19-81
WHOM DO YOU REPRESENT Self
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Copy attached.

WILLIAM R. TIDDY, D. D. S.
E. B. C. PROFESSIONAL CENTER, SUITE 26
2225 11TH AVE.
HELENA, MONTANA 59601
TELEPHONE 442-1130

Members of this Public Health Committee:

My name is Dr. William Tiddy, I have been practicing dentistry for 20 years and the consultant dentist at B.R.S. and H. for the past 17 years.

I strongly support SB 391 and its intent. However, during the M.D.A. Board of Directors meeting some emergent situations were discussed. Situations where it would be impractical and impossible to obtain the Board of Dental Examiners immediate approval. For this reason an additional phrase was proposed to the definition of "direct supervision", which states except when he is called out briefly for emergencies, when with the consent of the patient and the hygienist the hygienist may continue services. The committee may pass SB 391 intact without any modification and allow the Board of Dental Examiners to modify "direct supervision" by interpretation thru Rules and Regulation.

There has been some statements presented in the past on SB391 stating that, "It is too soon to evaluate how well this change has worked (general supervision in institutions), as it is relatively untested". In the last two years dental care has been provided by myself and the hygienist (according to 37-4-405) without incident. We feel that as long as the patient has been examined and diagnosed by the doctor, further treatment can be delegated to the persons qualified to render such treatment (general supervision).

Thank you.

W. R. Tiddy

VI ~~EE~~

WITNESS STATEMENT

NAME Dr. Douglas E. Wood BILL No. 391
ADDRESS 10 Three Mile Drive DATE 18 MAR 81
WHOM DO YOU REPRESENT Board of Dentistry
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

✓
Support SB391 as written to reestablish
the Board of Dentistry -

Douglas E. Wood, DDS

✓

WITNESS STATEMENT

NAME S. Elaine Rowe, RD# BILL No. S.B. 391
ADDRESS Elkhorn Rte. Boulder, Wt. DATE 3-18-81
WHOM DO YOU REPRESENT Self
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Copy attached.

✓ 11

IN SUPPORT OF S.B. 391
TESTIMONY OF L. ELAINE ROWE, RDH
BOULDER RIVER SCHOOL AND HOSPITAL

Members of the committee:

My name is Elaine Rowe. I am currently employed as the dental hygienist at Boulder River School and Hospital (BRS&H). I have practiced dental hygiene under the general supervision of a dentist since ^{MAY 1979} Statute #37-4-405 of the Dental Practice Act ^{has been} approved by the State Dental Board [REDACTED]. My testimony is directed at the question of whether the practice of dental hygiene under general supervision has been proven effective.

In the past 22 months, our department has provided approximately 3,017 dental procedures for the residents of BRS&H. Approximately 2,000 of these have been provided by myself under the general supervision and direction of Dr. William Tiddy, our supervising dentist. The nature of these 2,000 procedures has ranged from oral hygiene ~~examinations~~ ^{examinations} to oral prophylaxis treatments (the cleaning of teeth) and points between, designated within the Dental Practice Act.

It is important to emphasize, here, that our residents are medically unique in comparison to patients in private practice. A dental hygienist in private practice may run into an occasional patient with a heart problem or an occasional patient with diabetes or an occasional seizure patient. In comparison, each one of our residents, individually, may have one of these problems and/or multiples of these and other severe medical complications. It is my belief, then, that this would be the most likely field of dental hygiene where an emergency situation would occur.

In 22 months of practicing under general supervision, there has not been one medically emergent situation that has not been effectively handled by myself. Although there is an attending hospital staff to rely on, there has not been one of 2,000 procedures that has resulted in a hospital admission.

I believe that dental hygienists take a great deal of pride in the type of service they are providing for the public. This is true of dental hygienists in private practice as well as those of us that are involved in institutional care.

In the past 7 years of practice in the state of Montana, I have been affiliated with 3 out of the 5 dental hygiene constituents in the state. These groups are made up primarily of dental hygienists in private practice. All three of these constituents have taken their own initiative to organize and participate in regular yearly CPR review sessions and/or review sessions regarding the handling of emergency situations. Most of my training in this area has come from these sessions.

In conclusion, I would like to say that effective handling of emergent situations is one area to which dental hygienists, as professionals, have a great sense of duty. And it is on these premises, then, that I stand in support of S.B. 391, as written.

WITNESS STATEMENT

NAME Donald R Erickson DDS BILL No. SB 39
ADDRESS Billings MT DATE 3/18/81
WHOM DO YOU REPRESENT Mont. Dental Assoc.
SUPPORT ✓ OPPOSE _____ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Amendment 2 is passed out by Mr. Tupper

WITNESS STATEMENT

NAME Jeanette S Buchanan BILL No. 391
ADDRESS Box 220 Columbia Falls 59912 DATE 3-18-81
WHOM DO YOU REPRESENT Board of Dentistry
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*Support The reestablishment of The Board
of Dentistry and other items found
in Senate Bill 391 as written.*

Jeanette S Buchanan, RDH

VISITORS' REGISTER

HOUSE Human Services COMMITTEE

FILED SB 397

Date 3/18/81

ISOR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VIII

4-3737 ADDRESS London DATE 5-12-51

SUPPORT ☒ OPPOSE ☐ AMEND ☐

Comments:

Blaf-pedology is in reports
SF 200.

Report sent the same evening to the
 High Court of the Admiralty
 at the same time as the
 report on the 1st of the month.

VISITORS' REGISTER

HOUSE

Human Services

COMMITTEE

R LL

SB 398

Date

3/18/81

FOR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MONTANA FUNERAL DIRECTORS ASSOCIATION

P. O. Box 908 • HELENA, MONTANA 59601 • (406) 442-1432

Testimony on SB 398

Mr. Chairman and Members of the Committee:

For the record my name is John Malletta. I am presently president of the Montana Funeral Directors Association and a practicing funeral director in Missoula, Montana. I am here to testify in favor of SB 398 as amended.

For the past several years our association has been working with the State Board of Morticians on developing a continuing education program for funeral directors in Montana. Our concern for continuing education arises from the fact that funeral directors have been called upon to provide more and more services to the people that they serve. These services take the form of grief counseling, involvement in the Hospices programs, educational programs on death, dying and bereavement, and many other activities which in the past were not in the realm of funeral directing.

In the past decade there has been much research done into death, dying and bereavement. This knowledge is now being disseminated to our members and the public. To better be able to serve our members must be aware of this information and be knowledgeable in its application.

Therefore we strongly urge that you support the amendment and Senate Bill 398.