

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

March 9, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Vice Chairman, Matt Himsl on Monday, March 9, 1981 at 12:30 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Hager who was excused. Senator Norman arrived late. Kathleen Harrington, staff researcher, was also present.

Many visitors were in attendance. (See attachment.)

CONSIDERATION OF HOUSE BILL 437: Representative "Red" Menehan of District 90, sponsor of House Bill 437, gave a brief resume of the bill. This bill is an act to revise the responsibilities of the Alcoholism Center located at the Galen State Hospital and change its name.

Mike Murray from the Department of Institutions, the Drug and Alcohol Division, stated that the intent of this bill is to revise the content of the services provided at Galen State Hospital. The hospital will provide only care, evaluation, treatment, referral and rehabilitation to persons who are referred for treatment of alcoholism. The hospital will no longer be mandated to provide consulting, research or educational services. The name of the alcoholism services center is changed to reflect the change of its duties.

With no further proponents, Vice Chairman Himsl called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Halligan asked Mr. Murray the reason for the stricken language in the bill. Mr. Murray stated that this is repetitive as found in MCA,53-24-204.

Mr. Curt Chisolm of the Department of Institutions also stated that the bill would allow for the duties to be carried out by the department rather than Galen, the duties of consultation, research and education for the outpatients.

PUBLIC HEALTH
PAGE TWO
MARCH 9, 1981

Mr. Murray read from the Codes for comparisons to the bill to further explain why so much language had been deleted from the bill.

Representative Menehan asked the Committee for a favorable recommendation in his closing remarks.

CONSIDERATION OF HOUSE BILL 420: Representative Steve Waldron of District 97 gave a brief resume of the bill. This bill is an act to generally clarify section 53-24-208, MCA; deleting the distinction between public and private alcohol treatment facilities with regard to required facility standards and revising required facility standards.

This bill clarifies that all alcohol treatment facilities must meet standards established by the Department of Institutions. Under this bill the standards are no longer limited to health or treatment standards. It also states that state approval will be revoked from facilities that fail to file requested information or who files fraudulent information.

Mr. Mike Murray of the Department of Institutions, the Drug and Alcohol Division, spoke on behalf of the bill. He stated that on Page 1, lines 17 through 19 this was stricken out of the original bill as a way of making sure that better treatment centers are operating and function in the best interest of all persons involved.

With no further proponents, Vice Chairman, Matt Himsl called on the opponents.

Senator Tom Keating spoke against taking out lines 17 through 19 on page one. He was speaking on behalf of the Rimrock Foundation in Billings. He felt that it was very necessary to leave the stated lines in the bill to cover independent treatment centers.

With no further opponents, the meeting was opened to a question and answer period from the Committee.

Senator Norman asked Representative Waldron if he felt that this bill needed a Statement of Intent. Representative Waldron stated that he did not feel that the bill needed a Statement of Intent.

Senator Johnson asked about the funds which treatment centers receive.

PUBLIC HEALTH
PAGE THREE
MARCH 9, 1981

There is a cursory audit to see how the centers are handling their money.

Representative Waldron closed by asking the Committee for a favorable consideration on House Bill 420.

CONSIDERATION OF HOUSE BILL 439: Representative Waldron of District 97, sponsor of House Bill 439, gave a brief resume of the bill. This bill is an act concerning payment of fees for certain alcoholism related services and indicating how the Department will distribute funds generated by the tax on alcoholic beverages. This bill was introduced at the request of the Department of Institutions.

The bill provides that the state will pay fees for alcoholism services provided by state approved alcoholism programs and for detoxification services provided by licensed hospitals. Under the original statute the state pays for detoxification services provided by state approved alcoholism programs, certified alcoholism counselors and licensed physicians.

This bill also clarifies that the revenue from the alcohol tax that has not been spent and was returned by the counties to the department will be distributed by the department to approved programs the following fiscal year.

Mike Murray from the Department of Institutions, the Drug and Alcohol Division, stated that this bill addresses the excess earmarked funds. Mr. Murray stated that at present time this money is at present time going into a dark hole and can not be used. The would correct that problem and let the money be distributed to approved programs.

Hearing no further proponents, Vice Chairman Hims1 called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Norman asked if this money would have to be reported to the Legislature. Mr. Murray replied that being as the money is already earmarked, that he did not feel that it would have to be reported.

PUBLIC HEALTH
PAGE FOUR
MARCH 9, 1981

CONSIDERATION OF HOUSE BILL 632: Representative Bob Sivertsen of district 7, sponsor of House Bill 632, gave a brief resume of the bill. This bill is an act to require formulation of a county alcohol treatment and prevention plan annually.

This bill would require counties to annually submit a comprehensive county-wide plan for treatment, rehabilitation and prevention of alcoholism. The county would be ineligible to receive money until the plan was submitted and approved.

Mr. Mike Murray of the Department of Institutions, the Drug and Alcohol Division, stood in support of the bill.

Hearing no further proponent, Vice Chairman Hims1 called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Hims1 asked if the county must change their complete plan and was told no that this is not the case.

Representative Sivertsen closed by asking for favorable consideration from the Committee.

CONSIDERATION OF HOUSE BILL 717: Representative Calvin Winslow of District 65, sponsor of the bill, gave a brief resume. This bill is an act to generally revise and clarify the licensing laws for dentist and dental hygienists.

The Board emergency fund is eliminated in Section 1. In Section 2, the provisions for attendance at national association meeting is broadened and the compensation is increased. Section 3 provides rulemaking authority.

Section 4 makes an oral interview an optional feature of the dental licensing exam. It requires the applicant provide copies of other state licenses and the names and addresses of dental societies of which he is a member. It also eliminates the licensing examination for dental students.

Section 5 eliminates the requirement for the registration of the dental certificate in the county where the dentist is engaged in the practice of dentistry and changes the fee for the replacement of a certificate.

PUBLIC HEALTH
PAGE FIVE
MARCH 9, 1981

Section 6 provides for an annual renewal fee. There are separate requirements and fees for active and inactive status. It also provides for the revocation of a license for nonpayment of fees.

Section 7 allows the denial of a license for 2 years as a disciplinary sanction against a dentist. Section 8 makes an oral interview an optional feature of a dental hygienist's license examination.

Section 9 provides for an active and inactive status for dental hygienists and sets the limits and requirements for the fees to be charged the hygienist. Section 10 makes the Boards rulemaking authority for auxiliary personnel optional rather than mandatory.

Dr. William Thomas, representing the Board of Dentistry, stated that the Board of Dentistry is against any amendments which may be submitted by the Montana Dental Association. He then handed out written statement by the Board of Dentistry and read from the same. (See attachments.)

Jeannette Buchanan, also representing the Board of Dentistry, did a comparison of the three dentistry bills, which this Committee has heard so far this session. Senate Bill 463, changes the per diem. Senate Bill 412 addresses the renewal costs. And Senate Bill 717 which addresses the number of delegates and also the active and inactive categories. Each bill compliments the other.

Dr. Douglas Wood, representing the Board of Dentistry, stated that he is opposed to the Montana Dental Amendments to Section 37-4-401 of the Dental Practice Act.

The Board of Dentistry by rule establishes standards for and promotes the safe and qualified practice of dentistry. The proposed change removes the rule making power of the Board to regulate the duties of licensed dental hygienists. The question of what constitutes sufficient training, education, and skill for performance of specific functions should remain with the Board for professional decisions. The public hearing allows further input into the rule making process. The proposed amendment by the Montana Dental Association is unnecessarily restrictive in granting dental hygienists authority to perform functions that they are now trained to do. These duties are allowed in most other western states.

PUBLIC HEALTH
PAGE SIX
MARCH 9, 1981

Roger Tippy from the Montana Dental Association introduced members of his group as they each spoke.

Byron J. Greany of Anaconda, the president-elect of the Montana Dental Association, stated that this past year there has been much confusion in the interpretation of the dental law, requests for ruling, rulings passed and rescinded, inability of the Board of Dentistry legal staff to interpret, requests for the attorney general's opinion and statements by private attorney for the school of dental hygiene. Two years of sunset review did not address this problem. The only purpose of the Dental Practice Act is to protect the health, safety, and welfare of the patient. In so doing, it should describe in definite terms those duties which require skill, knowledge and education of a dentist and to permit delegation of those duties, reversible in nature or of such inconsequential irreversible nature as to not jeopardize the health, welfare and safety of the patient. It was with this background and intention that the Montana Dental Association would like to amend Section 37-4-401. Dr. Greany then went through some written testimony as to the intention and proposed changes that the MDA would like to see in the bill. (See attachments.)

Senator Norman at this point asked that someone draft a complete set of amendments so that the Committee can see how the actual bill would read. Senator Himsel then requested that Mr. Roger Tippy draft some amendments for the Committee.

Gary Mihelish, 1st vice president of the Montana Dental Association, stated that he supports the amendment proposed by the Montana Dental Association. It has been said by the opponents to this amendment that it tightens the law too much. Dr. Mihelish stated that this is just what he feels needs to be done. The changes allow for easier interpretation of the statute. The Board of Dentistry made a ruling last spring not to allow the administration of local anesthesia by dental hygienists. In addition to this, some dentists are requiring their auxiliaries to administer nitrous oxide analgesia to their patients, which is not an approved duty. These procedures have been proposed for the convenience of the dentists and not the protection of the patients that they treat. There is no proven need for dental auxiliaries to perform these procedures in the practice of dentistry and any physician or dentist realizes the seriousness of the administration of nitrous oxide analgesia and of local anesthetics. Dr. Mihelish asked the Committee to adopt the proposed amendments and then support the bill. (See attachments.)

PUBLIC HEALTH
PAGE SEVEN
MARCH 9, 1981

Dr. Jerry LaValley, a dentist from Livingston for the past 24 years, spoke in favor of the proposed amendments to House Bill 717. It is believed the inducing of any loss of senses or awareness by a substance (RE: liquid or gas) as in local anesthesia or nitrous oxide analgesia should be done by the most capable person in that office setting. Last summer at a public hearing on a rule change on one of these issues, one of the Board of Dentistry members admitted that he may have been influenced by his own desires in proposing the rule change. The present Board of Dentistry apparently is unable or unwilling to deal with this on a permanent basis. The purpose of the amendment is to clarify the issue which the Board of Dentistry seem to semi-annually have to contend with. There is some inconvenience, but a closer personal contact in this procedure is for the health and welfare of the patient. (See attachment.)

Debra Kehr of Helena, stood in support of the amendment and more especially Section 4 of the bill. As a med tech with 5 years training and more experience, she recognizes the severity and danger of the injection of local anesthesia and does not feel that anyone should be permitted to perform such injections without a great deal of specialized training such as physicians, dentist, and anestheologist. There is no need to risk the patients well being as sufficient qualified dentists reside in Montana.

Judy Harbrecht, representing the Montana Dental Hygienists Association, stood in support of the bill, but stated that she strongly opposes the amendment to Section 37-4-401 of the Dental Practice Act as proposed by the Montana Dental Association.

MDHA is concerned with any suggested change which would alter the basic intent of the Dental Practice Act. The law or statutes should establish minimum criteria for dentist and dental hygienists to practice in Montana. The Board of Dentistry should establish the standards for safe and qualified delivery of dental services. MDHA is also concerned that the amendment proposed by the MDA is unnecessarily restrictive in granting dental hygienists authority to perform certain function relevant to the delivery of preventative dental health services to the public.

PUBLIC HEALTH
PAGE EIGHT
MARCH 9, 1981

Peggy Quinn, speaking as a representative of the Montana Dental Hygienists Association, stated that she is in favor of House Bill 717 and is in opposition to the proposed amendments regarding Section 37-4-401. In the proposed amendment, Subsections 2, 3, and 4 list specific functions which a dental auxiliary cannot perform. The list includes some expanded duty functions which are now being provided by dental auxiliaries in other areas of the country. This would indicate interpretations can be made in the delegation of functions. The original intent of HB 717, was to establish control of the indiscriminant delegation of duties by dentists. The Board of Dentistry would then, through rules and regulations, make the necessary professional judgments regarding the delegation of specific functions as the need indicates. (See attachment.)

Roger Tippy, representing the Montana Dental Association, stated then his group felt that the rules and regulations should be spelled out for easier interpretation of the statutes. The legislative delegation to executive branch agencies is one of the central issues in administrative law. Constitutional issues aside, a major consideration is whether or not the legislature has the details of a regulatory program. When the technical details are available, why not put them into the statute instead of delegating the task of phrasing those details to the agency. He then stated that he was in the process of drafting some amendments to the bill for the Committees' consideration and will turn them in as soon as possible.

Dr. Jim Quinn, stood in support of the bill without the amendments.

With no further proponents, Vice Chairman Himsel called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Berg asked Representative Winslow if he had seen Senate Bill 391, as it also deals with the dentistry profession.

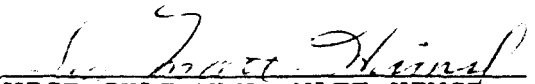
Representative Winslow closed stating that this is the first time he had to ever consider taking novacaine to present a bill. Everyone seems to be in agreement and support of House Bill 717, however, not everyone is in favor of the proposed amendments. He asked the Committee for a favorable consideration of this bill.

PUBLIC HEALTH
PAGE NINE
MARCH 9, 1981

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Wednesday, March 11, 1981 at 12:30, in Room 410 of the State Capitol Building.

ADJOURN: With no further business the meeting was adjourned.

eg


VICE CHAIRMAN, MATT HIMSELF

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date May 9

NAME	PRESENT	ABSENT	EXCUSED
Tom Hager	<i>[initials]</i>		✓
Matt Hims1	✓		
S. A. Olson	✓		
Jan Johnson	✓		
Dr. Bill Norman	<i>[initials]</i>		
Harry K. Berg	✓		
Michael Halligan	✓		

Each day attach to minutes.

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Douglas E. Wood, DDS	Board of Dentistry	717	✓	
William B. Thomas, DDS	Board of Dentistry	717	✓	
Janneth Buchanan RDH	Board of Dentistry	717	✓	
Marjorie Abbott, RDH	MDHA	717	✓	
Judy Hackett RDH	MDHA	717	✓	
Van Thomas RDH	MDHA	717	✓	
Mike Sperry	Dept of Inst	420 437, 439 632	✓	
Beverly Gibson	Int Assoc of Co's	439 632	✓	
Larry Mahler	MCA	717	✓	Amendment
Peggy Quinn	MDHA	717	✓	
R. L. Ligon	ADA	717	Am.	
Debra M. Kehr	self	717	✓	Amend
J. LaValley	MDA	717	✓	Amend
Jo Kaste	David Andrew Center			

(Please leave prepared statement with Secretariat)

NAME: Michael Murray DATE: 3/9

ADDRESS: _____

PHONE: 449-2827

REPRESENTING WHOM? Dept. of Inst. Alcohol & Drugs

APPEARING ON WHICH PROPOSAL: HB 437

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

HB 420

Introduced by Steve Waldron

This bill clarifies that all alcohol treatment facilities must meet standards established by the Department of Institutions. Under this bill the standards are no longer limited to health or treatment standards. It also states that state approval will be revoked from facilities that fail to file requested information or who files fraudulent information.

NAME: Michael Murray DATE: 3/9/81

ADDRESS: _____

PHONE: 449-2827

REPRESENTING WHOM? Dept. of Institutions - Alcohol & Drug Div

APPEARING ON WHICH PROPOSAL: HB 420

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

HB 439

Introduced by Steve Waldron

This bill provides that the state will pay fees for alcoholism services provided by state-approved alcoholism programs and for detoxification services provided by licensed hospitals. Under the original statute the state pays for detoxification services provided by state-approved alcoholism programs, certified alcoholism counselors and licensed physicians.

The bill also clarifies that the revenue from the alcohol tax that has not been spent and was returned by the counties to the department will be distributed by the department to approved programs the following fiscal year.

NAME: Michael Murray DATE: 3/9

ADDRESS: _____

PHONE: 449-2827

REPRESENTING WHOM? Dept. of Inst. Alcohol & Drugs

APPEARING ON WHICH PROPOSAL: HB 439

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

HB 632

Introduced by Rep. Sivertsen

This bill would require counties to annually submit a comprehensive county-wide plan for treatment, rehabilitation, and prevention of alcoholism. The county would be ineligible to receive money until the plan was submitted and approved.

NAME: Michael Murray DATE: 3/7

ADDRESS: _____

PHONE: 449-2827

REPRESENTING WHOM? Dept. of Int. Alcohol & Drugs

APPEARING ON WHICH PROPOSAL: HB 632

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

HB 717

Introduced by Rep. Winslow

This bill is a general revision of the licensing laws for dentists and dental hygienists.

The Board emergency fund is eliminated in Section 1.

In Section 2 the provisions for attendance at national association meetings is broadened and the compensation is increased.

Section 3 provides rulemaking authority.

Section 4 makes an oral interview an optional feature of the dental licensing exam. It requires the applicant provide copies of other state licenses and the names and addresses of dental societies of which he is a member. It also eliminates the licensing examination for dental students.

Section 5 eliminates the requirement for the registration of the dental certificate in the county where the dentist is engaged in the practice of dentistry and changes the fee for the replacement of a certificate.

Section 6 provides for an annual renewal fee. There are separate requirements and fees for active and inactive status. It also provides for the revocation of a license for nonpayment of fees.

Section 7 allows the denial of a license for 2 years as a disciplinary sanction against a dentist.

Section 8 makes an oral interview an optional feature of a dental hygienist's license examination.

Section 9 provides for an active and inactive status for dental hygienists and sets the limits and requirements for the fees to be charged the hygienist.

Section 10 makes the Boards rulemaking authority for auxiliary personnel optional rather than mandatory.

Gen. William D. Thomas

March 9, 1981

ADDRESS:

1537 Fte. D Billings, Montana 59102

PHONE:

248-7171

REPRESENTING WHOM?

Field of Dentistry

APPEARING ON WHICH PROPOSAL:

HS 717

DO YOU:

SUPPORT?

✓

AMEND?

OPPOSE?

COMMENTS:

NAME: Jeannette S Buchanan RDH DATE: Mar. 9, 1981

ADDRESS: Box 220 Columbia Falls MT 55912

PHONE: 406-892-5977

REPRESENTING WHOM? Board of Dentistry

APPEARING ON WHICH PROPOSAL: # HB717

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: regard Coordinating instructions

If There is a problem with coordination, we
wish to clarify.

NAME: Douglas E. Wood, DDS DATE: 9 MARCH 81

ADDRESS: 10 Three Mile Drive, Kalispell, MT 59901

PHONE: 755-7890

REPRESENTING WHOM? Board of Dentistry

APPEARING ON WHICH PROPOSAL: 717

DO YOU: SUPPORT? ✓

AMEND? _____

OPPOSE? _____

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Douglas E. Wood, D.D.S.
10 Three Mile Drive
Kalispell, Montana 59901

March 9, 1981

Ref: Montana Dental Association
Proposed amendment to change
section 37-4-401 of the Dental
Practice Act.

Senate Public Health Committee:

I am opposed to the MDA amendment to Section 37-4-401 of the Dental Practice Act.

The Board of Dentistry by rule establishes standards for and promotes the safe and qualified practice of dentistry. The proposed change removes the rule making power of the Board to regulate the duties of licensed dental hygienists. The question of what constitutes sufficient training, education, and skill for performance of specific functions should remain with the Board for professional decisions. The public hearing allows further input into the rule making process.

The proposed amendment by the Montana Dental Association is unnecessarily restrictive in granting dental hygienists authority to perform functions that they are now trained to do. These duties are allowed in most other western states.

Douglas E. Wood, D.D.S.

NAME: Byron J. Greany DATE: 3-9-81

ADDRESS: 115 W. Comm. Anacanda, Mont.

PHONE: 563-7822

REPRESENTING WHOM? Mont. Dent. Assoc.

APPEARING ON WHICH PROPOSAL: H.B. 717

DO YOU: SUPPORT? _____ AMEND? ✓ OPPOSE? _____

COMMENTS: A. 40 years familiarity of situation

B. Mont. Dent. Assoc. has supported this position

with 8 of 11 districts overwhelmingly supporting
the amendment of 717 as presented.

C. Statute will prevent problems of interpretation
by the affected professionals

Montana Dental Association

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

Constituent: AMERICAN DENTAL ASSOCIATION

MONTANA DENTAL ASSOCIATION AMENDMENTS TO HB717 WITH PROPOSED STATEMENT OF INTENT

This past year has seen much confusion in the interpretation of the dental law, requests for rulings, rulings passed and rescinded, inability of the Board of Dentistry legal staff to interpret, requests of the attorney general for interpretations, and statements by private attorneys for the school of dental hygiene.

Two years of "Sunset Review" did not address this problem at all, except to inadvertently do so by its deletions of present statute 37-4-405 to permit the practice of dental hygiene when the dentist is not "on the premises" as requested by present law. The Board of Dentistry bill also did not address this problem. It was therefore decided January 16, 1981 by the Montana Dental Association Executive Committee that it must introduce some revisions in order to carry out the direction of policies voted by the Montana Dental Association Board of Directors.

The only purpose of the Dental Practice Act is to protect the health, safety and welfare of the patient. In doing so, it should describe in definite terms those duties which require the skill, knowledge and education of a dentist and to permit delegation of those duties, reversible in nature or of such inconsequential irreversible nature as to not jeopardize the health, safety and welfare of the patient. It was with this background and intention that the following revisions to section 37-4-401 are presented.

PRESENT "not allow the Board or a licensed dentist to delegate any of the following duties: (1) diagnosis, treatment planning, and prescriptions; (4) prescription for drugs, medications, or work authorizations."

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

INTENTION (1) and (4) were combined to simplify and clarify.

PRESENT "(2) surgical procedures on hard and soft tissues;"
Present rules prohibits surgical procedures on hard and soft tissues with exception - ARM 40.14.602 (2) (b) except for root planing and curettage.

PROPOSED (2) surgical procedures, including suture placement and cutting or removing on hard and or soft tissues except for root planing and gingival curettage;
There is no change intended by this, above exception still applies. Perhaps exception could be added or i.e., removal of acretions, stains, plaque above the epithelial attachment.

INTENTION to preclude periodontal surgery procedures requiring flap entry and closure with placement, a duty requiring the skill and training of a dentist.

PRESENT "(3) restorative, prosthetic, orthodontic, and other procedures which require the knowledge and skill of a dentist;"
^{of sutures}

Officers—1980-1981

President
Donald R. Erickson, D.D.S.
537 Avenue D

President-Elect
Byron J. Greany, D.D.S.
115 W. Commercial Ave.

1st Vice-President
Gary L. Mihelish, D.M.D.
907 Helena Ave.

2nd Vice-President
Stephen L. Black, D.D.S.
115 W. Kagy Blvd.

Secretary-Treasurer
John W. Lohman, D.D.S.
P.O. Box 513
Butte, MT 59701

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

INTENTION Much emphasis today is placed on the importance of supporting structures to teeth and Temporomandibular Joint (jaw joint) as related to the biting surfaces (cusps, fossa and inclined planes) of the tooth. We all are aware of the complaints of a "high filling". The intention of the change is to prevent auxiliaries from doing those procedures which alter the occlusal table and require the knowledge and skill of a dentist. Such change can result in irreversible, or at best difficult to reverse, physiological changes of the teeth, supporting structures or Temporomandibular Joint. There is NO INTENT to prohibit those traditional dental auxiliary duties of polishing fillings or teeth, or removing overhangs which would be allowable duties.

PRESENT "(4) prescription for drugs, medications, or work authorizations."

PROPOSED (4) administration of local anesthesia or induction of Nitrous Oxide Analgesia.

INTENTION The Montana Dental Association understood this was the intent of the Board of Dentistry following the July '80 ruling prohibiting dental hygienists from administering local anesthesia and in an "interim opinion" that neither dental hygienists nor dental assistants could induce Nitrous Oxide Analgesia, but both could monitor the procedure. "Induce" was described as administering Nitrous Oxide Analgesia to attain the proper level of consciousness. "Monitoring" was described as observing that level of consciousness, under direct supervision, of the patient and equipment, to adjust this equipment only to increase the level of consciousness or oxygenation of the patient but not to decrease the level of consciousness or oxygenation of the patient.

The Montana Dental Association hopes that the above clarifies the reason for and intentions of introducing these amendments to HB717.

NAME: GARY L. MINEISH DATE: 3-9-81

ADDRESS: Holmdel

PHONE: 958-9738

REPRESENTING WHOM? MCI- STANLEY LITKIN

APPEARING ON WHICH PROPOSAL: 717

DO YOU: SUPPORT? _____ AMEND? SUPPORT ✓ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

March 9, 1981

Testimony before the Senate Public Health Committee

HB 717

Dr. Gary Mihelish

I support the amendment proposed by the Montana Dental Association. It has been said by the opponents to this amendment that it "tightens" the law too much.. I feel that this should be done. The changes do, however, allow for easier interpretation of the statute.

In the past, the opinions and tenor of the Board of Dentistry seems to vacillate yearly with each new appointment to the Board. No consistency in rulings has been established and this has been disconcerting to all factions of the dental profession.

A majority of three votes is all that is necessary to change an opinion or ruling on the Board of Dentistry. These rules, although they can be changed, do in fact, govern the practice of dentistry in Montana. The rulings of the Board of Dentistry always seem to be controversial. The majority of the members of the Montana Dental Association feel that it is better for the legislature to determine definite statutes. In this way the Board of Dentistry can more easily and consistently perform its duties.

The Board of Dentistry made a ruling last spring not to allow the administration of local anesthesia by dental hygienists. In addition to this, some dentists are requiring their auxiliaries to administer nitrous oxide analgesia to their patients, which is not an approved duty. These procedures have been proposed for the convenience of the dentists and not the protection of the patients that they treat. There is no proven need for dental auxiliaries to perform these procedures in the practice of dentistry, and any physician or dentist realizes the seriousness of the administration of nitrous oxide analgesia and of local anesthetics.

For these reasons, the Montana Dental Association feels that it is important that the proposed amendment be adopted by the legislature.

NAME: DR J P LA Valley DATE: MAR 9 1981

ADDRESS: 422 So MAIN Livingston

PHONE: 222 1431

REPRESENTING WHOM? IMMEDIATE PAST PRES. Keweenaw Dental Assn

APPEARING ON WHICH PROPOSAL: NB 717

DO YOU: SUPPORT? _____ AMEND? ☒ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

J. P. LAVALLEY, D. D. S.

— BOX 631 —

LIVINGSTON, MONTANA

59047

I am Dr. Jerry LaValley and I have been in practice in Livingston for 24 years. I am the Immediate Past President of the MDA. A very substantial majority of the over 400 Dentists in the State of Montana favor the amendment our Association is proposing.

We believe the inducing of any loss of senses or awareness by a substance (re: liquid or gas) as in local anesthesia or nitrous oxide analgesia should be done by the most capable person in that office setting.

Last summer at a public hearing on a rule change on one of these issues, one of the Board of Dentistry members admitted that he may have been influenced by his own desires in proposing a rule change. I commend him for his admission. The present Board of Dentistry apparently is unable or unwillingly to deal with this on a permanent basis. Therefore, we are reluctantly forced to amend HB 717.

The purpose of our amendment is to clarify this issue which the Board of Dentistry seems to semi-annually have to contend with.

We realize that there is some inconvenience but feel strongly a closer personal contact in this procedure is for the health and welfare of the patient.

~~The present day prevalence of drug abuse prompts us to propose pulling into statute what has been in the past covered by rules.~~

NAME: DEBRA M. KEHR DATE: 3-9-81

ADDRESS: 736 N BENTON, HELENA

PHONE: 442-8083

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB717

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: Support the amendment +

more esp. section 4. As a Med Tech
with 5 yrs training + more
experience, I recognise the severity
+ danger of the inj. of local anes. + do
not feel that anyone should be
permitted to perform such injections
w/out a great deal of specialized training
ie. Physicians, dentists + nurse anes. There
is no need to risk the patients well being
as sufficient qualified dentists reside
in Montana

NAME: Judy Schubert DATE: March 9, 1981

ADDRESS: 714 Broadway New York

PHONE: 442-4187

REPRESENTING WHOM? Montana Mental Hygiene Association

APPEARING ON WHICH PROPOSAL: 717

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS:

MHA does not support the amendment
proposed by MHA.



Montana Dental Hygienist's Association

March 9, 1981

TESTIMONY PRESENTED BEFORE THE SENATE PUBLIC HEALTH COMMITTEE

RE: House Bill #717

MDHA supports HB #717, but strongly opposes the amendment to Section 37-4-401 of the Dental Practice Act as proposed by the Montana Dental Association.

MDHA is concerned with any suggested change which would alter the basic intent of the Dental Practice Act. It is our understanding that the law, or statutes, should establish minimum criteria for dentists and dental hygienists to practice in Montana. The Board of Dentistry, through the rules and regulations, should establish the standards for the safe and qualified delivery of dental services. As explained to me by Mr. Carney, Director of the Department of Professional and Occupational Licensing, the statutes are meant to serve as the skeleton of the Dental Practice Act, while the rules and regulations are it's flesh and blood. Certainly, the Board of Dentistry, with its professional majority, should make the changes which require professional discretions and knowledge in regards to dentistry and its auxiliary occupations. It seems logical that the Board of Dentistry is in a better position than legislature to make decisions which adjust the scopes of practice of dentists and auxiliary occupations. The question of what constitutes sufficient training, education, and skill for performance of certain functions should be a professional decision, and the Board of Dentistry should be the professional judge. We must seriously question why we would consider removing this decision making authority from the Board of Dentistry.

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

To their credit, the dental profession created the dental hygiene profession to meet dentistrys' and 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, successful 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.

No one cares more about dental hygiene than the dental hygienist. At this time, I'd like to introduce Peggy Quinn, also representing MDHA, who will address our specific concerns about the amendment.

NAME: Reginald Quinn DATE: 2-9-81

ADDRESS: P.O. Box 5652, Helena MT. 59604

PHONE: 443-0471

REPRESENTING WHOM? Montana Dental Hygienists' Association

APPEARING ON WHICH PROPOSAL: AD 711

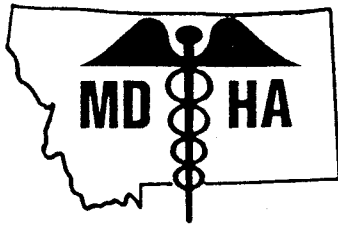
DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

oppose the amendment proposed by

the Montana Dental Association

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



Montana Dental Hygienist's Association

March 9, 1981

My name is Peggy Quinn, speaking as a representative of the Montana Dental Hygienists' Association. I speak in favor of HB 717 and in opposition to the proposed amendment regarding Section 37-4-401.

In the proposed amendment, Subsections 2, 3, and 4 list specific functions which a dental auxiliary cannot perform. The list includes some expanded duty functions which are now being provided by dental auxiliaries in other areas of the country. This would indicate interpretations can be made in the delegation of functions.

In the spring of 1980, each of the State Boards of Dentistry received a questionnaire from the Division of Educational Measurement of the American Dental Association regarding the legal provision operative in each specific licensing jurisdiction concerning expanded functions which may be delegated to auxiliaries.

The results of the survey published in September by the American Dental Association indicated that " in 1980 no licensing jurisdiction has a Practice Act which permits dentists to delegate at their discretion the performance of any and all expanded functions to dental assistants and/or dental hygienists. Of the 51 jurisdictions surveyed, 47 reported that the Practice Act gives the Board of Dentistry authority to establish rules and regulations for delegating expanded functions to the dental auxiliaries."

Four similar reports have been published by the ADA beginning in 1972. Over the past 9 years the number of states which permit the dentist to delegate expanded functions to the dental hygienist has increased significantly in regards to certain functions, whereas in other functions the number has remained stable. In view that changes occur, is it within the best use of our Legislators time to have them deal with each and every specific change when a Board of Dentistry is set up for that purpose? Laws are to provide rigidity, rules and regulations are to provide flexibility.

In keeping with the original intent of HB 717, the law would be established to control the indiscriminant delegation of duties by dentists. The Board of Dentistry would then, through rules and regulations, make the necessary professional judgements regarding delegation of specific functions as the need indicates.

Thank you.

NAME: ROGER TIPPY DATE: 3/9/81

ADDRESS: 36 S. LAST CHANCE MALL, HELENA

PHONE: 442-4451

REPRESENTING WHOM? MONTANA DENTAL ASSOCIATION

APPEARING ON WHICH PROPOSAL: HR 717

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? _____

COMMENTS: 1. LEGISLATIVE DELEGATION TO EXECUTIVE

BRANCH AGENCIES IS ONE OF THE CENTRAL
ISSUES IN ADMINISTRATIVE LAW.

2. CONSTITUTIONAL ISSUES ASIDE, A MAJOR

CONSIDERATION IS WHETHER THE LEGISLATURE

HAS AVAILABLE TO IT, THE DETAILS OF A

REGULATORY PROGRAM. IF THE TECHNICAL DETAILS

ARE AVAILABLE, WHY NOT PUT THEM INTO THE

STATUTE INSTEAD OF DELEGATING THE TASK OF

PHRASING THOSE DETAILS TO THE AGENCY?

3. ANALOGIES -- WILDERNESS ACT OF 1964

(FOREST SERVICE REGULATIONS PUT INTO STATUTE); BILLS

PENDING ON MONTANA CLEAN AIR ACT.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY