

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Chairman Dorothy Eck, on February 13, 1991, at 3:05 p.m.

(Executive Action commenced at 3:05 p.m. The chairman called the public hearing to order at 4:10 p.m.)

ROLL CALL

Members Present:

Dorothy Eck, Chairman (D)
Eve Franklin, Vice Chairman (D)
James Burnett (R)
Thomas Hager (R)
Judy Jacobson (D)
Bob Pipinich (D)
David Rye (R)
Thomas Towe (D)

Members Excused: None

Staff Present: Tom Gomez (Legislative Council)
Christine Mangiantini (Committee Secretary)

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

EXECUTIVE ACTION ON SENATE BILL 172

Motion:

Senator Pipinich moved adoption of Amendments to SB 172.
See Exhibit #1.

Discussion:

The chairman recognized Senator Pipinich who asked that Mona Jamison, representing the Midwifery Association, explain the amendments. The chairman recognized Mona Jamison who explained the proposed amendments.

Amendments, Discussion, and Votes:

The chairman recognized Senator Franklin who said her comments were met to avoid obstacles. She talked about the administration of pitocin. She said pitocin is given intravenously.

The chairman recognized Mona Jamison who said it will not be used to induce labor, but administered only after the birth of the child. She said Dr. Nelson concurred in this because of intense bleeding after birth, in some cases. She said they are not intending to use pitocin to induce labor.

The chairman recognized Senator Pipinich who moved to adopt the amendments.

There being no objection the motion to adopt Amendments #1 through 28 passed unanimously.

Motion:

The chairman recognized Senator Franklin who moved adoption of the amendment stated in Exhibit #2.

Amendments, Discussion, and Votes:

The chairman recognized Senator Franklin for an explanation of the proposed amendment.

Senator Franklin said she thought the assumption was that people do not want folks appointed to the board who may sabotage the board. She said the assumption is that the governor is making appointments and will make logical ones. To include the proposed language will ensure that the appointments will be appropriate.

The chairman recognized Mona Jamison who said that she would make the assumption that the governor would only make appointments that serve the public. However, she is familiar with the mechanics of the appointment process. She explained the process. She said by putting the language in you will develop a list in good faith. She said it is a matter of legislative intent.

Senator Franklin responded by saying that she had questions about the workability of it. She recommended cleaning up the language and being straightforward about it.

Chairman Eck said one of the amendments submitted by the Maternal Child Health Council called for a board which would also have a pediatrician, a certified nurse-midwife, which would add an additional two people. There was also a proposal for a five-member board with two nurse-midwives. She said the committee had a decision to make on the board membership.

The chairman recognized Senator Jacobson who said they would have another opportunity to discuss the board because she was introducing a bill that would provide an Allied Health Care Board for small groups such as this. The proposed legislation has a connecting clause to SB 172 and the naturopath's legislation.

Senator Towe called the question. The chairman called for the vote on adoption of the proposed amendment. There being 7 ayes and 1 nay by Senator Pipinich, the motion carried.

Motion:

The chairman recognized Senator Pipinich who moved to pass SB 172 as amended.

Amendments, Discussion, and Votes:

The chairman recognized Senator Franklin for a substitute motion to consider amendments from the Maternal Child Health Council.

Senator Towe called the question. The chairman called for a vote on the substitute motion. There being 7 ayes and 1 nay by Senator Pipinich, the substitute motion carried.

Senator Eck turned the chair over to Senator Franklin. The chairman recognized Senator Eck to explain the amendments (Exhibit #3). Senator Eck explained the amendments. The chairman recognized Mona Jamison who opposed increasing the number of semester hours of study.

Senator Eck asked Mona Jamison to respond to when a client is seeking emergency medical treatment and when the client's history is requested by the attending medical professional.

Ms. Jamison said she had no problem with the proposed amendment.

Senator Jacobson moved adoption of Amendment #4, (Exhibit #3).

There being no objection the amendment was adopted.

Senator Eck continued explaining amendments. The chairman recognized Senator Towe regarding Amendment #6. The chairman recognized Mona Jamison who said the original language included the word 'must' but because of the rules it was changed to 'may.' She said she would concur with the amendment.

Senator Jacobson moved adoption of Amendment #4 (Exhibit #3).

The roll was called. There being no objection the amendment was adopted.

Senator Eck continued by discussing Amendments #7 and #8 (Exhibit #3).

Senator Towe moved adoption of Amendment #9 (Exhibit #3). The roll was called. There being no objection the amendment was adopted.

Senator Eck discussed Amendment #10. Chairman Franklin commented about the definition of informed consent and called upon Mona Jamison.

Ms. Jamison responded by reading from the bill. She said the language was reasonable. She discussed Amendment #10 and said those who choose home birth are aware of the risks. She said a description of the risks of home birth that arise during home delivery would be negative.

The chairman recognized Senator Towe who said it is appropriate to explain to the person about to accept midwifery services what the risks are. He said he did not think it was unreasonable.

The chairman said it was presented in a punitive way. She continued by saying it was quite reasonable and in any clinical practice it is normal to inform the patients of the risks. She said the risks are implied but need to be more clearly defined.

The chairman recognized Senator Jacobson who asked about changing the amendment to read, "a description of the risks of home birth primarily those conditions that may arise during delivery."

The chairman recognized Senator Svrcek who said he thought the language discussed by Senator Jacobson was a good compromise. He made an alternative suggestion by saying he thought the board was required to come up with the form that involves informed consent. The form could include the problems that may arise with home birth. You would have a standard form and a standard list that the midwife would give to the client.

The chairman called upon Senator Towe who said much of the language will end up on a form anyway.

Senator Jacobson moved adoption of Amendment #10 to read as follows, "a description of the risks of home birth primarily those conditions that may arise during delivery." Renumber subsequent sections.

Senator Hager moved a substitute motion to have Amendment #10 read as stated in Exhibit #3.

The chairman called the roll on the substitute motion. The roll was answered as follows: Burnett (no), Franklin (yes), Hager (yes), Jacobson (no), Pipinich (no), Rye (yes), Towe (no), Eck (no). There being 5 nays and 3 ayes, the substitute motion failed.

The chairman called the roll on Senator Jacobson's motion to adopt the above-mentioned language for Amendment #10.

There being no objection the motion carried.

Senator Eck discussed Amendment #11 of Exhibit #3. Senator Pipinich moved adoption of Amendment #11.

The chairman recognized Mona Jamison about the language in Amendment #11. She said the word 'advised' was fine.

There being no objection the motion carried.

The chairman recognized Senator Towe who said someone during the hearing raised the question about the language on page 14, lines 16, 17. He said we should add language about advising the Department of Health about any adverse outcome. Senator Towe said on page 12 he would delete lines 20 through 22, regarding language about unbecoming conduct.

The chairman recognized Senator Rye who said the committee could pick apart the bill forever. He said he shared Senator Pipinich's impatience.

The chair was turned over to Senator Eck who recognized Senator Towe for a motion.

Senator Towe moved adoption of an amendment on page 12, line 20 following the word 'conduct' strike 'unbecoming a person licensed as a midwife or of conduct'. The language should read, 'is guilty of conduct detrimental to the interests of the public'.

The chairman called the roll. There being no objection the motion carried.

The chairman recognized Senator Franklin for a statement.

Senator Franklin said she will vote against the bill but she felt it was important to state her reasons. She said there are two arguments that move this bill forward. First, there are people who will never participate in conventional medical treatment and conventional birthing and it speaks to the needs of that constituency. Second, O.B. care is not available. She said she supports alternatives for care. She said she does not think conventional medical care has the last word on what is good for women, children or health care in all cases. She said she is concerned that this bill speaks in an inadequate way to lack of accessibility to O.B. care and what we are doing is saying it is O.K. for women to have third-world options as their only option. She would not like to see lay midwives affected in a punitive way for the practice of their care which is supportive and loving to women who want to participate. She is concerned that we are putting a band-aid on what is a serious problem for high quality care for women.

She supports safe home births and supports alternatives for women but feels this bill does not speak to the safety of those women.

The chairman recognized Senator Pipinich who moved adoption of Senate Bill 172 pass as amended.

Recommendation and Vote:

The roll was answered with all members voting aye except Senators' Franklin and Hager who voted nay.

EXECUTIVE ACTION ON SENATE BILL 134

Motion:

Senator Pipinich moved adoption of Amendments 1 through 10 on Exhibit #4.

Discussion:

The chairman recognized Tom Gomez who explained the amendments to the committee.

Amendments, Discussion, and Votes:

There being no objection the motion carried.

The chairman recognized Senator Rye who asked Mr. Gomez if the bill, as amended, will put Montana in line with the same regulations as the neighboring states.

Mr. Gomez said he looked at statutes of other states but could not discern that because their statutes did not speak to this level of specificity. There were references in the Washington and Idaho statutes to the federal food and drug labeling act.

Senator Rye said his understanding was that the purpose of the bill was to put Montana in line with neighboring states for same definitions and labeling. He said if this was not the case he would vote against the bill.

The chairman recognized Senator Towe who said in part the answer was that we are adopting the standards set forth in 9-CFR-319.19, if you look on page 8, line 7 of the bill. He said that was the principal one they were referring to.

The chairman recognized Senator Burnett who said this was in line with USDA recommendations and no matter what state you were in, the beef would have the same labels.

Recommendation and Vote:

Senator Pipinich moved SB 134 pass as amended.
There being no objection the bill as amended passed unanimously.

EXECUTIVE ACTION ON SENATE BILL 259

Motion:

Senator Franklin moved to pass SB 259.

Discussion:

The chairman recognized Senator Jacobson and asked her if this measure should be rereferred to Senate Finance and Claims Committee.

Senator Jacobson suggested passing it out of Senate Public Health and sending it to Finance and Claims.

Recommendation and Vote:

The roll was called. There being 7 ayes and 1 nay by Senator Burnett the motion carried.

HEARING ON SENATE BILL 260

Presentation and Opening Statement by Sponsor:

The chairman recognized Senator Aklestad who presented Senate Bill 260. He said it is a straightforward bill. The issue was brought to his attention by persons traveling from one state to another. When they crossed from Montana to another state the rules for smoking on the bus changed. In Montana they were able to smoke in the back three rows of the buses. He said smoke usually traveled throughout the compartment of the bus. For those with respiratory problems it is a problem for their health and an uncomfortable situation for them to be in. This bill pertains to buses within the borders of the State of Montana. Congress recently passed a provision for states to disallow smoking on buses. This bill only addresses intrastate travel, it does not cover charter buses. He said he is not trying to mandate what private companies do with their buses.

Proponents' Testimony:

The first witness to testify in favor of this measure was Mike Males from Bozeman, Mt. He said he just rode 97 hours on an interstate bus. He said this bill is very necessary. There was no smoking allowed and it was a pleasant experience.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

Senator Aklestad said this bill points to public health. He said no one should be put in a position of inhaling another persons smoke. He said there are places that allow smoking. He urged passage.

The chairman closed the public hearing on SB 260 and opened executive action on SB 260.

HEARING ON SENATE BILL 285

Senator Eck turned the chair over to Senator Franklin.

Presentation and Opening Statement by Sponsor:

The chairman recognized Senator Eck who said the bill would establish an interagency task force to develop an alcohol beverage pricing system which would reimburse the state for the cost of treatment and incarceration attributed to alcohol consumption. She said the reasons for the bill include requests from a constituent that frequently asks her to come up with an estimate of the costs of alcohol consumption to the state. How much do we pay for incarceration and treatment? She said we could include the additional costs for family support. This bill allows the Department of Institutions, the Department of Social and Rehabilitation Services, the Department of Family Services, the Department of Health and Environmental Services and the Department of Revenue to be members of a task force that would study this issue and consider developing a pricing system for alcoholic beverages that would reimburse the state for 20 percent of the treatment and incarceration costs attributed to alcohol consumption. This issue was discussed when the state was faced with Initiative 55. The question is who should pay for what services if we are not going to come up with a revenue system that is adequate to fund state government. She asked for the committee's consideration and said she had not received any opposition from any of the departments mentioned in the bill.

Proponents' Testimony:

None.

Opponents' Testimony:

The first opponent was Mark Staples, attorney and lobbyist for the Montana Tavern Association. He said Senator Eck told him some weeks ago about the bill. He said the Montana Tavern Association is not opposed to the notion of people paying for their own problems but the tax system on liquor is such that 65 percent of the price paid on liquor is already taxed. Reports from the Department of Revenue show that liquor taxes at the state level total 26 percent, of that 30 percent is earmarked for cities and towns for law enforcement purposes. He said the liquor industry has already paid for the services. The 26 percent the state charges on liquor has been the same since 1979. This is on the cost of the liquor. Excise taxes were increased in 1983 and 1986. He said they would like the Liquor Division of the Department of Revenue participate. He said they are opposed to the bill.

The second opponent was Mary McCue, representing the Montana Beer and Wine Wholesalers Association. Presently, there is a \$4.30 per barrel beer tax, 58 percent of that is for social costs. There is also a .27 cent per liter wine tax. The pricing of beer and open sector wine is not regulated by the state but is a function of the market. She said it would be virtually impossible to determine the costs attributable to alcohol consumption. She said they are opposed to the legislation.

Questions From Committee Members:

Senator Burnett said in an earlier session a bill similar to this was amended to allow 2 percent of the alcohol tax to go toward programs. At that time they thought they were taxing them out of business.

Senator Jacobson said she had a concern about the timing of the bill because of the proposal that would close the liquor stores. She said she did not know what impact that would have on the pricing of liquor. Some of the costs of the profits of the liquor stores will be passed on to the purchase of a bottle of liquor.

The chairman recognized Mr. Staples who said privatization will deliver liquor to 2,000 taverns and bars instead of 110 state stores. This will increase the cost of freight. There is some discussion that the savings will compensate for this increase. There is concern by the legislative fiscal analyst that the savings is being used twice.

Senator Towe asked Senator Eck about the 20 percent figure in the bill.

Senator Eck said the 20 percent refers to liquor because that is the only area where the state has control. The agencies would determine the costs of alcohol consumption, then the liquor that is sold by the state and priced by the state would pick up 20 percent of the cost. What is important to ascertain is how much that cost is. She recognized the calculations cannot be exact but because we hear many figures such as 50 percent of those in prison are there because of severe alcohol problems and 26 percent of the costs of local jails are attributable to DUI problems, she felt it was time to decipher an accurate estimate of the real costs.

Senator Towe said he did not follow the comments about it being impossible to determine the costs. He said it is possible to make an estimate.

Mary McCue responded that was true. But asked what the standards would be.

Senator Rye said many alcohol related diseases or anti-social behavior are chicken and egg questions. Which came first the alcohol or the anti-social behavior. The two often seem to intertwine. This is tough to determine and he was not sure a task force would be any more successful in this area.

Senator Hager asked Senator Eck if she had in mind if the state would increase taxes to cover the 20 percent cost of the treatment.

Senator Eck said they had both served on Senate Taxation and reminded him of what happens when there is a bill proposed to increase alcohol taxes. The argument is usually that they are paying more than their share of taxes already. Some of the tax money does go to take care of the services. She said she had spoken with the Legislative Council and asked about increasing the costs of the liquor as it is sold in the warehouse to include 20 percent of the cost to the state. It would take a couple of years to determine that cost. Instead of saying the costs would go up, it would ask the Department to determine what 20 percent would mean. She said she did not know if the legislature would ever increase the tax but it would be helpful to know what the costs are to the state.

The chairman recognized Mr. Staples who said he would like to make a distinction. He said the industry pays its fair share. The same statistics can be used to determine why people become alcoholics. Child abuse can be a cause of alcoholism.

Senator Towe asked Mr. Staples if he thought the money the state receives through the enterprise and tax functions completely covers the costs to the state of the problems caused by alcoholism.

Mr. Staples said the emotional costs cannot be paid. The \$20 million would cover the costs if the state allocated it. If the study did not have predetermined goals it may be a good idea.

Closing by Sponsor:

Senator Eck said more and more in order to fund a program for families we are going to tax birth certificates, we already tax marriage licenses for battered women. This is done frequently because unless you find an alternative source of funding the program will probably not be enacted. The study would be assigned to the Department of Revenue, not the Liquor division of the Department of Revenue. The Department has the authority to assign studies to appropriate divisions. She said the question needs addressed and may be considered a legislative study. The people who administer Medicaid know they have many chronic alcoholics who are SSI's and whose medical expenses are covered by Medicaid. Children under state support are there because of dysfunctional families and drinking is frequently the primary cause. We need to recognize what the costs are and find a constructive way of dealing with them.

HEARING ON SENATE BILL 307

Presentation and Opening Statement by Sponsor:

Senator Franklin opened and said the bill simply adds a non-voting member to the dental board. The dentists on the board feel their workload is exceeding their time commitment. They are required to travel to four regional sites to attend the regional board examinations. She handed out proposed amendments which would eliminate questions regarding the constitutionality of the issue. She explained the amendments.

Proponents' Testimony:

The first witness to testify was Dr. John Noonan, a dentist from Great Falls and president of the Montana Board of Dentistry. See Exhibit #5 for a copy of his testimony.

The second witness to testify was Roger Tippy, representing the Montana Dental Association. The amendments arise from a concern that a designation of a non-voting member might infringe upon the governor's power to choose a person to rotate among the members of the board. He said there is no problem with the bill if it is amended.

The third witness to testify was Stephen Meloy, bureau chief of the Professional and Occupational Licensing Board, Department of Commerce. As Dr. Noonan had suggested in his testimony he came before the committee as a proponent. He said Mr. Brook, executive director of the Department of Commerce agreed to support the bill as it is written. Even with the amendments the Department can support the bill.

The fourth witness to testify was William E. Zepp, Executive Director of the Montana Dental Association. See Exhibit #6 for a copy of his testimony.

The fifth witness was Christine Herbert, president of the Montana Dental Hygienists Association. See Exhibit #7 for a copy of her testimony.

The sixth witness to testify was Roland D. Pratt, lobbyist for the Denturists Association of Montana. At the December meeting it was their understanding there would be a non-voting member added to the board. The member would be designated so their would not be a possibility of the board being unbalanced. He said they support the amendment striking 19, 20, and 21 and adding the word, 'member'.

The seventh witness to testify was Frank Brisendine, representing the Denturists Association. He said they support the amendment provided by the Montana Dental Hygienists Association.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Burnett asked Dr. Noonan about the non-voting member.

Dr. Noonan said the non-voting member would be a participating member of the board and would be involved in all discussions. He just would not be able to vote. He said he would like to see that someone did not come in as a non-voting member for five years, maybe one year and have it rotate. He said you could not have someone serve for five years and not vote.

Senator Towe commented that the history behind the bill must be that the dentists asked for a voting member last time and did not get it. Now, they are taking a non-voting member. He asked if they had any objection to the amendment that was proposed that would make the governor the one that would designate the non-voting member on the board.

Dr. Noonan said he would have no problem with that as long as it wasn't for a five year term. He said you cannot ask someone to work on the board of dentistry for five years and not vote.

Senator Rye asked if a new dental member of the board was appointed every year.

Dr. Noonan said not at the present time because they only have four appointed for five years. But if another member was added one would be appointed each year.

Senator Hager said this was a non-paid job but received expenses. He wanted to know why they send two or more examiners to the regional examinations.

Dr. Noonan said depending upon how many candidates there are they need 12 to 14 examiners, usually two from each state. There are six states that participate. If they have 110 candidates they need fourteen or fifteen examiners.

Closing by Sponsor:

Senator Franklin said she neglected to mention the fiscal note. The cost incurred would be \$900.00 annually. There is one amendment she worked up with the legislative researcher and the other amendment from Roger Tippy. She said they would probably come to some agreement between the parties regarding the two different amendments.

EXECUTIVE ACTION ON SENATE BILL 260

Motion:

Senator Towe moved to pass SB 260.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being no objections the motion carried unanimously.

ADJOURNMENT

Adjournment At: 5:04 p.m.



SENATOR DOROTHY ECK, Chairman



CHRISTINE MANGIANTINI, Secretary

DE/cm

ROLL CALL

PUBLIC HEALTH, WELFARE
AND SAFETY

COMMITTEE

Date 2-13-9

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT	✓		
SENATOR FRANKLIN	✓		
SENATOR HAGER	✓		
SENATOR JACOBSON	✓		
SENATOR PIPINICH	✓		
SENATOR RYE	✓		
SENATOR TOWE	✓		
SENATOR ECK	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 4
February 15, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 172 (first reading copy - white), respectfully report that Senate Bill No. 172 be amended and as so amended do pass:

1. Page 2, line 11.

Following: "midwives"

Insert: "in order to achieve the goal of providing midwifery services to women during low-risk pregnancies"

2. Page 2, line 19.

Strike: "and"

3. Page 2, line 21.

Following: "forms"

Insert: "; and

(8) establishing criteria that limits an apprenticeship, as provided in [section 6]"

4. Page 3, line 8.

Following: "by"

Insert: "regulating and"

5. Page 4, line 5.

Following: line 4

Insert: "(7) 'Postpartum period' means the period up to 6 weeks following birth."

Renumber: subsequent subsection

6. Page 4, line 17.

Following: "period"

Insert: "when no risk factors have been identified"

• 7. Page 4, lines 21 and 22.

Following: "members" on line 21

Strike: remainder of line 21 through "midwifery" on line 22

8. Page 5, line 5.

Following: "whose"

Insert: "present"

• 9. Page 6, line 14.

Following: "midwives"

Insert: "in order to achieve the goal of providing midwifery services to women during low-risk pregnancies"

10. Page 6, line 23.

Following: "least"

Strike: "10"

Insert: "14"

11. Page 7, line 3.

Strike: "and"

12. Page 7, line 5.

Following: "attendants"

Insert: "; and"

(1) the establishment of criteria limiting an apprenticeship that, at a minimum, meets the standards established in [section 7]"

13. Page 7, line 10.

Following: line 9

Insert: "(1) must be a high school graduate;"

Renumber: subsequent subsections

14. Page 8, line 1.

Strike: "and"

15. Page 8, line 2.

Following: "birth;"

Insert: "(i) intramuscular and subcutaneous injections;

(j) suturing necessary for episiotomy repair;

(k) recognition of communicable diseases affecting the pregnancy, birth, newborn, and postpartum periods;

(l) assessment skills; and

(m) the use and administration of drugs authorized in [section 11];"

16. Page 8, line 6.

Following: "hospital"

Insert: ", nor may a hospital be required to provide such practical experience"

17. Page 8, line 24.

Following: "qualifying"

Insert: ", written"

18. Page 9, line 3.

Following: "conducted"

Insert: "in addition to the written examination"

19. Page 9, line 10.
Following: "the"
Strike: "study"
Insert: "educational"
20. Page 10, line 14.
Following: "midwife"
Insert: ", a certified nurse-midwife, or a physician licensed under Title 37, chapter 3,"
21. Page 11, line 5.
Following: line 4
Insert: "(4) A person who fails to achieve a passing grade on the examination may not engage in the practice of midwifery."
22. Page 11, line 8.
Following: "K,"
Insert: "oral or intramuscular preparations,"
Following: "pitosin"
Insert: "(intramuscular)"
23. Page 11, line 9.
Following: "xylocaine"
Insert: "(subcutaneous)"
24. Page 12, lines 12 and 13.
Strike: subsection (a) in its entirety
Insert: "(a) is using alcohol or other drugs to the point that job performance is impaired;"
25. Page 12, lines 20 and 21.
Following: "guilty" on line 20
Strike: remainder of line 20 through "or" on line 21
26. Page 14, line 16.
Strike: "and"
Insert: "(6) when the client is seeking emergency medical treatment and the client's history is requested by the attending medical professional; and"
Re-number: subsequent subsection
27. Page 14, line 22.
Strike: "may"
Insert: "must"
28. Page 15, line 7.
Following: "to"
Insert: "direct-entry"

29. Page 15, line 8.
Following: line 7
Insert: "(d) a description of the risks of home birth, primarily those conditions that may arise during delivery;"
Renumber: subsequent subsections
30. Page 15, line 8.
Strike: "encouraged"
Insert: "advised"
31. Page 15, line 19.
Following: "hospital"
Insert: "and physician referrals"
32. Page 16, line 12.
Following: "B"
Insert: "and, when appropriate, human immunodeficiency virus"
33. Page 16, line 19.
Strike: "and"
34. Page 16, line 20.
Following: "phenylketonuria"
Insert: ";
(7) Rh screening of the infant for RhoGAM treatment if the mother is Rh negative; and
(8) screening for premature labor and other risk factors"
35. Page 16, line 22.
Strike: "encouraged"
Insert: "advised"
Strike: "is encouraged to"
Insert: "shall"
36. Page 16, line 24.
Following: "physician"
Insert: "or certified nurse-midwife"

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

2-15-91
Ad. Coord.

SB 2-15-91 3:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 134 (first reading copy - white), respectfully report that Senate Bill No. 134 be amended and as so amended do pass:

1. Title, line 6.

Strike: "RATHER THAN"

Insert: "AND"

2. Title, line 7.

Following: "OF"

Strike: "LEAN"

Insert: "FAT"

3. Title, line 8.

Following: "BEEF;"

Insert: "PROVIDING FOR A SUPER LEAN GRADE OF HAMBURGER AND GROUND BEEF"

4. Page 8, line 3.

Strike: "three"

Insert: "four"

5. Page 8, line 6.

Following: "have"

Insert: ":

(i)"

Strike: "lean"

Insert: "fat"

Strike: "less"

Insert: "greater"

6. Page 8, line 7.

Following: ";

Insert: "and

(ii) a lean content of no less than 70%;

7. Page 8, line 9.

Following: "have"

Insert: ":

(i)"

Strike: "lean"

Insert: "fat"

Strike: "less"

Insert: "greater"

8. Page 8, line 10.

Strike: "80%"

Insert: "22%; and

(ii) a lean content of no less than 78%;

9. Page 8, line 12.

Following: "have"

Insert: ":

(i)"

Strike: "lean"

Insert: "fat"

Strike: "less"

Insert: "greater"

Strike: "85%"

Insert: "16%; and

(ii) a lean content of no less than 84%; and

(d) "super lean hamburger" or "super lean ground beef" may have:

(i) a fat content no greater than 12%; and

(ii) a lean content of no less than 88%"

10. Page 13, line 14.

Following: "~~maximum fat~~"

Insert: "maximum fat and"

Signed: _____

Dorothy Eck, Chairman

Agenteitz 2-11-91
Add. Coord.


SB 2-14-91 3:55
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 259 (first reading copy - white), respectfully report that Senate Bill No. 259 do pass.

Signed: 
Dorothy Eck, Chairman

11901.1.2 2-14-91
Amd. Coord.

SB 2-14-91 3:55
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 260 (first reading copy - white), respectfully report that Senate Bill No. 260 do pass.

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

11/20/91 2-14-91
And. Coord.

SR 2-14-91 8:55
Sec. of Senate

Amendments to Senate Bill No. 172
First Reading Copy

Requested by Senator Bob Pipinich
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
February 13, 1991

1. Page 2, line 11.

Following: "midwives"

Insert: "in order to achieve the goal of providing midwifery
services to women during low-risk pregnancies"

2. Page 2, line 19.

Strike: "and"

3. Page 2, line 21.

Following: "forms"

Insert: "; and

(8) establishing criteria that limits an apprenticeship, as
provided in [section 6]"

4. Page 3, line 8.

Following: "by"

Insert: "regulating and"

5. Page 4, line 5.

Following: line 4

Insert: "(7) "Postpartum period" means the period up to 6 weeks
following birth."

Renumber: subsequent subsection

6. Page 4, line 17.

Following: "period"

Insert: "when no risk factors have been identified"

7. Page 5, line 5.

Following: "whose"

Insert: "present"

8. Page 6, line 14.

Following: "midwives"

Insert: "in order to achieve the goal of providing midwifery
services to women during low-risk pregnancies"

9. Page 6, line 23.

Following: "least"

Strike: "10"

Insert: "14"

10. Page 7, line 3.

Strike: "and"

11. Page 7, line 5.

Following: "attendants"

Insert: ";

(1) the establishment of criteria limiting an apprenticeship that, at a minimum, meets the standards established in [section 7]"

12. Page 7, line 10.

Following: line 9

Insert: "(1) must be a high school graduate;"

Renumber: subsequent subsections

13. Page 8, line 1.

Strike: "and"

14. Page 8, line 2.

Following: "birth;"

Insert: "(i) intramuscular and subcutaneous injections;

(j) suturing necessary for episiotomy repair;

(k) recognition of communicable diseases affecting the pregnancy, birth, newborn, and postpartum periods;

(l) assessment skills; and

(m) the use and administration of drugs authorized in [section 11];"

15. Page 8, line 6.

Following: "hospital"

Insert: ", nor may a hospital be required to provide such practical experience"

16. Page 8, line 24.

Following: "qualifying"

Insert: ", written"

17. Page 9, line 3.

Following: "conducted"

Insert: "in addition to the written examination"

18. Page 9, line 10.

Following: "the"

Strike: "study"

Insert: "educational"

19. Page 10, line 14.

Following: "midwife"

Insert: ", a certified nurse-midwife, or a physician licensed under Title 37, chapter 3,"

20. Page 11, line 5.

Following: line 4

Insert: "(4) A person who fails to achieve a passing grade on the examination may not engage in the practice of midwifery."

21. Page 11, line 8.

Following: "K,"

Insert: "oral or intramuscular preparations,"

Following: "pitostin"

Insert: "(intramuscular)"

22. Page 11, line 9.

Following: "xylocaine"

Insert: "(subcutaneous)"

23. Page 12, lines 12 and 13.

Strike: subsection (a) in its entirety

Insert: "(a) is using alcohol or other drugs to the point that
job performance is impaired;"

24. Page 15, line 19.

Following: "hospital"

Insert: "and physician referrals"

25. Page 16, line 12.

Following: "B"

Insert: "and, where appropriate, human immunodeficiency virus"

26. Page 16, line 19.

Strike: "and"

27. Page 16, line 20.

Following: "phenylketonuria"

Insert: ";

(7) Rh screening of the infant for RhoGAM treatment if the
mother is Rh negative; and

(8) screening for premature labor and other risk factors"

28. Page 16, line 24.

Following: "physician"

Insert: "or certified nurse-midwife"

Amendments to Senate Bill No. 172
First Reading Copy

Requested by Senator Eve Franklin
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
February 13, 1991

1. Page 4, lines 21 and 22.
Following: "members" on line 21
Strike: remainder of line 21 through "midwifery" on line 22

Amendments to Senate Bill No. 172
First Reading Copy

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 2/13
BILL NO. SB 172

Requested by Senator Dorothy Eck
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
February 13, 1991

1. Page 4, line 21.

Strike: "five"

Insert: "seven"

2. Page 5, lines 5 and 6.

Strike: subsection (b) in its entirety

Insert: "(b) one member who is an obstetrician;

(c) one member who is a pediatrician;

(d) one member who is a certified nurse-midwife; and"

Renumber: subsequent subsection

3. Page 7, lines 13 through 15.

Following: "childbirth" on line 13

Strike: remainder of line 13 through "following" on line 15

Insert: "at an institution accredited by this state, another
state, or an independent educational accreditation
organization for preparation to practice as a direct-entry
midwife. The course of study must consist of at least 30
semester hours of study that includes but is not limited to
courses and training in"

4. Page 14, line 16.

Strike: "and"

Insert: "(6) when the client is seeking emergency medical
treatment and the client's history is requested by the
attending medical professional; and"

5. Page 14, line 21.

Following: "woman"

Insert: "and from the father if he is participating in the
decisionmaking regarding the unborn child acknowledging
their acceptance of risk on behalf of the child"

6. Page 14, line 22.

Strike: "may"

Insert: "must"

7. Page 14, line 24.

Strike: "and"

Insert: ", "

8. Page 14, line 25.

Following: "given"

Insert: ", and the father if he is participating in the
decisionmaking regarding the unborn child"

9. Page 15, line 7.

Following: "to"

Insert: "direct-entry"

10. Page 15, line 8.

Following: line 7

Insert: "(d) a description of the risks of home birth, primarily
those conditions that may arise during delivery and that may
endanger the mother of the child without the immediate
availability of hospital services;"

Renumber: subsequent subsections

11. Page 16, line 22.

Strike: "encouraged"

Insert: "advised"

Strike: "is encouraged to"

Insert: "shall"

Amendments to Senate Bill No. 134
First Reading CopyRequested by Senator Gerry Devlin
For the Senate Public Health, Welfare, and Safety CommitteePrepared by Tom Gomez
February 11, 1991

1. Title, line 6.

Strike: "RATHER THAN"

Insert: "AND"

2. Title, line 7.

Following: "OF"

Strike: "LEAN"

Insert: "FAT"

3. Title, line 8.

Following: "BEEF;"

Insert: "PROVIDING FOR A SUPER LEAN GRADE OF HAMBURGER AND GROUND
BEEF"

4. Page 8, line 3.

Strike: "three"

Insert: "four"

5. Page 8, line 6.

Following: "have"

Insert: ":"

(i)"

Strike: "lean"

Insert: "fat"

Strike: "less"

Insert: "greater"

6. Page 8, line 7.

Following: ";"

Insert: "and"

(ii) a lean content of no less than 70%;"

7. Page 8, line 9.

Following: "have"

Insert: ":"

(i)"

Strike: "lean"

Insert: "fat"

Strike: "less"

Insert: "greater"

8. Page 8, line 10.

Strike: "80%"

Insert: "22%; and"

(ii) a lean content of no less than 78%;"

9. Page 8, line 12.

Following: "have"

Insert: ":

(i)"

Strike: "lean"

Insert: "fat"

Strike: "less"

Insert: "greater"

Strike: "85%"

Insert: "16%; and

(ii) a lean content of no less than 84%; and

(d) "super lean hamburger" or "super lean ground beef" may have:

(i) a fat content no greater than 12%; and

(ii) a lean content of no less than 88%"

10. Page 13, line 14.

Following: "~~maximum fat~~"

Insert: "maximum fat and"

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: 2/13/91

Name: MIKE MALES

Address: 1104 S. MONTANA #F-12
BEAVERHEAD MT 59714

Telephone Number: 587-4728

Representing Whom?

SELF

Appearing on which proposal?

SB 260 (AKELSNAD)

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

MUCH NEEDED TO ENHANCE HEALTH
AND COMFORT OF BUS RIDERS WHO
USE A NECESSARY PUBLIC SERVICE &
SMALL, CROWDED AIR SPACE.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: 2-13-91

Name: Mary McCue

Address: 1215 11th Ave

Telephone Number: 442-4448

Representing Whom?

Montana Beer & Wine Wholesalers Association

Appearing on which proposal?

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

See minutes

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.

JOHN T. NOONAN, D.D.S., P.C.

114 - 13TH STREET SOUTH
GREAT FALLS, MONTANA 59405

TELEPHONE: (406) 453-1495

SENATE HEALTH & WELFARE

EXHIBIT NO. 5

DATE 2/13/91

BILL NO. SB 307

Madame Chairman, Committee Members:

I am Dr. John T. Noonan from Great Falls. I have practiced dentistry there since 1962 and am currently president of the State Board of Dentistry.

I am here today to seek your support for Senate Bill #307.

Let me give you a little bit of history of the Board of Dentistry.

The Montana State Board of Dentistry was established in 1895. The first Board was composed of five dentists. This arrangement continued for the next 84 years, when a dental hygienist was added to the Board in 1979. The following legislative session, in 1981, saw the addition of a public member to the Board of Dentistry. The configuration was again altered in 1987 when the Board of Dentistry was dissolved and combined with the Dental Board. The combinations resulted in the elimination of one of the dental positions and the addition of a denturist and another public member, representing the Senior Citizens. Since 1987, therefore, the Montana State Board of Dentistry has been composed of the following:

- 4 Dentists
- 1 Dental Hygienist
- 1 Denturist
- 2 Public members

In 1989, legislation was sponsored on behalf of the Board of Dentistry by the Montana Dental Association to restore the fifth dentist to the Board. The legislation was vigorously opposed by the Montana Dental Hygiene Association, the denturists and the Senior Citizens. Senate Bill 114 passed the Senate Public Health Committee by a vote of 6-1 and passed the entire Senate by a vote of 46-2. The House State Administration Committee tabled SB 114 by a 15-3 vote after strong testimony and lobbying by the MDHA. An attempt to untable the bill on March 31 failed by a vote of 38-49; a two thirds majority of the House would have been necessary.

This is where we are coming from with this bill. We have the support of the Montana Dental Hygiene Association, the Denturists and the Department of Commerce.

Ex. 5
2-13-91
JB 307

Let me explain why we need the fifth dentist on our board. Montana belongs to the Western Regional Examining Board. This is a testing organization for Montana, Idaho, Utah, Arizona, New Mexico and Alaska.

Board exams are given four times a year at Creighton University in Omaha, NB, University of Oregon, Portland, OR, Loma Linda University, San Bernedino, CA, and the University of the Pacific at San Francisco, CA.

Montana is required to have at least one examiner present at all examinations and usually has two or three. Twelve to fourteen examiners are needed for each exam.

Each state is also responsible for a section of the examination as far as updating it or completely redoing it. This can be a time consuming project as it has been for Montana this past year.

Most complaints that come before the Board of Dentistry involve dentists and the non dentist on the board come to a voting decision based on the discussion of the dentists.

We could also use another head to help with sometimes difficult decisions.

This bill is a compromise by the dentists of the board but it appears to be the only solution at this time.

I ask your support for Senate Bill 307.

Sincerely,

A handwritten signature in dark ink, appearing to read "John T. Noonan", followed by a stylized set of initials or a flourish.

John T. Noonan DDS
President of the Board of Dentistry

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: 2/13/91

Name: WM E. Zemp

Address: 602 TOUCHSTONE COURT
HELENA, MT 59601

Telephone Number: 443-7873

Representing Whom?

MONTANA DENTAL ASSOCIATION

Appearing on which proposal?

SB 307

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.



SENATE HEALTH & WELFARE

EXHIBIT NO. 6

DATE 2/13/91

BILL NO. SB 307

Montana Dental Association

P.O. Box 281 • Helena, MT 59624 • (406) 443-2061

Constituent: AMERICAN DENTAL ASSOCIATION

February 12, 1991

To: Members of the Senate Public Health Committee

From: William E. Zepp, Executive Director

Re: Senate Bill 307

The Montana Dental Association, representing 92% of Montana's resident dentists, would like offer its support for Senate Bill 307, as presented by the Board of Dentistry and sponsored by Senator Eve Franklin.

The Montana Dental Association, along with the Montana Dental Hygienists Association and the Denturists Association of Montana, indicated support for this concept to the Board of Dentistry during their December 14, 1990 meeting.

Thank you for your attention and consideration.

Officers - 1990 - 1991

President

J. Samuel Stroeher, D.D.S.
1250 Harrison Ave.
Butte, MT 59701

President Elect

Don A. Spurgeon, D.D.S.
2615 16th Avenue South
Great Falls, MT 59405

Vice-President

Terry J. Zahn, D.D.S.
690 SW Higgins Avenue
Missoula, MT 59803

Secretary-Treasurer

James H. Johnson, D.D.S.
2370 Avenue C
Billings, MT 59102

Executive Director

William E. Zepp
P.O. Box 281
Helena, MT 59624

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: 2/13/91

Name: Christine Herbert

Address: 4230 Wolvenic Dr.
Helena, Mt. 59601

Telephone Number: 449-3532

Representing Whom?

Montana Dental Hygienists Assoc.

Appearing on which proposal?

SB 307

Do you: Support? X Amend? X Oppose?

Comments:

testimony provided —

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.



EXHIBIT NO. 7
DATE 2/13/91
BILL NO. SB 307
Montana Dental Hygienists' Association

TESTIMONY BEFORE THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
REGARDING SENATE BILL 307

DELIVERED BY:

CHRIS HERBERT, PRESIDENT, MONTANA DENTAL HYGIENISTS' ASSOCIATION
4230 Wolverine Drive
Helena, MT 59601
449-3532

Madam Chairman and Members of the Committee:

My name is Chris Herbert. I am the President of the Montana Dental Hygienists' Association. In December, the Montana Dental Hygienists' Association wrote Mr. Chuck Brooke, Director of the Department of Commerce a letter supporting the addition of a non voting dentist to the Board of Dentistry. Our Association recognized that there is a need for additional staff to handle the administrative workload of the board.

To that extent we stand in support of Senate Bill 307. We find ourselves faced with a bill that appears to extend the legislation that we were asked to support. We refer to lines 19 through 21 of the bill. We ask the committee to remove this language from the bill so that the bill adds a fifth non-voting member to the board of Dentistry and no more.

Frankly, we find that this language may impact the voting composition of the board; if a voting member fails to attend a meeting then will the board appoint a "nonvoting" member as a voting member for that meeting? We appreciate your sensitivity to the voting balance on this board and ask that the voting balance of the Board not change.

We fully support an amended Senate Bill 309 that simply provides a fifth nonvoting member on the Board of Dentistry in order to assist with the administrative workload of the Board.

I am also enclosing some items from the last session on this matter.

THANK YOU.



Montana Dental Hygienists' Association

December 20, 1990

Chuck Brooke, Director
Department of Commerce
1424 9th Avenue
Helena, Mt. 59601

Re: Board of Dentistry Composition

Mr. Brooke,

I am writing to thank you on behalf of the Montana Dental Hygienists' Association, for taking the time to attend the recent Board of Dentistry meeting. As a direct result of your input, we were able to reach an acceptable compromise on this issue.

MDHA has agreed to support the addition of a fifth, ad hoc non-voting member, dentist to the Board of Dentistry provided the voting composition remains unchanged and all current positions remain. We understand that the fifth dentist will assist with examinations and other board business to relieve the workload of the other members.

We agree with the Board of Dentistry, that there is a need for additional staff to handle administrative work and hope that there is a way for the department to help relieve that burden.

Sincerely,

Chris Herbert, President

c: Board of Dentistry
Annie Bartos

Amendments to Senate Bill No. 307
First Reading Copy

Requested by Senator Eve Franklin
For the Senate Public Health, Welfare, Safety Committee

Prepared by Tom Gomez
February 13, 1991

1. Title, lines 5 through 7.
Following: "ENTITLED: AN ACT"
Strike: the remainder of line 5 through "BOARD" on line 7
Insert: "TO ADD A FIFTH DENTIST TO"
2. Title, line 8.
Following: "BOARD"
Insert: "OF DENTISTRY"
3. Page 1, lines 19 through 21.
Following: "senate." on line 19
Strike: remainder of line 19 through "member." on line 21



Montana Dental Hygienists' Association

SB 114

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

Response to questions asked by the House of Representatives State Administration Committee during the February 28 committee hearing.

Madame Chairman and members of the committee,

As legislative chairman for the MDHA, I wish to respond to the questions asked by committee members of both the proponents and opponents of SB 114.

Dental Hygiene license fees are \$50 per year. The annual revenue from dental hygiene renewal license fees is approximately \$18,000 plus additional fees charged for initial exams (\$75 each), duplicate license fees (\$30), late renewal penalty fees (\$50), certification of license fees (\$15), and charges for documents (\$30). The annual revenue from dentist license fees is approximately \$55,000 plus additional fees charged for the same items listed with dental hygiene revenue. There have been only a couple of complaints ever filed with the Board of Dentistry regarding dental hygienists. Therefore, very little Board of Dentistry time is spent on investigation of complaints against dental hygienists.

The question was asked if the Colorado Board of Dentistry has the same responsibilities as the Montana board. Debi McFall, RDH, a member of the Colorado Board of Dentistry confirmed that the responsibilities of their Board of Dentistry members are virtually the same as those of Montana. Colorado participates in the Central Regional Exam Board which is run in the same manner as the Western Regional Exam Board, and has similar requirements of its examiners. The Central Regional Exam Board serves 10 states, conducts 23 exams annually and one board member is required to attend each exam and the annual CREB meeting. The Colorado board meets monthly compared to the Montana board which only meets four times per year. As you can see, the requirements of the four Colorado dentists on the Board of Dentistry are much greater than that of the Montana board. Any questions regarding this information may be obtained by contacting Brenda Handy, program administrator at 303-866-5807.

The enclosed letter from Linda Paul, Executive Administrator for WREB, is her response to my request for written requirements. This letter refers us to Lisa Casman, Executive Secretary of the Montana Board of Dentistry who has stated that she is not aware of any written requirements. I contacted Nan Reif, the dental hygienist member of the Arizona Board of Dentistry and Jan Walsh Mills, the dental hygienist member on the New Mexico Board of Dentistry, who read through their WREB By-Laws and found no reference to attendance requirements at WREB exams. Both of these people stated that Linda Paul's letter reflects the policy of WREB not to become involved in political conflicts between associations and state boards of dentistry. She is obviously aware that her information was crucial to this issue and therefore chose not to become involved.

I would like to clarify the fact that it is WREB, not the Board of Dentistry who hires examiners from a list of designated examiners provided by the board. The pay scale includes a daily per diem, mileage or airfare, and a meal allowance. Lisa Casman at the Board of Dentistry office has the exact figures and computations.

Investigation time spent by the board on complaints against practitioners is minimal in Montana and is assisted by the practice of hiring outside investigators

with specific areas of dental expertise. Nan Reif of the Arizona Board of Dentistry, which consists of five dentist members, mentioned that the Board of Dentistry meets much more often than the Montana board. The Arizona board considers approximately 75 complaints at each board meeting compared to the total yearly complaints of the Montana board of 20. In addition, it has been stated that the board must grade the dental assistants' radiology tests. Actually, the Montana Dental Association grades the written exams and the only exams graded by the Board of Dentistry are the radiographs themselves. One board member agrees to do this for each year and they are done outside board meeting time.

If SB 114 is reconsidered by the committee, I hope this information helps to clarify the issues in question.

Sincerely,

Patti Conroy RDH
MDHA Legislative Chairman

As a side note I would like to mention that when MDHA takes legislative action, ALL hygienists residing in Montana are surveyed prior to the legislative session, not just members of our association. The 1987 Legislative Survey received a 79% response rate from all of the hygienists in Montana. There was enough dissatisfaction with the present composition of the Board of Dentistry that 86% of those hygienists wanted MDHA to initiate legislation to add a second hygienist to the Board of Dentistry and 52% wanted MDHA to initiate legislation to form a separate Board of Dental Hygiene. Inadequate funding prevented us from pursuing our own legislation this year.



Montana Dental Hygienists' Association

FACTS.....FACTS.....FACTS.....FACTS.....FACTS

FACTS RELEVANT TO M.D.H.A.'S OPPOSITION TO SB-114

THIS IS NOT A BOARD OF DENTISTRY BILL

**Senate bill 114 is sponsored by the Montana Dental Association (MDA)

PROPONENT SENATE HEARING TESTIMONY STATED THAT THIS IS A BILL ABOUT WORKLOAD. THE FACTS DO NOT SUPPORT THIS STATEMENT.

**The total number or work days by dentist BOD members includes travel and exam days for Western Regional Examining Board (WREB) participation much of which represents individual volunteer compensated contractual agreements with WREB, and not a requirement of the BOD or WREB.

**The number of BOD meetings varies each year, and statute (37-4-202) requires that they meet at least once per year. Actual number of Board meeting related activities, as reported to the Governor in the Biennium Report in the past two fiscal years are as follows:

	Board meetings	Meeting days	Exam days (in Montana)
FY86	6	7	5
FY87	3	4	4

**The number of complaints filed and investigated has not changed significantly in the past 8 years, with the exception of 1986. Since 1982 the number of complaints filed and investigated by the BOD has been about 15 per year.

**Prior to action by the entire BOD, a screening committee, consisting of one dentist BOD member, the administrative assistant, a staff attorney and a staff investigator reviews all complaints, and makes initial recommendations to the BOD. This appears to be an effective process to streamline the workload of all the BOD members.

**The BOD enters into contractual agreements with outside investigators on the average of 15-20 times per year.

**It was stated that the BOD dentist members must also grade the x-ray exams for dental assistants. Actually, the written tests for the x-ray examination is graded by the MDA. Grading one set (per candidate) of x-ray films per candidate is the only responsibility of the BOD in this process.

**The BOD appointees accept their position, with the understanding of responsibilities and commitment involved, ie: Board meetings, review of complaints, exam participation, and other meetings made available by virtue of the position.

TESTIMONY CONCERNING WREB REQUIREMENTS WAS NOT PRESENTED CLEARLY BY

PROPOSERS OF SB-114.

**The composition of WREB now includes six states: Montana, Idaho, Utah, Arizona, Alaska, and New Mexico.

**WREB requires that only two (2) WREB exams need to be attended by a dentist from the Montana BOD: those two exams which are held in conjunction with the dental exam review committee meetings.

**WREB requires the dental hygienist on the BOD to attend the one (1) WREB exam which includes the dental hygiene review committee meeting.

**It is recommended, but not required that examiners be Board of Dentistry members (past or present).

**At least one (1) examiner must come from a state other than the one where the particular exam is being conducted. Each state is not required to send BOD examiners to every exam.

**Examiners are paid for their participation by WREB.

**WREB respects individual state board's requirements of it's members. The Montana BOD has no written requirements.

**FACT: THE COMPOSITION OF THE BOD DOES NOT REFLECT PROPORTIONATE AND EQUITABLE REPRESENTATION.

BOD COMPOSITION:

Four (4) dentists
One (1) dental hygienist
One (1) denturist

Two (2) lay members

Representative of:
795 licensed--479 active
361 licensed--224 active
16 potential licensed--
14 active
Montana population at large.



Montana Dental Hygienists' Association

January 18, 1989

SB 114

Legislation to add one dentist to the Board of Dentistry

Testimony presented to the Senate Public Health 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. An analysis of Board of Dentistry composition of surrounding states reveals that only Colorado has a board composed of more than seven members. The composition in that state is four dentists, two dental hygienists, and three public members. An analysis of the total number of Board of Dentistry members in states of similar to slightly larger population shows no greater than seven members on the Board of Dentistry.¹

The responsibility of Board of Dentistry members to serve as examiners at regional licensing examinations is assisted by the fact that the Western Regional Examination Board can, and often does, appoint examiners from Montana who are not Board of Dentistry members. The Montana Dental Hygienists' Association views this practice by this board a wonderful opportunity for members of the dental and dental hygiene communities to participate in the regulatory process. In addition, this practice may serve to develop an interest among those individuals to aspire to serve as a Board of Dentistry member. 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. Dental Hygiene is 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. Therefore we feel it is extremely important to establish a proportionate representation on the Board of Dentistry. The present composition is closer to that goal than it has ever been in the past.

The Montana Dental Hygienists' Association urges the committee to vote against SB 114.

Thank you.

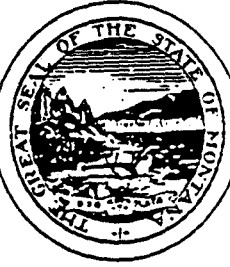
Patti Conroy RDH
2525 Silver Spur Trail
Billings, Mt. 59105
252-2336
MDHA Legislative Chairman

Mary Lou Abbott RDH
1509 Livingston Ave.
Helena, Mt. 59601
443-7631
MDHA Legislative Committee member

1. Analysis of: Alaska, Idaho, North Dakota, South Dakota, Utah, Wyoming, New Mexico, Maine.

Jo Pa
12/6/90
To Stephen
Annie
12/7/90

DEPARTMENT OF COMMERCE



STAN STEPHENS, GOVERNOR

1424 9TH AVENUE

STATE OF MONTANA

(406) 444-3494

HELENA, MONTANA 59620-0501

M E M O R A N D U M

TO: Board of Dentistry

FROM: Bob Verdon, Board Legal Counsel

RE: Ability to Delegate Examination Responsibilities

DATE: December 5, 1990

The question has arisen as to what options the Board has in administering its examination process. By statute, the Board has the discretion to choose to administer an examination of its own creation or to delegate the examination function to the national written examination and regional practical examination. Section 37-4-301 (3), MCA, sets forth these options for the Board as well as expresses the Board's rulemaking authority in regards to examination procedures. That paragraph reads:

"(3) The board has the right to administer its own examination in lieu of acceptance of the national board written examination and a regional testing service practical examination. The board is authorized to make rules governing any such examination procedures."

It seems difficult to contemplate statutory language that more clearly expressed that it is up to the Board to decide whether to contract with a national/regional network to examine candidates for licensure or to delegate examination functions to in-state licensees to conduct the examinations on behalf of the Board. Therefore, it is my opinion that such language gives the Board ample discretion to decide to withdraw from the Western Regional Examination process, if it wishes, and design its own examination. Furthermore, the statute grants the Board to make rules to lay out the ground rules for formulation of such examination and the grading thereof.



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE JAN BROWN

HOUSE DISTRICT 46

March 6, 1989

Ms. Patti Conroy
2525 Silver Spur Trail
Billings, MT 59105

Dear Patti:

Thank you for the follow-up letter you sent to me and to other members of the House State Administration Committee following the hearing on Senate Bill 114.

The bill is tabled and it is not likely that we will do anything further with it this session. Although some members of the committee wanted to amend it to add another dental hygienist to the board, our Legislative Council researcher said this could not be done by using Senate Bill 114 because it was not within the scope of the bill's title. I hope that next session it may be possible for the hygienists to have adequate funding to get their own board started. It seemed to most of us that it would be beneficial to your profession to have your own board.

We appreciated all of the valuable information you and the other hygienists provided to us on Senate Bill 114.

Thank you again for your follow-up letter.

Sincerely,

JAN BROWN
Representative

JB/eb

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: 2/13/91

Name: Frank Brusardine

Address: 731 STUART Helena

Telephone Number: 442-0959

Representing Whom?

DENTURIST ASSOCIATION

Appearing on which proposal?

SB 307

Do you: Support?

Amend? X

Oppose? X

Comments:

We will be seeking to be separated from
the Board of Dentistry - and there will be
no reason for a fifth dentist

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE
SECRETARY. THANK YOU.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13 Senate Bill No. 172 Time 3:25 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved adoption of amendments 1 through 28
(Exhibit #1). There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:28 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH		X
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Franklin moved adoption of amendment #1
(Exhibit #3). There being 1 nay and 6 ayes the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:34 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH		X
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Franklin moved a substitute motion to consider
the amendments in Exhibit 3. There being 1 nay and 7 ayes
the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:39 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Jacobson moved adoption of amendment #4 of
Exhibit #3. There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:40 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Jacobson moved adoption of amendment # 6 of
Exhibit #3. There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:41 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of amendment # 9 of
Exhibit #3. There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:45 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Jacobson moved adoption of amendment #10 of
Exhibit #3 to read, "a description of the risks of home birth
primarily those conditions that may arise during delivery."

There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:46 p.m.

NAME	YES	NO
SENATOR BURNETT		X
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON		X
SENATOR PIPINICH		X
SENATOR RYE	X	
SENATOR TOWE		X
SENATOR ECK		X

Secretary

Chairman

Motion: Senator Hager made a substitute motion to accept the
original language in amendment #10 of Exhibit #3. There being
3 ayes and 5 nays the motion failed.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:53 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved adoption of Amendment #11 of
Exhibit #3. There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:55 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of an amendment on page 12, line 20, following the word 'conduct' strike 'unbecoming a person licensed as a midwife or of conduct'. The language should read, 'is guilty of conduct detrimental to the interests of the public'. There being no objection the amendment was adopted.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 172 Time 3:59 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN		X
SENATOR HAGER		X
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved SB 172 do pass as amended.

There being two nays and 6 ayes the bill passed as amended.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 134 Time 4:01 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved adoption of amendments #1 through
10 of Exhibit #4. There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 134 Time 4:03 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved to pass SB 134 as amended.

There being no objection the motion passed unanimously.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 259 Time 4:09 p.m.

NAME	YES	NO
SENATOR BURNETT		X
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Franklin moved to pass SB 259 without amendments.

There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 13, 1991 Senate Bill No. 260 Time 4:16 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved to pass SB 260 without amendments.

There being no objection SB 260 passed unanimously.

DATE February 13, 1991

COMMITTEE ON Senate Public Health, Welfare & Safety

SB 260, AKLESTAD SB 367
ER SB 285, ECK. FRANKLIN

VISITORS' REGISTER SB 285, CLK-

[illegible]