

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Jan Brown, on February 28, 1989, at 9:00 a.m.

#### ROLL CALL

Members Present: All members present, except:

Members Excused: Rep. Whalen

Members Absent: None

Staff Present: Judy Burggraff, Secretary; Lois Menzies, Staff Researcher

Announcements/Discussion: Rep. Phillips said he had received a letter from the United Veteran's Council. They reported that they had worked out an arrangement with the funeral directors in Helena and the Committee would not have to pursue the Committee bill that was requested by the Committee on February 7.

#### HEARING ON SJR 2

Presentation and Opening Statement by Sponsor: Sen. Elmer Severson, Senate District 32, introduced the bill. The Western States Legislative Forestry Task Force is a group of legislators from Alaska, California, Idaho, Montana, Oregon, Washington and Wyoming. Each session the Legislature is required to pass a resolution if it wishes to continue membership on this task force, which acts as a clearinghouse for information affecting the maintenance and use of forest lands in the West. This resolution requests the appointment of two Senators by the Committee on Committees and two Representatives by the Speaker of the House to represent Montana on the Forestry Task Force.

Sen. Severson gave a brief overview of the task force: It was organized in 1974 and Montana was one of the original members. In 1986, the Canadian Province of British Columbia joined the task force as an associate member; in 1988, the province of Alberta also joined as an associate member. Both provinces are represented at the meetings by their forest ministers. They are not voting members. The task force monitors federal executive administration decisions concerning natural resources and what affects the maintenance and utilization of public and private forest lands, primarily in the west. One of the common bonds of

the task force states is a significant amount of federal land ownership within each state.

Sen. Severson said that semiannually the task force tries to meet in Washington, D.C.; the other meetings are rotated between the member states as is the leadership. The chief of the forest service or the chief deputy attend all of their meetings. Members have made numerous personal contacts with Congressional delegates from each task force state. The task force covers everything from the North Pole to the Mexican border.

Testifying Proponents and Who They Represent:

Rep. Bernie Swift, Self

Kara Ricketts, Montana Wood Products and Montana Logging Association

Jo Brunner, Montana Water Resources Association, Montana Grange and Montana Cattlemens' Association

Carol Mosher, Montana Stockgrowers and the Montana Cattlemen's Association

Proponent Testimony:

REP. BERNIE SWIFT, House District 64, said that he has been a member of the task force committee for the past four years. Rep. Swift said, "It is vitally important that we continue this relationship with the northwest states." He also said that 30 percent of Montana is composed of federal lands. The western part of Montana derives about 44 percent of its economic benefits from these federal lands. Rep. Swift stated that the task force has been working on the inter-relationships across the border so that the Canadians can participate in controlling the fires, which was instrumental in controlling some of last summer's fire problems.

KARA RICKETS, representing Montana Wood Products Association, said that she is also speaking on behalf of Keith Ellison, Montana Logging Association. She said that both associations support this resolution.

JO BRUNNER, representing the Montana Water Resources Association, the Montana Farmers Union, the Montana Grange and the Montana Cattlemen's Association, said that "we believe it is necessary to participate in the Western States Forestry Task Force. We think it is beneficial to forestry."

CAROL MOSHER, representing the Montana Stockgrowers and the Montana Cattlemen's Association, said "We support SJR 2 as we think that particular task force is very beneficial to our state. We ask that you vote yes on this resolution."

Testifying Opponents and Who They Represent: None

Questions From Committee Members:

REP. WESTLAKE asked if the task force dealt with private forestry land as well as federal. Sen. Severson said yes, to some extent. For the most part, we deal mostly with federal and state land. Some of our actions can relate to private land.

Closing by Sponsor: Sen. Severson thanked the Committee and urged their favorable action. Sen. Severson said that either Rep. Swift or Rep. Ream would carry the bill in the House.

DISPOSITION OF SJR 2

Motion: Rep. Nelson moved SJR 2 BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED unanimously. Rep. Nelson moved to place SJR 2 ON THE CONSENT CALENDAR. The motion CARRIED unanimously.

HEARING ON SB 174

Presentation and Opening Statement by Sponsor: Sen. Dorothy Eck, Senate District 40, introduced the bill. This agency bill, requested by the Department of Commerce, concerns the Board of Landscape Architects. The board is composed of five members appointed by the Governor with the consent of the Senate. Three members must be licensed landscape architects; two members must be representatives of the public. Only a public representative may be elected board chairman. This bill permits any member to serve as chairman.

Sen. Eck said that Valerie Tooley, a board member from Billings had written to her about the situation. All of the members agree that they would be better off if the requirement were dropped that only a public representative may be elected board chairman.

Testifying Proponents and Who They Represent: None

Testifying Opponents and Who They Represent: None

Questions From Committee Members: None

Closing by Sponsor: Sen. Eck said that Rep. Bradley would be carrying the bill in the House.

DISPOSITION OF SB 174

Motion: Rep. Phillips moved SB 174 BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED 16 - 1, with Rep. Campbell voting no.

HEARING ON SB 58

Presentation and Opening Statement by Sponsor: Sen. Tom Beck, Senate District 24, introduced the bill. In 1985, the Legislature enacted a bill to permit a state employee to contribute any portion of his or her accumulated sick leave to a nonrefundable sick leave fund for state employees and thereby become eligible to draw upon the fund if an extensive illness or accident exhausted the employee's accumulated sick leave. The bill also established a state employee sick leave advisory council consisting of nine state employees from the executive, legislative and judicial branches of state government and from the Montana University System. The 1985 legislation is scheduled to terminate July 1, 1989. This bill removes this termination date and is effective June 30, 1989.

Sen. Beck stated that Rep. Jan Brown had introduced this bill in the 1985 session, which allowed people to donate their sick leave to people who ran out of sick leave or to a pool. He said it is an extremely good bill. He said, "The bill is due to "sunset" this year. The bill has worked well. The people in the state say that there has been no problems with it. It is a good system."

Testifying Proponents and Who They Represent:

Laurie Ekanger, Administrator, State Personnel Division,  
Department of Administration

Proponent Testimony:

LAURIE EKANGER said the Department of Administration supports SB 58 and she presented written testimony (Exhibit 1).

Testifying Opponents and Who They Represent: None

Questions From Committee Members:

REP. CAMPBELL asked how many members have taken advantage of this legislation. Ms. Ekanger said that there are 447 members that have deposited sick leave in the fund. They have each contributed eight hours. Most of the activity has not been in the fund that was established by people joining upon the contribution of eight hours that can be used if they need it; most activity has been in direct grants from a co-worker.

Closing by Sponsor: Sen. Beck said that he hopes the Committee endorses the bill as it is a good morale booster for employees. Sen. Beck requested Rep. Jan Brown to carry the bill in the House.

## DISPOSITION OF SB 58

Motion: Rep. Phillips moved SB 58 BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED unanimously. Rep. Moore moved SB 58 BE PLACED ON THE CONSENT CALENDAR. The motion CARRIED unanimously.

## HEARING ON SB 114

Presentation and Opening Statement by Sponsor: Sen. John G. Harp, Senate District 4, Flathead County, introduced the bill. In 1987, the Legislature merged the Board of Dentistry, created by Montana Initiative No. 97, with the Board of Dentistry. In this merger, the Legislature substituted a denturist for a dentist on the Board and added a senior citizen as a public member. Now the eight-member Board of Dentistry consists of four dentists, one denturist, one dental hygienist and two public members, one of whom must be a senior citizen. This bill adds a fifth dentist to the Board.

Sen. Harp gave a history of the Board of Dentistry: Between 1895 and 1979 the Board consisted of five dentists; between 1979 and 1981, they added one dental hygienist; between 1981 and 1987, they added one consumer. Then the board had five dentists, one hygienist and one public member. Last session, a bill was introduced through the Legislative Auditor, which recommended merging two boards, the Board of Denturists and the Board of Dentistry and the bill added one denturist and one public member. One public member had to be a senior citizen. But, in the meantime, they subtracted one dentist.

Testifying Proponents and Who They Represent:

Roger Tippy, Montana Dental Association

Dr. Robert Cotner, President, Board of Dentistry

Dr. John T. Noonan, Board of Dentistry

Dr. Gary L. Mihelish, Montana Dental Association

Proponent Testimony:

ROGER TIPPY, representing the Montana Dental Association, presented to the Committee a recapitulation of the numbers that Sen. Harp reviewed (Exhibit 2). Mr. Tippy said that this bill was introduced to address the problem of extra work, which has been put on the dental members of the Board of Dentistry. The dentists must come to Helena about four times a year for meetings, and they participate with five other states in the examination of dentists in the Western Regional Examining Board. They examined hundreds of dentists who wish to be licensed in Alaska, Arizona, Idaho, New Mexico, Montana and Utah. Only dentists who are dental board members can easily and practically carry out this function. When the five dentists were cut down to four, it has turned out that they have to take an extra trip each year. It takes the dentists about 25 to 30 days a year from their practice to serve on this Board. It is beginning to be a burden for these dentists to do that. The Senate passed this bill by a vote of 46 - 3 on second reading and a vote of 45 - 2 on the third reading.

DR. ROBERT COTNER presented written testimony (Exhibit 3).

DR. JACK NOONAN, from Great Falls, and a member of the Board of Dentistry, noted that Alaska has six dentists on their board and all of the other states in the western region have five dentists on their boards. The examining board holds five or six examinations every year. Montana is expected to send three examiners to each exam. With four members on the Board, it means that each examiner must attend three to four examinations. Each examination is four days, with an extra day for travel. This is time out of the office. This is 20 days a year for one dentist for examinations, and about forty days overall for all board work. This is a very time consuming situation. The addition of one more dentist would alleviate much of the pressure. Montana is also responsible for upgrading parts of the dental exam. Only the four dentists on the Board are qualified to participate. It would be nice to spread the responsibility here between five dentists, instead of just four. We are also responsible for all of the dental assistant x-ray examinations. These are all responsibilities that are in addition to the regular duties of being on the Board of Dentistry. The cost of an

additional board member would be approximately \$600 a year to attend the four Board meetings. The funds to run the Board come from licensure fees.

DR. GARY MIHELISH, former president of the Montana Dental Association, said he wanted to reinforce the comments made by Dr. Noonan and Dr. Cotner. Up until 1979, the Montana Dental Association each year submitted its list of five names to the Governor for appointment to the Board of Dental Examiners. At that time, it was considered a real "coup" to get on that list. The dentists would literally do anything to get appointed to the Board of Dental Examiners, such as make massive contributions to gubernatorial campaigns. Since that time, it is no longer necessary for the governor to appoint members to the Board of Dentistry from the Dental Association's list. He can appoint anyone that he wishes. The Dental Association still submits a list for the Governor every year, but with the advent of the consumerism, the changes in testing and the controversy that surrounds the Board, we find fewer and fewer dentists willing to serve on the Board of Dentistry. It takes too much time, and it isn't worth the hassle. Dr. Mihelish said that in order to find qualified dentists that are willing to serve on the Board, the Committee should consider adding a fifth member to the Board of Dentistry.

Testifying Opponents and Who They Represent:

Patti Conroy, Montana Dental Hygienists' Association

Connie Jacques, Montana Dental Hygienists' Association

Christine Herbert, Self

Cheri Purnell Seed, Self

Earl J. Reily, Montana Senior Citizens' Association

Opponent Testimony:

PATTI CONROY, a registered dental hygienist from Billings, presently serving as Legislative Chairman for the Montana Dental Hygienists' Association, presented written testimony (Exhibit 4).

CONNIE JACQUES, a registered and licensed dental hygienist, representing the Montana Dental Hygienists' Association, presented written testimony (Exhibit 5).

CHRISTINE HERBERT, a teacher at Carroll College in the Dental Hygiene Department, said she has had 15 years of experience working in Montana and has worked with many dentists over the years in public health, private practice and in the education center. Ms. Herbert said: The business of the Board is to regulate these professions. Dental issues and

complaints must be directed to the Board of Dentistry and these do affect all of these professions as well as consumers. To give any one of the groups a clear voting majority, creates a real conflict of interest within that Board.

Ms. Herbert asked if it was right that the hygienist's employers, the dentists, should also be given the total power to regulate their profession. She said that no other medical profession shares a joint board.

She also said, "I don't agree that work load really is the problem. But if it were the issue here, there are many other ways that the Board could ease that load." She suggested that there be better utilization of present members. For example, the dental hygienist member could be used to do the dental assisting exams, at least the radiology portion for which they are responsible. They could also help with the investigation of complaints on dental practitioners. In addition, the Board could do more contractual work. The Board could utilize the legal and administrative staffs that they have more effectively.

Ms. Herbert spoke about the composition of the board saying that "fair representation would have to be established. The majority vote should not be awarded to the dentists through the passage of this bill." She urged the Committee to not support the bill.

CHERI PURNELL SEED, a registered licensed dental hygienist, presented written testimony (Exhibit 6) and a report entitled, "Facts - Facts - Facts" (Exhibit 7).

EARL J. REILY, representing the Montana Senior Citizens' Association, said that most senior citizens can finally afford decent dentures, and they would like to keep it that way. They want to go on record as opposing SB 114.

Questions From Committee Members:

REP. ROTH asked if the hygienist member of the board was present and where she lived. Patti Conroy said she wasn't there and that she lived in Libby. REP. ROTH asked if there had been a history of tie votes on the Board. Ms. Conroy said there had not been a history of tie votes, but there has been a history of problems associated with some issues, that the Hygienist Association has brought before the Board. One of those issues concerned the administering local anesthesia, which was dealt with four years ago in the Legislative session. We had difficulty dealing with the Board, so we chose to come to the Legislature with that problem. We have at least three very controversial issues, which we expect to be looking at in the near future. We think there will be some close votes on the Board.



REP. ROTH said that testimony had been given that three members must go to each examination. He asked if that was correct. Dr. Cotner said that in most cases that is true, but it will vary. REP. ROTH asked if it is required that three attend. Dr. Cotner said no, it is required that we have a member there. REP. ROTH asked if the required board member must be a dentist. Dr. Cotner said that they must be a dentist. REP. ROTH asked if any of the citizen members or the hygienists go to the examinations. Dr. Cotner answered, "They do not. The Western Regional Examining Board does have a hygiene member in attendance. She helps conduct the examination for the dental hygienist. She does not become involved in examining graduate dentists." REP. ROTH said that there was testimony stating that the Colorado Board, which has four dentists, is able to handle their work load with a significantly larger population. He asked if that Board performs the same function and the same amount of work as the Montana Board does. Dr. Cotner said he could not answer that.

REP. SPRING asked if the problem with the work load is the regional work. Mr. Tippy answered that the dentists say that is what is causing most of the increase in their work load. Also they have more complaint files to follow up as they are the only ones that can investigate the dental complaints. REP. SPRING asked if the hygienists have a problem with the 2 - 1 ratio of the composition of the Board. Ms. Conroy said that they did not come in with a specific amendment to add one hygienist to the Board just because we feel that an eight-member board is cumbersome enough. We have had complaints for years that we do not feel that we have adequate representation on that Board. When a hygienist serves as president of the Board, we have no voting member on that Board unless there is a tie.

REP. WESTLAKE asked how many examination meetings Dr. Cotner had attended. He said he had attended three. REP. WESTLAKE asked how many other dentists from the Board attended those three meetings at the same time that he attended them. Dr. Cotner said "probably one." REP. WESTLAKE asked if the Board can hire a representative to do the examination. Dr. Cotner said that "this becomes an issue within each individual state as to how they handle that. At the present time, Arizona is the only state that is doing that. In Montana, the Board of Dentistry has felt that it is important that we have a representative member of the Board of Dentistry on these exams." REP. WESTLAKE asked what it would cost to hire a qualified person to attend an examination. Dr. Cotner said he couldn't answer that.

REP. MOORE asked Sen. Harp what he would think if she amended the bill to go back to 4 dentists and 2 hygienists. Sen. Harp said, "I wouldn't like it."

REP. CAMPBELL asked the dental hygienists if this bill were to pass if they would be assessed more money. Ms. Conroy said that all depends on if the \$600 fee is in their budget or not. She said that they just recently went through a licensing fee increase; hygienists now pay \$65 a year and dentists pay \$70. Ms. Conroy said that they now have one of the highest fees in the country for their license renewal.

REP. SPRING asked Sen. Harp why he wouldn't like having the bill amended to change the number on the Board to 4 dentists and 2 hygienists when there are 500 licensed dentists and 250 licensed hygienists. Sen. Harp said that for 95 years this Board had five dentists. In the last two years, we had the merging of the two Boards. They looked at this new makeup of the Board for two years and realized that their work load is too heavy for the composition of the Board.

Closing by Sponsor: Rep. Harp said that it is interesting to note that the current dental hygienist member on this board, Jeanette Tawney, from Missoula, is on record as supporting this bill. Rep. Harp said he would get that letter to the Committee. He also said that the Board is in need of a change. The main purpose of this Board is to protect the public health and welfare of the people of Montana. "I am sure that this Committee in its wisdom will see fit to pass this bill."

Rep. Harp said that if the bill were to pass, that Rep. Simon would carry the bill.

#### HEARING ON SB 121

Presentation and Opening Statement by Sponsor: Sen. Greg Jergeson, Senate District 8, introduced the bill. In the 1986 case, Mont. Merit System Council v. Dept. of Social and Rehabilitation Services, the district court for First Judicial District (Lewis and Clark County) ruled that the Merit System Council had no power because state law applicable to the Council was too vague to constitute a valid delegation of legislative authority and federal law could not provide such a delegation. The decision was not appealed. This bill, by request of the Legislative Audit Committee, removes statutory references to the state merit system and the Merit System Council that were declared unconstitutional.

Sen. Jergeson said he is "four square in favor of merit." But he also is in favor of abolishing the Merit System Council since the decision of the district court was not appealed and it cannot be appealed since the legal timeframe to appeal has passed according to the statute of limitations. As a result of an audit, the Legislative Audit Committee unanimously recommended that the Merit System Council be abolished and that statutes relating to it be repealed.

Sen. Jergeson said that either Reps. Simon or Cobb would carry the bill in the House.

Testifying Proponents and Who They Represent: None

Testifying Opponents and Who They Represent: None

Questions From Committee Members: None

Closing by Sponsor: Sen. Jergeson said that since there were no questions, that he hoped the Committee saw merit in the bill. He thanked the Committee for their time.

DISPOSITION OF SB 121

Motion: Rep. Moore moved SB 121 BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED unanimously.

ADJOURNMENT

Adjournment At: 10:37

  
REP. JAN BROWN, Chairman

JB/jb

4614.min

## DAILY ROLL CALL

## STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date February 28, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman	✓		
Rep. Helen O'Connell, Vice Ch.	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Ervin Davis	✓		
Rep. Floyd "Bob" Gervais	✓		
Rep. Janet Moore	✓		
Rep. Angela Russell	✓		
Rep. Carolyn Squires	✓		
Rep. Vernon Westlake	✓		
Rep. Timothy Whalen		✓	
Rep. Bud Campbell	✓		
Rep. Duane Compton	✓		
Rep. Roger DeBruycker	✓		
Rep. Harriet Hayne	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Rande Roth	✓		
Rep. Wilbur Spring, Jr.	✓		


RECEIVED  
THE CLERK  
STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that SENATE JOINT RESOLUTION 2 (blue copy) be concurred in and that it be placed on the CONSENT CALENDAR.

Signed: \_\_\_\_\_

  
Jan Brown, Chairman

[TO BE CARRIED BY EITHER REP. SWIFT OR REP. REAM]

STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report  
that SENATE BILL 174 (blue copy) be concurred in .

Signed: \_\_\_\_\_  
Jan Brown, Chairman

[TO BE CARRIED BY REP. BRADLEY]


STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that SENATE BILL 58 (blue copy) be concurred in and that it be placed on the CONSENT CALENDAR.

Signed: \_\_\_\_\_

  
Jan Brown, Chairman

[TO BE CARRIED BY REP. J. BROWN]

2/27/89  
5:07pm  
jce

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report  
that SENATE BILL 121 (third reading copy -- blue) be  
concurrent in .

Signed: Jan Brown  
Jan Brown, Chairman

[EITHER REP. COBB OR REP. SIMON WILL CARRY THIS BILL ON THE  
HOUSE FLOOR]



PD 1/89

DEPARTMENT OF ADMINISTRATION - TESTIMONY SUPPORTING SB 58  
Repeal sunset provisions for State Employee Sick Leave Fund

- I. State Employee Sick Leave Fund:
  - A. Created for State Employees in 1985.
  - B. Scheduled to terminate in June 1989.
- II. Two Activities Included:
  - A. Sick Leave Fund - Employees may voluntarily contribute accrued sick leave to a central fund and thereby become eligible to draw from the fund if they suffer an extensive illness or injury.
    - As of December 31, 1989:
    - 447 members - 5306 hours of sick leave
    - 5 grants received from fund - 504 hours of sick leave granted.
  - B. Direct Grants - Employees may directly grant sick leave credits to another employee who has suffered an extensive illness or injury.
    - As of December 31, 1989:
    - 146 direct grants received - 1033 donor employees.
    - 15,187 hours offered - 13,979 hours of sick leave accepted.
- III. The Sick Leave Fund Advisory Council:
  - A. Established to advise the Dept. of Administration on the Sick Leave Fund Program.
- IV. Administration of Program:
  - A. No budget was provided to implement program.
  - B. A system of leave vouchers has been established that make administration of the program very simple.
  - C. Cost of administering the program have been absorbed in the State Personnel Division budget.
  - D. Cost of additional sick leave have been absorbed by the agencies employing the ill or injured employee.
- V. Benefits:
  - A. Program has provided significant assistance to 149 state employees who have experienced a serious illness or injury.
    - 1. Before they are eligible: Must exhaust all their own leave. Sick leave, annual leave and compensatory time.
    - 2. Must be absent from work for at least 10 consecutive working days.
    - 3. Must have certification from a Physician.
  - B. Grants have covered surgeries, serious injuries, cancers, heart disease, chronic illnesses.
- VI. Department of Administration Recommends DO PASS on SB 58.

For more information call Laurie Ekanger or Mark Cress, State Personnel Division, 444-3871.

## HISTORY OF BOARD OF DENTISTRY

EXHIBIT 2

1895 - 1979: CONSISTED OF 5 DENTISTS, KNOWN AS BOARD OF DENTAL EXAMINERS DATE OF 2-28-89  
SB 114

1979 - 1981: 1 DENTAL HYGIENIST ADDED, NAME CHANGED TO BOARD OF DENTISTRY

1981 - 1987: 1 CONSUMER ADDED BY 1983 SUNSET REVIEW BILL:  
BOARD NOW HAS: 5 DENTISTS  
1 DENTAL HYGIENIST  
1 PUBLIC MEMBER

1987: LEGISLATIVE AUDIT COMMITTEE RECOMMENDS SUNSET OF THE BOARD OF DENTURITRY AND ITS MERGER INTO THE BOARD OF DENTISTRY. THE BILL ADDS 1 DENTURIST AND 1 ADDITIONAL PUBLIC MEMBER, WHO MUST BE A SENIOR CITIZEN, AND SUBTRACTS 1 DENTIST. THE RESULT IS AN 8-PERSON BOARD CONSTITUTED AS FOLLOWS:

4 DENTISTS  
1 DENTAL HYGIENIST  
1 DENTURIST  
2 PUBLIC MEMBERS

## PRESENT BOARD WORKLOAD:

Examines new license applicants each year: (approximately)

30 dentists

25 hygienists (may go down when Carroll College program ends)

0 denturists

## Renews licenses:

800 dentists (500 in-state, 300 out-of-state)

350 hygienists (250 in-state, 100 out-of-state)

16 denturists (13 in-state, 3 out-of-state)

## Investigates complaints:

20 dentists

0 hygienists

8 denturists

Every other state participating in the Western Regional Examining Board has at least five dentists. Here are their numbers:

State	Dentists	Dental hygienists	Denturists	Public members	Total
Alaska	6	2	-	1	9
Arizona	5	1	-	3	9
Idaho	5	1	-	1	7
New Mexico	5	1	-	1	7
Utah	5	1	-	1	7
Montana (current)	4	1	1	2	8
Montana (proposed)	5	1	1	2	9

EXHIBIT

3

DATE

2-28-89

SB

114

1012

I AM DR. ROBERT COTNER, PRESIDENT OF THE BOARD OF DENTISTRY AND I  
AM HERE TO VOICE MY SUPPORT OF S. B. #114 TO ADD ANOTHER DENTIST  
MEMBER TO THE BOARD OF DENTISTRY. AT THE LAST LEGISLATIVE SESSION,  
THE LEGISLATURE ADDED A DENTURIST AND A SECOND LAY PERSON TO THE  
BOARD OF DENTISTRY BY DELETING ONE OF THE DENTIST MEMBERS FROM THE  
BOARD TO RETAIN THE MEMBERSHIP OF THE BOARD AT SEVEN MEMBERS. THE  
PRESENT MEMBERSHIP OF THE BOARD OF DENTISTRY CONSISTS OF FOUR MEM-  
BERS THAT ARE GRADUATE DENTISTS, ONE DENTAL HYGIENIST, TWO LAY  
MEMBERS AND ONE DENTURIST.

1895

THE BOARD OF DENTISTRY IS REQUIRED BY STATUTE TO MEET AT LEAST FOUR  
TIMES A YEAR AND TO EXAMINE ANY NEW DENTISTS, DENTAL HYGIENISTS OR  
DENTURISTS THAT WISH TO BE LICENSED TO PRACTICE THEIR PROFESSION IN  
THE STATE OF MONTANA. IN ADDITION TO THE REGULAR MEETINGS, ADDITIONAL  
MEETINGS ARE USUALLY REQUIRED BY THE BOARD OF DENTISTRY TO FULFILL  
THE BOARD RESPONSIBILITIES. MOST OF THE MATTERS OF BUSINESS, PARTIC-  
ULARLY THE COMPLAINTS FILED AGAINST PRACTITIONERS IN MONTANA, RE-  
QUIRE THE EXPERTISE OF THE DENTIST MEMBER SINCE THE OTHER BOARD MEM-  
BERS LACK THE EDUCATIONAL REQUIREMENTS TO RULE ON THE VARIOUS MATT-  
ERS COMING BEFORE THE BOARD.

THE STATE OF MONTANA IS A MEMBER OF THE WESTERN REGIONAL EXAMINING  
BOARD WHICH INCLUDES THE STATES OF MONTANA, IDAHO, UTAH, ARIZONA  
AND NEW MEXICO. THE W. R. E. B. EXAMINES PROSPECTIVE LICENSEES AT  
LEAST FOUR TIMES EACH YEAR AT VARIOUS WESTERN DENTAL SCHOOLS ON  
THE CAMPUSES OF THEIR RESPECTIVE UNIVERSITIES.

THE W. R. E. B. REQUIRES THAT THE EXAMINERS BE REPRESENTATIVE OF THE

EX#3  
202

-2-

STATES REPRESENTED ON THE W. R. E. B. THIS REQUIRES THAT ONLY THE FOUR DENTIST MEMBERS CAN ATTEND AND REPRESENT MONTANA AT THE REGIONAL EXAMINATIONS WHICH, THEREFORE, ADDS FOUR ADDITIONAL MEETINGS TO THE REQUIRED FOUR MEETINGS OF THE BOARD. HAVING ONLY FOUR MEMBERS THAT CAN SERVE AS EXAMINERS PLACES A BURDEN ON THESE FOUR DENTISTS SINCE THE OTHER MEMBERS OF THE BOARD DO NOT HAVE THE QUALIFICATIONS TO SERVE AS EXAMINERS.

I AM IN HOPES THAT YOU, OUR ELECTED REPRESENTATIVES, WILL ACT FAVORABLY ON THIS BILL TO ADD THE FIFTH DENTIST MEMBER TO THE BOARD OF DENTISTRY TO BETTER HANDLE THE BUSINESS THAT COMES BEFORE THIS IMPORTANT REGULATORY BOARD.



## Montana Dental Hygienists' Association

February 28, 1989

SB 114

"An act to restore the fifth dentist member to the Board of Dentistry"

Testimony presented to:  
House of Representatives  
State Administration Committee

Madame Chairman and members of the committee,

The Montana Dental Hygienists' Association wishes to speak in opposition to Senate Bill 114. It is the opinion of MDHA that the present composition of eight Board of Dentistry members is adequate to handle the work load for which the Board of Dentistry is responsible. The Montana Dental Hygienists' Association has investigated the size of boards of dentistry in surrounding western states and in states of similar to slightly larger populations. This analysis reveals that a seven member board is apparently adequate to conduct business in all of the states listed with the exception of Colorado and Alaska. Colorado, with a much larger population base than Montana, has a board composed of nine members, only four of which are dentists. It is hard to believe that Montana needs as many members on the Board of Dentistry as does Colorado, and that we require more dentist members, when a state as populated as Colorado manages to conduct Board of Dentistry business with their four dentists.

MDHA has contacted the Western Regional Exam Board (WREB) to inquire about the responsibilities of Montana Board of Dentistry members at WREB examinations. Three telephone conversations with Linda Paul of WREB confirmed the information on our fact sheet. We have also requested this information be sent to us in writing. WREB requires that only two WREB exams, those which are held in conjunction with the two dental exam review committee meetings need to be attended by a dentist from the Montana Board of Dentistry. In addition, the dental hygienist on the board is required to attend the one WREB exam which includes the dental hygiene exam review committee meeting. Outside of these WREB exams, the only requirement WREB has of examiners is that at least one examiner must come from a state other than the one where that particular exam is being conducted. ~~Six~~ states participate in WREB. This year, and very possibly in subsequent years, the Montana exam will not be held. Carroll College is closing it's dental hygiene department and at this time there does not appear to be funding available in the Montana educational system to establish another program with a facility adequate to conduct a WREB exam.

The privilege of serving as a member of the Board of Dentistry carries with it responsibilities that each member has chosen to accept. Attendance at an occasional WREB exam is one of those accepted responsibilities. The board meetings and WREB exams are scheduled well in advance allowing board members to arrange their schedules accordingly. Board of Dentistry membership is considered a prestigious position, coveted by many members of the dental and dental hygiene professions. Therefore, MDHA does not believe that the Board of Dentistry is in danger of experiencing a shortage of qualified applicants for board positions. Examiners for WREB exams are not required to be Board of Dentistry members. In

Ex #4  
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situations where a shortage of examiners may occur, WREB can and does appoint examiners who are not board members. In order to compensate for time spent away from their offices, all examiners are paid for thier participation as examiners. Therefore we feel that it is unwarranted to increase the number of dentists on the Board of Dentistry for the purpose of assisting with examination responsibilities.

In past legislative sessions, the Montana Dental Hygienists' Association has presented testimony to the fact that the ratio of dentists to dental hygienists in Montana is approximately two to one. MDHA stresses the importance of a proportionate, equitable representation on the Board of Dentistry to benefit the consumers of Montana. The present composition is closer to that goal than it has ever been in the past. Dental Hygiene has the same percentage of representation on the Board of Dentistry as denturity and yet there are approximately 20 denturists licensed and regulated by the board compared to over 350 dental hygienists.

Dental Hygiene has the unique distinction of being the only licensed profession which is regulated by a board composed primarily of members of a different profession, who also serve as the primary source of employment. This arrangement is in contrast to the nursing and medical professions which are regulated by their own individual licensing boards. As most of us are aware, employers and employees will on occasion find themselves on opposite sides of an issue. The Board of Dentistry regulates the functions dental hygienists may perform and considers many issues which affect the circumstances of employment of dental hygienists. In our opinion some of the responsibilities of this regulatory board are to assure access to care, provide high quality oral health care and to be responsive to consumer needs. We feel that these are reasons why consumers and members of all affected professions were added to the Board of Dentistry. Can these responsibilities be fulfilled in the best interest of the consumer when one profession completely dominates the board?

In conclusion, the Montana Dental Hygienists' Association believes that the total number of members on the Board of Dentistry is more than adequate to conduct the business of the board. We have pointed out that WREB responsibilities are not excessive and will possibly decrease if the one Montana examination is no longer conducted. A position on the Board of Dentistry carries with it certain responsibilities of which applicants are aware and accept as part of the privilege of serving as a member of the Board of Dentistry. MDHA believes that it is advantageous for the dental professions and Montana consumers of dental care to strive for a Board of Dentistry which operates in an equitable and democratic manner. A board composed of proportionate representation from all parties of concern can only serve to safeguard the oral health of the citizens of Montana.

Thank you for your consideration of our viewpoint. MDHA urges the committee to vote against SB 114.

Patti J. Conroy RDH  
MDHA Legislative Chairman  
2525 Silver Spur Trail  
Billings, Montana 59105  
252-2336 (H) 252-4200 (W)

1. States included in analysis of Boards of Dentistry: Alaska, Idaho, North Dakota, South Dakota, Utah, Wyoming, New Mexico, Maine. Taken from ADHA's Legislative Action Packet: Dental Hygienists and State Boards of Dentistry - 1987  
Confirmed through ADHA's Governmental Affairs Division.



EXHIBIT 5

DATE 2-28-89

~~SB~~ 114 1982

# Montana Dental Hygienists Association

February 28, 1989

## TESTIMONY IN OPPOSITION TO SB-114

Madame Chairman, and Members of the Committee,

My name is Connie Jacques. I am a Registered and licensed Dental Hygienist in Montana. I have been a hygienist for 10½ years, and have about 20 years experience working in private dental offices, and college educational settings. I am the President-Elect of the Montana Dental Hygienists Association.

The Board of Dental Examiners was formed in 1895. The only profession represented at that time was dentists. Hygienists were not licensed by this Board until approximately 40 years later. Dental hygienists were not represented by a voting member on this Board until 1978. Since 1978, we have had one Dental Hygienist on the BOD.

The BOD has undergone several changes in the past ten years. There are now three related, but separate, professions governed, licensed, and regulated by the BOD. The title of the Board has changed from the Board of Dental Examiners, to the Board of Dentists, to the Board of Dentistry. Lay members have been added in recent years, to represent the public it serves and protects.

The members of this current Board have committed themselves to serve in more than one capacity. They serve as examiners, hired and paid by WREB, and they also serve in a regulatory capacity over the dental professions in the state of Montana. Those who serve as WREB examiners must be complimented and respected for their commitment to the future of todays graduates in Dentistry, and Dental Hygiene.

We need to address the fact that the examination and regulatory functions of Board members are really two separate entities. The regulatory function is clearly spelled out in the statutes and rules, but the function and requirements set forth by the state of Montana are not clearly defined. The area of "workload" that is stressed to you seems to be primarily in the area of attending WREB exams. The bulk of time and travel spent on Board "business" seems to involve WREB. Since it is possible for WREB to hire outside Examiners who are NOT Board members, it is NOT necessary to add a dentist to the Board to fulfill this need. WREB also has six states from which to hire its examiners.

The Board has REGULATORY authority over dentists, hygienists, and denturists. The definition of REGULATE is: "To direct, manage, or control according to certain rules, principles, etc."

This is the CRUX of the opposition to this bill. The 4 dentists on the Board represent 479 active dentists. One hygienist represents 224 active hygienists, and one denturist represents 14 licensed denturists...based on figures from the BOD's Administrative Assistant on February 27, 1989. At the last Legislative session, MDHA tried to add a second hygienist to the BOD, but were unsuccessful in this attempt. We have never been represented proportionately!

Equitable representation is an issue concerning this bill. Our democratic society was founded upon the BASIC principle of fair and equal representation. This is why Montana only has two seats in our nation's House of Representatives. You need only look no further than your OWN governing body to confirm that fair and equal representation is basic to Montana.

In the final analysis, ladies and gentlemen, we must rely on YOU, our elected officials, to determine what really is the issue here.

Please vote NO on SB\_114!

Thank you,

Connie S. Jacques, R.D.H., B.A.  
President-Elect, M.D.H.A.  
1602 Gold Rush  
Helena, Montana. 59601  
442-7964



EXHIBIT 6  
DATE 2-28-87  
SB 114

TESTIMONY IN OPPOSITION TO SB 114

Madam Chairman, Members of the Committee:

My name is Cheri Purnell Seed and I am a registered licensed dental hygienist here in Helena.

I am a concerned professional and have taken time off from work today to voice my opposition to SB 114.

To provide you with some general information on what a dental hygienist is and what a hygienist's duties include, I have brought this fact sheet for you to review.

In 1983 I graduated with a baccalaureate degree in dental hygiene from Carroll College. After completing my education, in order to attain a license in the State of Montana, I was required to take a written national board exam, a regional clinical board exam and the Montana jurisprudence exam.

The Board of Dentistry is not only a regulatory board, but also a rule-making body. The proposed change in composition of the Board of Dentistry would mean that the dentist members would have a clear-cut majority vote on matters that directly affect my profession, such as: educational standards, supervision requirements, and delegation of responsibilities, and this greatly disturbs me!!

I strongly urge you to vote NO on SB 114.

Thank you.

Cheri Purnell Seed, R.D.H., B.S.  
582 Highland  
Helena, MT 59601  
(406) 449-3878

# • FACTS • FACTS • FACTS

## FACTS ABOUT DENTAL HYGIENISTS

EXHIBIT 7  
DATE 2-28-89  
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- 1** A dental hygienist is a preventive oral health professional licensed in dental hygiene who provides educational, clinical and therapeutic services supporting total health through the promotion of optimal oral health.
- 2** The education of the dental hygienist emphasizes the basic sciences which include microbiology, chemistry, pathology, anatomy and physiology. Other components of the curriculum develop the clinical skills of the dental hygienist which ultimately prepares the hygienist to provide preventive dental health services to the public. A dental hygienist is eligible for licensure after graduation from an educational program accredited by the American Dental Association Commission on Dental Accreditation and upon successful completion of both a written National Board Dental Hygiene Examination and a clinical examination. The licensed dental hygienist practices in accordance with the requirements of individual state dental practice acts. The purpose of licensure is to protect the public. In many states, a dental hygienist must take continuing education courses to renew his/her license.
- 3** A dental hygienist may work in such practice settings as:
  - Private dental offices and dental clinics.
  - Federal, state and local health departments or associated institutions.
  - Hospitals and nursing homes.
  - School districts or departments of education.
  - Educational programs for dental, dental hygiene and dental assisting students.
  - Private business/industry.
  - Correctional facilities.
  - Private and public centers for pediatric, geriatric and other individuals/groups with special needs.
  - Health Maintenance Organizations.
- 4** A dental hygienist is that member of the dental team who is responsible for providing treatment that helps to prevent oral disease such as dental caries (cavities) and periodontal disease (gum disease) and for educating the patient to maintain optimal oral health. This professional is especially knowledgeable about the preventive aspects of dental disease.
- 5** Although legal dental hygiene functions vary from state to state, some of the functions routinely performed by a dental hygienist include, but are not limited to:
  - monitoring of patient's health history, including blood pressure.
  - thorough examination of the teeth and oral structures, including a soft tissue exam;
  - removal of calculus, stain, and plaque (hard and soft deposits) from above and below the gumline;
  - application of caries-preventive agents, such as fluorides and fissure sealants;
  - plaque control instruction and development of individualized oral hygiene programs for home care;
  - dietary analysis and counseling;
  - exposure, processing and interpretations of dental x-rays;
  - placement of temporary fillings and periodontal dressings, removal of sutures, and polishing and recontouring amalgam fillings;
  - educating the individual patient, the general public and special population groups (e.g., minority groups, geriatric, mentally/physically handicapped persons) about the importance of good oral hygiene habits;
  - oral cancer and blood pressure screenings;
  - designing and implementing community dental health programs.

In some states, with additional education a hygienist may provide other services such as administering local anesthetics and nitrous oxide/oxygen analgesia, placing and carving of filling materials, and also additional periodontal procedures.

*(Prepared by the ADHA Council on Dental Hygiene Practice.)*

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2/28/89

**ROGER TIPPY**

*Attorney At Law*

BOX 543  
DOWNTOWN PROFESSIONAL CENTER  
314 N. LAST CHANCE GULCH  
HELENA, MONTANA 59624

442-4451

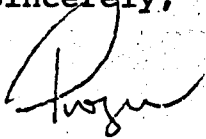
February 23, 1989

Rep. Jan Brown, Chairman  
House State Administration Committee  
Montana House of Representatives  
Capitol Station  
Helena, MT 59620

Dear Jan:

The Commerce Department is telling board members of the Board of Dentistry that they may not attend committee hearings unless invited. I thought this policy applied to full-time state employees and not to people who essentially volunteer their time to serve on boards. However, I may be wrong. Would you mind signing an invitation letter along these lines for the February 28 hearing? Thanks.

Sincerely,



ROGER TIPPY  
Montana Dental Association

RT:ah

2/28/89

February 23, 1989

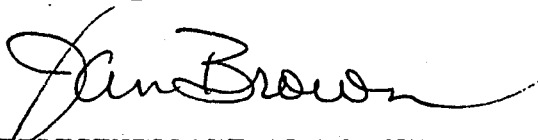
Robert Cotner, D.D.S.  
Chairman, State Board  
of Dentistry  
Columbia Falls, MT 59912

John Noonan, D.D.S.  
Member, State Board  
of Dentistry  
Great Falls, MT 59401

Dear Drs. Cotner and Noonan:

The House State Administration Committee will conduct a hearing February 28 on Senate Bill 114. As this bill relates to the numbers of dentists on the Board of Dentistry and the workload of those dentist members, your comments would probably be helpful to the Committee in its deliberations on this bill. Please consider yourselves invited to this hearing if it is convenient for you to attend.

Sincerely,



REPRESENTATIVE JAN BROWN  
Chairman, State Administration Committee

## VISITORS' REGISTER

## STATE ADMINISTRATION COMMITTEE

BILL NO. SJR 2DATE February 28, 1989SPONSOR SEN. SEVERSON

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
CAROL MOSHER	MT. STOCKGROWERS	✓	
RON DE YONG	MT. FARMERS UNION	✓	
Ja Brunner	MCRA - Grange Cotton	✓	
Lara Ricketts	Montana Wood Products	✓	
	Montana Logging Assoc.	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STATE ADMINISTRATION COMMITTEE

SPONSOR SEN. BECK

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

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## VISITORS' REGISTER

## STATE ADMINISTRATION COMMITTEE

BILL NO. SB 114

DATE February 28, 1989

SPONSOR SEN. HARP

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Robert B. Cotney D.D.S.	Board of Dentistry	X	
<del>James T. Thomas</del>	" " "	X	
Roger Tippy	Mont Dental Assn	X	
Patti Conroy RDH	Montana Dental Hygienists' Assn		X
Cheri E. Seed RDH	myself		X
Janie L. Jacques P.D.H.	Montana Dental Hygienists Assoc		X
Mary Ann Whit, RDH	myself		X
David Willis, student (aide)	myself		
Christine Herbert, RDH	myself		X
Gary & Michael Omp	Montana Dental Assn	X	
EARL J. KELLY	MONT. SENIOR Citizens Assoc		X

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.