

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & LABOR

Call to Order: By CHAIRMAN BRUCE T. SIMON, on February 10, 1995,
at 8:00 AM.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Norm Mills, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Vicki Cocchiarella (D)
Rep. Charles R. Devaney (R)
Rep. Jon Ellingson (D)
Rep. Alvin A. Ellis, Jr. (R)
Rep. David Ewer (D)
Rep. Rose Forbes (R)
Rep. Jack R. Herron (R)
Rep. Bob Keenan (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Jeanette S. McKee (R)
Rep. Karl Ohs (R)
Rep. Paul Sliter (R)
Rep. Carley Tuss (D)
Rep. Joe Barnett (R)

Members Excused: None.

Members Absent: None.

Staff Present: Stephen Maly, Legislative Council
Alberta Strachan, Committee Secretary

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

Committee Business Summary:

Hearing: HB 401, HB 432, SB 95
Executive Action: SB 95

HEARING ON HB 401

Opening Statement by Sponsor:

REP. SHIELL ANDERSON, HD 25, Park County, said this bill was an act establishing the Board of Dental Hygiene; creating a special revenue account for the board; defining the terms and the scope

of dental hygiene practice; providing for exemptions, exceptions, an official seal and subpoena power; establishing licensure procedures; allowing affiliation with national associations; allowing the admission to practice of dental hygienists from other states; setting grounds for disciplinary actions, procedures for investigations and penalties for unlicensed practice.

Proponents' Testimony:

Theresa Dougherty, President, Montana Dental Hygienists Association, said this bill will create a Board of Dental Hygiene. The result of this legislation will touch the lives of all Montanans who seek dental hygiene care whom they all wish to protect. The Association represents 140 members. There are 426 licensed dental hygienists in the state and about 250 actively practicing the trade. Each year the numbers increase while the numbers of dentists decrease. Since the 1991 session when licensure by credentials passed, 51 have been allowed to enter the state without the costly examinations which were previously required. Since then a total of 78 licenses have been issued. She supplied survey results which illustrate the concerns of this group. This survey was conducted in December 1994 with 204 hygienists responding. She then read some of the results of the survey. **EXHIBIT 1**

Patty Conroy, Co-Chairman, Montana Dental Hygienists Association, said in the early 1980 the association approached the Board of Dentistry to allow hygienists to provide local anesthesia. There was negative reaction to that and as a result ended up bringing it to the legislature and it did pass in 1988. They were then concerned about general supervision and allowing licensure by credential. This was also met with negative reaction from the Board of Dentistry. This also passed in the legislature. Mandatory continuing education has been an issue that was important to the Association and in the last three years there has been numerous changes. It has changed about five times. The last change was found unsatisfactory and appealed to the legislative code committee. They studied the issue and felt the Board of Dentistry had overstepped their rule making authority and directed them to develop a committee of dental assistants and hygienists to develop some acceptable duties that all could live with. The Board of Dentistry did not adopt this committee report and they are still studying the issue. The hygienists have always supported the certified dental assistant category, but the Board of Dentistry has never recognized such in the practice act. They have attempted to consolidate with other allied health professions as they felt had been directed by the legislature in 1994 in response to the concern to downsize state government. They supported consolidation without conflict. There should not be the economic conflict of employers and employees on the regulatory board. They investigated other models and options in other states and testified at several task force hearings about the issues. After working with the Department of Commerce on a

proposal, the Board promoted that to the task force. The objections came from other professional groups, not the task force. There was no elimination threat to them anymore and they were pleased with the way their boards were functioning. There was no general fund money involved, self supporting, no conflicts and did not feel control was necessary in order for team work to succeed.

Chris Herbert stated when the hygienists were faced with the prospect of having to draw a line and define the scope of dental hygiene which is not clearly defined in either statute or rule by the Board of Dentistry, the code committee supported the fact that the delineation needed to be made for both the protecting of the public and also for the licensees clarification. Seven different communities met with groups of hygienists. A list of the scope of practice was then discussed and appeared in Exhibit 1. In compiling their list of duties for hygienists some sections that came from the committee fall under the direction under the Board of Dentistry to try to rewrite rules. Those sections were taken from their suggestions. All of the duties traditionally taught in dental hygiene schools, which are accredited by the dental association and Department of Education, are listed in Exhibit 1. They have asked for comments from the dental association. They met with their lobbyists and to date, have not made any comments to the hygienists in terms of amendments. In the drafting of this bill there was one other amendment that needs to be noticed which is also contained on the list of amendments listed by **REP. ANDERSON**.

Gary Spaeth, Insurance Commissioner, said they strongly go on record in support of this bill. In 1989 the first items in their files regarding this issue were the problems of collecting and resolving insurance claims. The Department of Insurance administers the provisions of the insurance code of the state. The insurance code is replete with statutes and supporting administrative rules which attempt to insure accurate and expedient claim filings and payments. This includes both the insured and the health care provider. This is testimony or language that Commissioner Bennett gave. Questions regarding proper authority to conduct dental procedures and the insurance reimbursement rate is of concern. The potential for confusion and inaccurate insurance claim administration becomes greater. There were concerns about rulemaking and claims administration. Six years of problems in this area can come to an end. The regulator will have clarity in resolving the administration of claims.

Opponents Testimony:

Frank Serel, D.D.S., President, Montana Dental Association, stated they represent 95% of the dentists of the state. They feel everyone at the hearing is a professional, they are well meaning, and well intended. Dental and medical care do not operate the same. Dental care is very unique. It is provided by

a team effort. The dentist by virtue of seven to eight years of higher education is the leader of that team. As the employee of the team, the dentist is totally responsible for every action of every member on that team. It is for this reason there is not one state that has a regulating board of dental hygiene. This bill will increase costs to the public, the people served. It will increase bureaucracy and increase litigation. It will cause jobs to be lost. The Association strongly opposes this bill. The intent of the hygienists is appreciated but feel they have taken the wrong road.

Carol Scranton, D.D.S., President, Montana Board of Dentistry, said the Board had ratified a mail vote to oppose the creation of a separate board of dental hygiene. **EXHIBIT 2**

Dana Stanley said she was a registered dental hygienist. She also said she was the president of a continuing education group of dental hygiene study groups. Their group reviewed the bill and it was given critical thinking. All of the members failed to support this bill.

Tere Nelson, D.D.S. provided her testimony as **EXHIBIT 3.**

Tim Ballweber, D.D.S., said he was here to represent his employees. As an orthodontist he uses auxiliaries to prepare teeth in preparation for braces. If this bill passes, four of his employees would be terminated. Four hygienists would be required to do the work of the assistants which were released. The assistants which he employs have been doing their jobs for a number of years quite capably and there is no reason they cannot continue.

Mildy Sickelsteel said she was a dental assistant. She said she was testifying with a message. She said she had worked for nine years as an assistant and her employer insists on continuing education. The education she strives to achieve and the certificates which are granted for her efforts do not imply she is going to take the place of a hygienist because these people are very dedicated and very good at what they do.

Kim Anderson said she was a registered dental hygienist from Great Falls and a current dental hygiene member of the **Montana Board of Dentistry.** In theory, self-regulation of dental hygiene sounds innocuous and the reality of that concept is presented in this bill. The authors of this bill have taken it upon themselves to change the delivery of dental care. There are several critical areas. This bill gives a Board of Dental Hygiene control of not only the scope of practice of dental hygiene but also dental assisting and therefore dentistry. Included in this bill is a list of functions which the authors consider to be within the scope of the practice of the dental hygienist only. These functions would be prohibited for assistants yet they have been proficiently completed by these people for a number of years. The list on page 6 states

"included but not limited to" and these words open this list up to an endless array of interpretations and would cause problems for years. Another section gives a board of hygiene the authority to investigate, assess fines and jail assistants who allow the unlicensed practice of dental hygiene. This section gives the employee the right to fine and jail the employer and fellow employees. Because the list of functions allowed only to dental hygienists and forbidden to assistants is incomplete, unprecedented power is given to a board to control the entire dental team through its interpretation of the statutes. She questioned the intent of the authors of this bill. If the original intent was to establish self-regulation, this bill goes far beyond this goal.

TAPE 1, SIDE B

Donna Hammel said she was a dental assistant. Everyone in the room is acutely aware this bill has caused quite a stir between the dentists and dental hygienists. She said she had spent many years perfecting her duties as a dental assistant. She said she was well trained to help the doctor, patient and to do whatever she could to make the dental day go as well as possible. A good dental assistant is worth her weight in gold. In many situations an assistant is the doctor's right hand.

Lisa Hinebauch said she was a public member of the Board of Dentistry. She said this bill would be "growing government." She sees no need for another government entity to be created and place an unnecessary workload on the state employees as the new board duplicates a workload that is already handled well at the Board of Dentistry. The Board is working very hard to come to a mutual compromise and is accomplishing this. She also said one point of this bill that concerns her is the power the hygienists have given to themselves to diagnose. This is not the word specifically used but they instead use the words evaluating, examination, screening for abnormalities, assessment which are all just window-dressing words for diagnosis, a procedure that has always been in the doctor's arena and rightly so. **EXHIBIT 4**

Mary Youngbauer, D.D.S., said dental hygienists are providing a valuable service to the people. The practices that they serve would not be the same without them for they contribute, to the offices of which they are a part, by providing patient education and supervised therapy for periodontal disease. They are able to perform this valuable function because the remainder of the dental team contributes support by performing duties that they have been trained and certified to perform. The proposed legislation would change this system of staff cooperation. Under this law less hygienist time would be available for direct treatment of patient disease because now the hygienist would need to be available to help the doctor with intraoral tasks that used to be delegated to other staff members. The problems this would cause are to further decrease, in this area, the availability of hygiene time, decrease the need for or eliminate the job of the

dental auxiliaries, and increase the overall cost of dental services to the public. She also said the wholesale unlicensed practice of dental hygiene is not occurring. **EXHIBIT 5**

Bob Benson said he opposed this bill.

James Kehr, D.D.S., said he opposed this bill.

Don Nordstrom, D.D.S., said he was a pediatric dentist practicing in Montana for 24 years and opposed this bill.

June Benson stated she opposed this bill.

Beverly Dell said she was a certified dental assistant and opposed this bill.

Becky Dunlap said she opposed this bill and was currently the president of the Montana Dental Assistant Association.

Joel Maze, D.D.S., Regional Director, Academy of General Dentistry, representing 1300 members in five states and over 100 members in the state and they are strongly opposed to this bill. **EXHIBIT 6**

Daniel Hesh, D.D.S., said he and his staff oppose the passage of this bill.

Technical Testimony:

Steve Meloy, Department of Commerce, stated his department was the agency in which all of these boards were attached. He said if the fines which were collected by the Board of Dental Hygienists were deposited in the general fund it meets with the approval of the Department of Commerce. That is consistent with a uniform act which is going to suggest the same to all of the boards.

Michelle Kiesling said she was a practicing dental hygienist and is also involved in dental hygiene education and was a member of the Montana Board of Dentistry as a hygienist. The regulatory board's primary function is to protect the public health, safety and welfare. She said she respects both dentistry and hygiene and feel the public is best served by professionals that work together in an atmosphere of mutual respect with a common goal of providing quality dental health care for the public. During her term on the Board of Dentistry it became increasingly apparent that when dealing with dental hygienist issues, she was having to defend the existence of her profession rather than facilitate the workings of the professions involved. As the Board of Dentistry currently functions, the rules of dental hygiene are too easily altered or deleted to the detriment of the public and the profession. Dental hygiene deserves to have more of a voice in its regulation than it does currently. There are 425 dental hygienists licensed as of December 1994 and dental hygiene is

represented by one voting member on the board. Thirteen denturists are licensed and denturity is represented by one vote. Dentistry has 739 licensees and is represented by four voting members and one non-voting member. There are two very valuable voting members. This bill addresses some but not all of the issues.

Informational Testimony:

Douglas E. Wood, EXHIBIT 7; Linda Field, EXHIBIT 8; Kimberly Mayes Smith, EXHIBIT 9; Gary L. Sengbusch, EXHIBIT 10; A. Eugene Bailey, EXHIBIT 11; Donna Kaparich, EXHIBIT 12; David D. Dachs, EXHIBIT 13; John S. Petersen, EXHIBIT 14; Larry Clayton, EXHIBIT 15; Robert C. West, EXHIBIT 16; Raymond W. White, EXHIBIT 17; Ronald R. Friez, EXHIBIT 18; Frank C. Crowley, EXHIBIT 19; Robin Neil, EXHIBIT 20; Graham D. Shea, EXHIBIT 21; Leslie B. Anthony, EXHIBIT 22; Rose Fellows, EXHIBIT 23; Mary Strause, EXHIBIT 24; Jerry D. Martin, EXHIBIT 25; John R. Holcomb, EXHIBIT 26; John Spierling, EXHIBIT 27; Michael J. McCarthy, EXHIBIT 28; Debbie Pearson, EXHIBIT 29; Juantae Foltz, EXHIBIT 30; John B. Snively, EXHIBIT 31; Wallace Burkington, EXHIBIT 32; Terry L. Buckingham, EXHIBIT 33; Olaf Graves, EXHIBIT 34; Lora K. Waller, EXHIBIT 35; Roxy Reed, EXHIBIT 36; Stephen M. Lyon, EXHIBIT 37; Michelle McKnire, EXHIBIT 38; Julie H. Berve, EXHIBIT 39; Catherine D. Roberts, EXHIBIT 40; Kathy Marquardt, EXHIBIT 41; Lora K. Waller, EXHIBIT 42; Steven D. Erickson, EXHIBIT 43; Carol Vosbeck, EXHIBIT 44; various individuals from Missoula, EXHIBIT 45

Questions From Committee Members and Responses:

REP. DON LARSON asked if dental assistants were doing the work of dental hygienists. Ms. Dougherty said in her experience dental assistants are not doing dental hygiene duties. She had several telephone calls from dental hygienists who are very concerned about practices going on in their offices and wanted to know what they could do about it. Once they found out the procedure was for filing complaints they chose not to. REP. LARSON said he was interested in the allegations that there will be a job loss because the hygienists would be taking over many of the functions of the dental assistant. Ms. Dougherty said the duties the dental assistants were doing now will still be continued to be done as long as they are not included in the list of the dental hygiene scope of practice. All of the operative dentistry things that have been done in the past, as long as they are not dental hygiene duties, will not change. The listed items are things which require education and licensure. REP. LARSON asked if dental assistants are currently doing some of those procedures in the list. Ms. Dougherty said yes.

REP. VICKI COCCHIARELLA said she remembered coming to Helena in 1989 and serving in committee and having issues of boards and the Board of Dentistry at that time. She asked for response to the comments made by Dr. Scranton about the efforts that have taken place to address the issue of fees which would be a history of

the conflicts which have gone on. **Ms. Herbert** said in regard to the fees, the last time there was a fee change, the board did look at trying to decide to divide them up evenly among all the licensees or to break them down cost-wise. The staff had a very difficult time trying to divide out the expenses of one regulation process and another between the license groups. They would agree to similar license fees as long as it represented the same programs and benefits. The Montana Impaired Physicians Program (MPAP) is only open to doctors and dentists. The Board agreed to be a part of that program in 1991. The expense at that time was \$25,000. They took that money and allotted that amount just to dentistry which is the reason for the difference in fees. The MPAP fees have doubled and they are now paying for half of that program through their licensing fees.

REP. COCCHIARELLA then questioned the history of the relationship through legislation. **Ms. Herbert** said they needed to come to the legislature to make any changes in their licensure or even to define it. They have gone to the board and asked them for the right to be able to do local anesthesia so they could offer pain control to patients and they would not support that. They also asked for general supervision which covered them in terms of liability so when the dentist left the office and the hygienists are left with patients they are not risking their professional license. They would not support this and actually they opposed this very strongly. Surveys now show that 95% of the working hygienists in the state are now practicing under general supervision. The dentists are enjoying it, it pays their overhead while they go "hunting." There are other issues which came up, one of which is licensure by credentials. When Carroll College was closing the only dental hygiene program in Montana, licensure by credentials to encourage more hygienists to come to Montana without lengthy and expensive board examinations was not supported even though reciprocity had been in the statutes and allowed to the board for years. That has since been passed in the legislature and that has brought in many hygienists, in fact many more than those who had graduated from Carroll College and stayed in the state to practice. The support of certified dental assistants, delegate certain rules or duties so the hygienists could acknowledge the very assistants who have formal training in certain areas. There are two accredited dental assistant programs in the state.

REP. DAVID EWER asked if **SEN. KLAMPE** were a dentist. He said the proponents have talked cost, litigation, and bureaucracy but there was no person from the medical profession on the committee. How is this issue different from doctors and nurses? Can nurses expend the scope of what they do? Why is this a unique situation versus nurses? Dental hygienists, if they are able to have their own board, are going to be able to expand their legal scope of services. Are nurses allowed to expand their legal scope?

SEN. TERRY KLAMPE said dentistry was unique because it is not medicine. There are quite a few more nurses than are hygienists.

Mary McCue, Legal Counsel, Montana Dental Association, said the relationship of the dentist and hygienist is a very close one. The dentist is ultimately responsible for everything that goes on in the office, has total liability. The 14,500 nurses in the state work in a variety of environments. Some work for physicians but many work in hospitals. The relationship of a physician's assistant is a better example. The Board of Medical Examiners is comprised of physicians and one physician's assistant. The physician assistants do not have their own board. They are under the Board of Medical Examiners and in fact are only permitted to vote on issues that relate to physician's assistants. That is not the case with dental hygienists. The 281 practicing members have Kim Anderson as their representative on the Board and she may vote on every issue that comes before that board including all disciplinary actions that involve dentists.

REP. EWER asked for a rebuttal from the opposition. **Ms. Herbert** said she believed physician's assistants have much higher ability to practice and they are also allowed to practice outside of direct supervision. They also have prescriptive authority. They are different in employment situations because the hygienists have no option other than the individual dental practices unless the hygienists go into an administrative public health role. A dentist by law is the only person who can own a dental practice. There are no HMO or PPO type programs where insurance owns the practice. It is very limited in who the hygienist works for. They are in an employer/employee relationship. It is not different from medicine, it is not different from barbers, or any other business owner who has licensees who are regulated by the state and who work in that practice. As a simple explanation, in this state there has not been a malpractice complaint against a hygienist in the past 20 years. Lawsuits against hygienists for their practice literally do not happen. The licensed liability for hygienists including local anesthesia costs \$65 per year. In terms of the liability risks and the unique relationship it is no different than other businesses.

REP. ALVIN ELLIS said **Ms. Herbert** had testified the Board of Dentistry had taken some unilateral positions which was contrary to legislative intent. **Dr. Scranton** said the Board had problems for quite some time. They decided to change the rules in an attempt to get the fighting to stop. The Administrative Code Committee had concerns about this. In the fall, the Board appointed a committee which contained three dental hygienists, three dentists, three dental assistants. The committee requested this be done so all of the factions might be involved together to work this out. The committee came through with suggestions which for the most part, were made by the hygienists. Those suggestions have been incorporated together and in their last board meeting they were presented in a tentative form. There was

a directive given to the board. They are working very hard on putting this together. This is going to fix these problems.

REP. ELLIS then stated it was the testimony that some of these concerns will be resolved when these rules are adopted. **Dr. Scranton** said yes.

REP. ELLIS said many things which dental assistants are assigned will no longer be permitted to do. Is that accurate testimony? **Dr. Nelson** said it is true. Some of the duties are allowed by her assistants which would aid her in facilitating health care to patients. She can't find a hygienist to employ. As a hygienist she had done very thorough exams because she was required to go around every surface of the tooth. As a dentist she still does a thorough exam. Afterward, the assistant should be able to do the corona polishing and deliver oral hygiene instruction to the patient. Hygienists would like to limit those types of things to their scope of practice and expand their scope of practice to limit all the preventive care which is now the ability to delegate to an assistant. Passage of this legislation will increase the cost to the consumer.

REP. BOB PAVLOVICH asked how much of a problem this would entail for the Department of Commerce. **Mr. Meloy** said he would not anticipate a great amount of difficulty in establishing a new board. A new government task force is going to give them more boards anyway. He said they were very streamlined in a process to implement new boards. The major distinction between the nursing board and the doctor's "stand alone" board is the board of dentists has some professions under it. The Board of Medical examiners has some professions under them. The fiscal impact and the work of splitting them off is not as difficult as establishing a new board. There would be some duplication and that duplication is reflected in the fiscal note.

REP. BOB PAVLOVICH said there had been a bill before the committee in 1993 to create a board for the denturists. Is there a problem with the Board? The board is made up of five dentists. Why is it overloaded on one side? **Dr. Scranton** said the situation then did have a problem with the denturists. There has been a lot going on with them too. Since 1994 a committee was set up within the denturists to try to work out their problems. That seems to be working fairly well. They have done the same thing with the hygienists. She then said she had hoped to be allowed to let this work itself out. The progress which has been made has been amazing. In 1993, and today in 1995, the players have changed.

REP. JON ELLINGSON understood that one of the principal objections of the dentists is the implication that dental hygienists will somehow be practicing independently. However, upon review of the new section, it is a requirement that a licensed dental hygienist can only practice under the general supervision of a licensed dentist. Is that not correct? Does

that not address the problem? **Dr. Serel** said it does solve the problem for the time being. They are determining their own scope of practice and they can change that. If a profession is regulated and that sector is the only one regulating it with no one else to answer to, you can make it what you want. That is where the problem will arise.

REP. ELLINGSON said this section, if adopted, is adopted by the legislature and it would take an act of the legislature to remove that requirement from the dental hygienists. He also said he understood another concern of the dentists was that this legislation would allow the hygienists to expand into areas where they were not qualified. **Dr. Serel** said he agreed.

REP. ELLINGSON asked specifically what was inappropriate for dental hygienists to perform? **Dr. Serel** said the main duty is the circumventing diagnosis. This circumventing is allowing assessment and examination which is a part of diagnosis. If it is not a part of diagnosis why is this being done if there is not a plan developed?

REP. ELLINGSON asked if that information was not going to be reported to the dentist who then is provided under Section 10 to make the diagnosis? **Dr. Serel** said he would assume they would.

REP. ELLINGSON said if it did happen in that fashion would they be making a diagnosis. **Dr. Serel** said yes, they would be making a diagnosis because they are reporting their findings which are based upon diagnosis.

REP. ELLINGSON asked if a dental assistant were ever allowed to tell the dentist what was seen in the mouth. **Dr. Serel** said no. The assistant is allowed to reveal what the patient has said. But, they do not want that responsibility.

REP. ELLINGSON asked of **Dr. Serel** if he were a past president of the Board of Dentistry. He then said he understood another area of concern, if not from the dentists but the dental assistants, was the concern that the scope of responsibility would be restricted. Does the Board regulate what a dental assistant may or may not do? He also asked for any existing rules by the Board which define the scope of practice of a dental assistant. **Dr. Scranton** said the Board regulates what a dental assistant may or may not do through the dentist. The wording is something to the effect that a dentist may "allow a dental auxiliary to do or may not allow a dental auxiliary to do" and that is specifically how it is placed in the rules. She indicated she had some draft copies. She then said the existing rules say a dentist may not delegate to a dental assistant any procedure that a dental hygienist may not do or prophylaxis and continues with the responsibility of the dentist in how they may or may not handle their dental assistants in their practice.

REP. ELLINGSON asked what was contained in this legislation specifically in reference to Section 6 which contains a list of what some of the dental auxiliary may do although he said he noted that it was not an exclusive list since the legislation uses the word may. What is it on that list that should be expanded to address the concerns of both the dental assistants and the dentists. **Dr. Scranton** said this section is a part of the Dental Practice Act as it stands except for the changes. So this bill wants to change the practice act. This must be reviewed in combination with the scope of practice in Section 8. As this reads in Section 6, this section may not be construed to allow the board to delegate to auxiliary personnel by rule any of the duties prohibited to dental hygienists under Section 10 or any of the duties prescribed as the practice of dental hygiene in Section 8. So, by the dental hygienists placing this section into their bill and listing their scope of practice, including but not limited to all of those things, they have eliminated many of the things dental assistants do now. Continuing, the following duties may be performed by a dental auxiliary: exposing radiographs, application of fluoride and those are the only two things, as this bill reads, that a dental assistant may do. Section 8 indicates exposing radiographs which is in direct conflict to what they said an auxiliary can do. This defines what is only in the scope of dental hygiene. Applying preventive and therapeutic agents (fluoride is a preventive agent) so it is in direct conflict. Enamel etching which is done by assistants. Pit a fissure sealants is also done. Amalgam polishing is done. This is taking away all of these things. Section 8 and 6 effectively eliminates the position of dental assistant as it is known today.

REP. ELLINGSON questioned by what authority the dental assistants perform these duties now. **Dr. Scranton** said it directs the dentists they may not allow a dental assistant to do anything a dental hygienist may not do or prophylaxis.

REP. BOB KEENAN said the common denominator is the protection of the public. What are the infractions or complaints? **Ms. Conroy** said the problem has stemmed from some situations where hygienists are concerned their education and licensure comes from accredited schools which have been set up by the American Dental Association accrediting program. There is a reason the things which are taught in dental hygiene school is in those programs. It is tested and licensed. They want to make sure those procedures the American Dental Association and the American Dental Hygiene Association feels are important enough to be included in the accredited program and should be regulated so that those are the duties done by those trained personnel.

REP. KEENAN asked if there were any complaints or injuries or infractions. **Ms. Conroy** said there had been some complaints filed at the Board of Dentistry level that dental assistants were doing dental hygiene duties and the Board of Dentistry President could respond to this. The reporting complaint process at the

Board level is intimidating to many hygienists. There have been many calls to the association and they want to know what can be done about what they see happening. When the procedure is reiterated, often they do not wish to put themselves in those positions and it is not taken any further.

REP. KEENAN then asked if there were any independent contractors in the state which are dental hygienists. **Ms. Conroy** said this was a business arrangement. There are no independent practitioners as far as working independently of a dental office. Some hygienists work in a dental office on a contract basis where they make a percentage of their salary based on their production. They are not working independently. They work as a contractor as far as the IRS is concerned.

REP. KEENAN said the committee had a month headstart on this issue because of the presence of personnel from the dental hygienists from the past three or four weeks. In talking with other states it appears as though the dental offices have gotten bigger. There are now dentists, dental hygienists and hygienist assistants. When that trend comes to Montana how will they differentiate between dental assistants and hygienists assistants as far as having two boards? **Ms. Conroy** said those assistants who may be assisting dental hygienists would still be employed by the dentist, still be a dental assistant and subject them to regulation and control by the Board of Dentistry. There is not a category of dental hygiene assisting duties. In the dental office in which she is employed, there are two dental assistants and one is often helping **Ms. Conroy** clean her room, recording information while charting and the other is still a dental assistant. They are not in the least bit interested in dealing with regulation of dental assistants or dental hygiene assistants.

REP. CARLEY TUSS asked if the scope of dentistry evolved because of historical precedence that becomes codified, coupled with advances in technology that are supported by research and therefore over time there are advances in the scope of dental practice. **Dr. Scranton** said there are advances in dental practice and as they are seen, they are incorporated in the programs in dental schools and continuing education courses. **Ms. Dougherty** said yes. **REP. TUSS** said she was curious about the dispute that is becoming apparent here and the allegations emanating from that dispute are that this bill will make dental assistants historic. Some of the practices that are claimed in the bill by the dental hygienists have been claimed because the Board of Dentistry has eliminated uniform education for some practices. She then questioned corona polishing. **Mr. Meloy** said that question best symbolizes the difficulties between some professions that are regulated by a dominant profession.

TAPE 2, SIDE B

This very committee last session, as a result of **REP. RANEY'S** resolution which was tabled, had the ability to solve a great majority of the problems at the administrative level. Legislators don't want to become any more involved in the distinction between modalities, prophylaxis and corona polishing because they are not the experts. What has evolved, board members have been approved. The department has determined is a uniform act. It is the clarification board making and the allowance of greater flexibility in the establishing of rules for education.

REP. TUSS asked if the threat to extinction of the dental assistant partially emanating from the fact that dentists have now eliminated uniform education programs and instead have "willy-nilly" in the best interest and with skill, begun training every dental assistant according to their own way of doing things. **Mr. Meloy** said no.

REP. TUSS then asked that session after session this particular board has come in with cavalier attitudes toward each other, very antagonistic things to say from the dominant profession toward its sub-professionals, has refused to negotiate and work in the best interest of what they claim to be their professional goal. **Mr. Meloy** said there is a correlation between the amount of friction and animosity between these boards with how serious each profession takes it own turf. They feel very strongly about what it is they do. Hopefully, this bill will help the process at the administrative level.

REP. TUSS asked if this board, as it presently exists, is doomed to the kind of animosity that has previously existed. **Mr. Meloy** said this current board has the Governor taking a greater interest in appointing board members with a more fair and judicious mind and insulating him and the boards from the impression that all they are trying to do is protect their own profession. The representative for the hygienists is an excellent choice. If board members are not going to be judicious and fair it crumbles internally.

REP. ROSE FORBES said the hygienists have brought this bill before the committee and she has received hundreds of letters and half of them are in opposition. Why is there such a division? **Ms. Anderson** said prior to Monday of last week, very few hygienists had ever seen this bill. They were shocked at what was actually in the bill. The responses you see are from the multitude of FAXs and letters and phone calls from hygienists who oppose this bill.

REP. JEANETTE MCKEE asked if the board had given consideration to the possibility of increasing the representation on the board. **Dr. Scranton** said the board has not been requested to look at that issue. The situation in many other states is a working committee where there are possibly two hygienists who work hygiene with the representative from the board. **REP. MCKEE** asked

if this could possibly be discussed? **Dr. Scranton** said the board had always been open to any suggestions.

REP. COCCHIARELLA asked if it were the position of the people to kill this bill. **Ms. McCue** said it is the position of the Montana Dental Association that because of, and in particular, the language which has been discussed at great length "including but not limited to" that this bill in its present form will not solve the problem which is described. Hygienists are not together here as a whole on this bill. "You are hearing from a lot of hygienists who do not like this bill. It is not the dentists who are not only opposed to this bill." She then suggested that in this interim there should be consideration of some kind of expanded commission. New Mexico has a commission who make recommendations to a committee. There is the benefit of having everybody in the profession still on the same regulatory board. There is no a way to fix this bill. There cannot be two boards drafting rules which will say what those three workers do. That is what this bill does. They should discussed having some kind of increased representation through the tool of a commission because hygienists are not a regulatory problem for the board. The civil fine against a dentist for violating his practice act is \$5,000. That is a very high penalty. The civil fine for a physician to violate the practice act is \$500. There are all kinds of remedies already in place if any of these dentists in this room are violating their practice act.

REP. COCCHIARELLA said these problems should have been worked out with the Board of Dentistry and not brought here. Is there a way these groups of people could sit in a room to fix the board. **Ms. McCue** said the dental association asked to see the text of this bill. They are not out of hand opposed to a concept.

REP. LARSON asked if the creation of a Board of Hygienists increase the quality of care for consumers. **Dr. Carr** said the creation of another board will only cause continued conflict. It will not improve the care. **REP. LARSON** asked if it would lower the cost of care. **Mr. Carr** said no.

CHAIRMAN SIMON said they had heard testimony about whether or not this was going to put auxiliaries out of business. If this bill were to pass it would be necessary to adopt rules so it would specifically define what dental hygienists could be allowed to do. Could the committee be assured the rules that would be adopted in line with current practice and not be designed to expand the practice of dental hygienists. **Ms. Herbert** said yes.

CHAIRMAN SIMON questioned the \$100 fee the hygienists were paying as a fee which totaled \$47,000. How is the money being spent? **Dr. Scranton** said there was a definite discrepancy in what the Board had to pay for a certain service which corresponded with what the Board was required to pay versus a percentage that another board was paying. Those numbers should go right back down.

CHAIRMAN SIMON asked if this were a fee which was being charged to run the impaired position program for dentists and physicians. **Dr. Scranton** said that was the fee taken out last year on a loan which is the money recouped in which no licensee has put the money back into the loan and it would balance everything out just as it is supposed to be. **CHAIRMAN SIMON** asked if this was not a large portion of the money discussed going into an impaired physicians program for which no one else that is licensed under this board is allowed to use and it is strictly for dentists. **Dr. Scranton** said the money which the Board is spending is being taken care of by the difference in fees between what the other licensees and dentists pay. The dentists pay more for their license fees and that is what has been taken care of.

CHAIRMAN SIMON then asked what the license fee was for a dentist? **Dr. Scranton** said a dentist's fee is \$133 and a hygienist's fee is \$100.

CHAIRMAN SIMON said he shared some of the concerns about both what dental assistants would be allowed to do and what dental hygienists would be allowed to do. Upon reviewing this bill, there were some of the same concerns the Board had. On page 4 it listed only two items the dental assistants would be allowed to do. Further, with an amendment, the Board of Dentistry would be able to adopt rules that would outline the tasks that would be allowed for dental assistants. What sort of tasks are outlined right now in the rules that specifically tell dental assistants what they are allowed to do? **Dr. Scranton** said the specifics are controlling the dentists in what they may and may not do with auxiliary. The committee which has been working since the fall has put together a list of things assistants may do and may not do and that is coming out. The committee has not had the opportunity or the time to achieve this. But, some of the areas are the conflicts which limit the scope of practice of dental hygiene and dental radiographs, and the Dental Practice Act states the hygienists may do dental radiographs. That is a conflict. The application of preventive agents is in conflict with what is defined in the scope of practice. All of these things have been allowed by dental assistants to perform. Now that is being limited in the scope of practice through dental hygiene.

CHAIRMAN SIMON said in the current rules that have been adopted by the Board, he said he could not find any specific references to what the duties of a dental assistant were. He then stated he again wanted to ask **Dr. Scranton** specifically, not what was the Board's intention, but what dental assistants are allowed to do. Is there a specific list that indicates what they are allowed to do. **Dr. Scranton** said there was no list. It does say a dentist may not delegate to a dental assistant, anything that a dental hygienist may not do or a prophylaxis. Putting a list of "do ables" would be very difficult to do since **Dr. Scranton** had her office manager write down everything the dental assistant would do and in a matter of one and one-half hours the office manager

indicated there were approximately 85 duties. That is in Dr. Scranton's own personal general practice. That does not include any other phase of dentistry.

CHAIRMAN SIMON then said when discussing practice acts and trying to achieve lists of duties, the issue is difficult. When there is a dental hygienist with a list of duties they are allowed to perform there may be a crossover between those lists that both assistant and hygienist may be allowed to do. The issue then becomes if a dental assistant is doing things on the list which they are allowed to do, they would then not be accused of being a dental hygienist without a license. Not that it would be an exclusive thing which would prevent them from doing those duties, but call out common duties that one or the other could do. Dr. Scranton said she would give the committee the assurance.

Closing by Sponsor:

The sponsor closed.

TAPE 2, SIDE B

HEARING ON HB 432

Opening Statement by Sponsor:

REP. WILLIAM WISEMAN, HD 41, Cascade County, said this bill was an act implementing the recommendation of the Governor's Task Force to renew Montana government by transferring licensure functions of the fire prevention and investigation program from the Department of Justice to the Department of Commerce; and transferring boiler safety and inspections from the Department of Labor and Industry to the Department of Commerce.

Proponents' Testimony:

Laurie Ekanger, Governor's Office, said this bill represents a number in a series of bills coming from the Renew Government Task Force. Their effort was to take like functions and put them together in an effort to streamline government from an administrative point of view and also make it easier to define functions from a public point of view. The philosophy behind the recommendation is that physical plant inspections be located in a single place. Cross training and possibly a single inspection instead a variety of inspectors coming into a business place would be the concept.

Jim Brown, Department of Commerce, said the provisions contained in this bill accomplished a Governor's Task Force recommendation by integrating the programs with similar responsibilities which will protect public health and safety with projects associated with building construction. The Fire Prevention and Investigation Bureau adopts and enforces the uniform fire code which is correlated with the model uniform code, building code,

plumbing code, mechanical code, electrical code which is adopted and enforced by the Building Codes Bureau in the Department of Commerce. Although these two bureaus presently have a good working relationship, the location of these bureaus in the same agency will serve to promote increased cooperation and effectiveness. The relocation of the boiler safety program from the Department of Labor to the Building Codes Bureau combines two similar programs that presently divide jurisdiction and enforcement of regulations regarding boiler safety. The Building Codes Bureau inspects the installation of all components, gas piping, venting, combustion air, etc. related to boilers presently under the jurisdiction of the Boiler Safety Program and the installation of components of boilers not regulated by the Boiler Safety Program. The amendment which has been circulated is needed to assure Workers' Compensation funding of this program should this not pass.

Dave Ashley, Deputy Director, Department of Administration, said as project director for the Governor's Task Force, this bill comes from a recommendation from the Task Force. They feel this was to take those building inspection related functions in state government and consolidate them. The public would be better served by having a single point of access to state government for those inspection functions. Upon conversing with the different agencies, they are all extremely over stretched. There are numerous new building starts in Montana. There is a lot of additional workload. They could provide more efficient and streamlined inspection functions by consolidating those in a single department and taking advantage of common scheduling, cross training, etc.

Chuck Hunter, Department of Labor and Industry, said the boiler inspection functions have been dealt within the Department for some time. These functions would be transferred from the Department of Labor to the Department of Commerce. There is indeed the opportunity for better public service under this transfer as well as better information sharing among these programs. Currently, in these programs there is a common location. The boiler inspectors will inspect one part of the facility, the plumbing people will inspect another part of the facility and oftentimes there is need to communicate among those programs. Co-locating them will give the opportunity for much better coordination among those programs.

Opponents' Testimony:

Joe Mazurek, Attorney General, Department of Justice, said they rise somewhat reluctantly in opposition to this bill. He said there were some amendments proposed for this bill. The Task Force has taken on an incredible task and made some good recommendations. The key to an effective reorganization is to make sure it is comprehensive. Although there was a comprehensive undertaking by the Task Force, this recommendation does not comprehensively address the inspection services that are

discussed. The reason for concern is if there is really need for consolidation, all of the fire and life safety functions into one area, they are really not doing that. All of the agencies with inspection responsibilities are not here. Various state departments have inspection services. It is not being done on a comprehensive basis. The effect this would have on the fire investigation and inspection will not work well. There could be significant opportunities for cross training and better service but that won't be accomplished by this bill. The fire inspections occur after buildings are built. Building codes work occurs during the construction phase.

Chuck O'Reilly, Sheriff, Lewis and Clark County Sheriff's Department provided **EXHIBIT 46**.

Bob Gilbert, Montana Volunteer Firefighters Association, said their opposition to this bill is solely in the area of transferring the investigators and inspectors from the Fire Marshall's Office into the Department of Commerce. With the acceptance of the amendments they will, then, support the bill.

James Loftis, President, Montana Fire District Association, stated the rural fire districts rely on the Fire Marshall's Office for inspections.

Creighton Sayles said he was a fire investigator for a wide range of clients. He is also the vice-chairman of the Advisory Council for the Fire Prevention Investigation Bureau. He opposed this bill. He said he knew of no problems which existed in the present system. **EXHIBIT 47**

Chuck Gibson, Montana State Fire Chiefs Association, said he had served in the fire service for 35 years and he believes a Bureau of Fire Prevention Investigation must have inspectors that maintain a basic background in fire operation. They must be proficient in fire code inspections, fire investigation and arson investigations.

Scott Waldron, Missoula County Fire Protection Association, provided written testimony from **Gordon R. Gieser, EXHIBIT 48**; **Dick Larson, EXHIBIT 49** and **Larry McCann, EXHIBIT 50**

Vern Erickson, Fire Marshall's Advisory Board/Montana State Firemen's Association, stated his opposition of this bill.

Roger Stevens, Flathead County Firefighters Association, stated he had used the Fire Marshall's Office on numerous occasions for arson investigations as well as inspections. They support their staying in the Department of Justice.

Clem Duwime, Silver Bow Volunteer Fire Council, said he would like to go on record in supporting the recommendations of the Department of Justice.

Bill Fliener, Montana Fire Warden's Association, supported the comments of the Attorney General.

Dick Swingley, Fire Marshall, City of Great Falls, said he approved of the testimony in opposing this bill.

Brian Crandall, Sourdough Fire Department/Ray Fire Department, supported the Attorney General's remarks.

Bob Johnson, Deputy Fire Chief, Belgrade Fire Department, said this is the first line of defense in fire and education and prevention. The bureau provides the backbone to make this happen.

Questions From Committee Members and Responses:

REP. PAVLOVICH questioned if the amendments which had been submitted by **REP. WISEMAN** had conflicted with the amendments submitted by the Department of Justice. **Mr. Mazurek** said no. They are consistent and deal primarily with Workers' Compensation but would fit together.

REP. CHARLES DEVANEY questioned the testimony of Sheriff O'Reilly. **Sheriff O'Reilly** said the incident had occurred in 1983 and he had picked this case because it was rather dramatic. They have had numerous fires since then where the Fire Marshall's services are utilized.

CHAIRMAN SIMON asked **REP. WISEMAN** supported the Attorney General's amendment. **REP. WISEMAN** said he did not support the amendment.

Closing by Sponsor:

The Sponsor closed.

HEARING ON SB 95

Opening Statement by Sponsor:

SEN. AL BISHOP, SD 9, Yellowstone County, said this bill was an act revising the requirements for obtaining a hearing aid trainee license; establishing the board's power to initiate complaints, conduct investigations, and suspend or revoke licenses; changing the training period from 12 months to 180 days; reducing the number of trainee license renewals following failure to pass examinations from two to one; increasing the continuing education requirements for license renewal applicants.

Proponents' Testimony:

Ben Havdahl, Montana Speech, Language and Hearing Association, stated his support for this bill and provided testimony as EXHIBIT 51

Darrell J. Micken, Montana Speech, Language and Hearing Association, stated his support of this bill. EXHIBIT 52

Glen A. Hladek, Montana Speech, Language and Hearing Association, provided written testimony as EXHIBIT 53

Rosemary Harrison, Montana Speech, Language and Hearing Association, supported this bill.

Mona Jamison Montana Speech, Language and Hearing Association, stated her support of the bill.

Opponents' Testimony:

None.

Informational Testimony:

Dudley Anderson, Missoula Hearing, Inc., EXHIBIT 54.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON SB 95

Motion: REP. ELLIS MOVED SB 95 BE CONCURED IN.

Vote: Motion carried 18-0.

ADJOURNMENT

Adjournment: 12:00 AM.



BRUCE T. SIMON, Chairman



ALBERTA STRACHAN, Secretary

BTS/ajs

HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL

DATE 2-10-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	✓		
Rep. Norm Mills, Vice Chairman, Majority	✓		
Rep. Bob Pavlovich, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Charles Devaney	✓		
Rep. Jon Ellingson	✓		
Rep. Alvin Ellis, Jr.	✓		
Rep. David Ewer	✓		
Rep. Rose Forbes	✓		
Rep. Jack Herron	✓		
Rep. Bob Keenan	✓		
Rep. Don Larson	✓		
Rep. Rod Marshall	✓		
Rep. Jeanette McKee	✓		
Rep. Karl Ohs	✓		
Rep. Paul Sliter	✓		
Rep. Carley Tuss	✓		



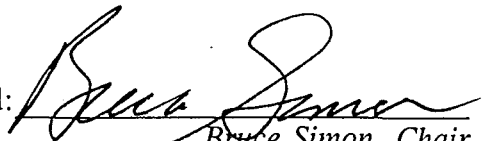
HOUSE STANDING COMMITTEE REPORT

February 10, 1995


Page 1 of 1

Mr. Speaker: We, the committee on Business and Labor report that Senate Bill 95 (third reading copy -- blue) be concurred in.

Signed:


Bruce Simon, Chair

Carried by: Rep. Simon


Committee Vote:
Yes 18, No 0.

351303SC.Hbk

**Montana Dental Hygienists' Association
Survey Results - December 1994**

EXHIBIT 1
DATE 2-10-95
HB 401

- 181 Support MDHA Goals and objectives.
- 177 Understand and support self-regulation of dental hygienists.
- 201 Are informed of MDHA's Legislative activities.
- 148 Believe their scope of practice is not protected under current law.
- 188 Believe that the public confuses the role of dental hygienists and dental assistants.
- 145 Are aware of dental assistants performing intraoral procedures that are traditionally dental hygiene procedures.
- 107 Are aware of dental assistants doing coronal polishing that is billed to the consumer as a prophylaxis.
- 200 Believe that education and training should be required before a dental assistant can expose patients to xrays.
- 4 Believe that the Board of Dentistry increase in renewal fee for dental hygienists was justified.
- 14 Believe that the most recent rule changes were made by the Board of Dentistry with public welfare in mind.
- 102 Are not adequately informed of rule changes by the Board of Dentistry.
- 72 Do not completely understand their continuing education requirements (this is the third year they are required).
- 191 Work under general supervision without problems.

(This survey was mailed to 302 dental hygienists and 204 responded.)

IRRECONCILABLE DIFFERENCES

- Work within the BOD for years without satisfactory results

Local Anesthesia

General Supervision

Mandatory Continuing Education

Licensure by Credentials

Scope of Dental Hygiene Practice

Recognition of Certified Dental Assistants

- Attempts to Consolidate as directed by Legislators in 1994

MDHA Supported consolidation without conflict

MDHA Investigated other options and models

MDHA Testified in support to the Governors Task Force

MDHA Worked with Department of Commerce staff on a proposal

Objections to consolidate came from other professional groups:

No tax burden - self supporting

No motivation for boards to consolidate

Right to self-regulation

EXHIBIT 1
DATE 2-10-95
HB 401

Proposed Self-regulation of Dental Hygiene:

- Various models in other states
- We used the Board of Dentistry as a model
- Makeup and fees similar to other boards
- Standard rule making
- Statutory scope of practice
- Board Member Restrictions to protect public interest

Compare Dental Hygienists with other similar professions:
(information from Dept. of Commerce)

	<u>Resp. Ther.</u>	<u>Rad. Tech.</u>	<u>Occ. Ther.</u>	<u>Spch. &Aud.</u>	<u>Phys. Ther.</u>	<u>Dent. Hyg.</u>
First Year	1991	1977	1994	1975	1961	1995
#Licensed	352	895	219	387	535	426+
Complaints	2	3	0	0	3	?
License Fee	\$40	\$25	\$80	\$25	\$25	\$30
Members	3/1/1	3/2/2	3/2	2/2/1	3/1/1	3/1/1

Scope of Practice as outlined by Practicing Dental Hygienists:

Dental Hygiene treatment planning
Enamel etching and applying Sealants
Sonic and Ultrasonic Scaling
Air Polishers
Periodontal Probing
Nutritional Counseling
Perio Examination and Assessment
Scaling
Root Planing
Curettage
Local Anesthesia
Dental Radiology & Interpretation
Subgingival Irrigation
School screenings
Medical History Evaluation
Amalgam Polishing
Sulcular and Topical Medicines
Desensitization
Margination
Intraoral Screening
Administration of Public Dental Health Programs
Medical Emergency Response
Patient Education
Topical anesthesia
Nitrous Monitoring
Blood Pressure and vitals
Suture removal
Asepsis
Ortho Cement Removal
Public Health
Fluoride treatments
Temporary Restorations
Diagnostic photos and video cams
Diagnostic models
Instrument Sharpening
Placing and removing perio packs

EXPLANATION OF SCOPE OF PRACTICE :

Prophylaxis = cleaning teeth

Non-Surgical Periodontal Treatment = deep cleaning

Exposing Radiographs = Xrays

Other Specific Procedures Listed - limited to those procedures that are potentially risky to patients health.

ONLY the Board of Dentistry can write rules that outline what dental assistants can do. This can include any other intraoral tasks not defined as the practice of dental hygiene.

**DEPARTMENT OF COMMERCE ESTIMATED COST OF
SELF-REGULATION OF DENTAL HYGIENE:**

Reduce Licence Renewal Fee from \$100 to \$30

1990 RDH's paid a total of : \$21,140

1994 RDH's paid a total of : \$25,103

1995 RDH's will pay a total of : \$47,475

1996 BODH - RDH's would pay only \$15,520 for self-regulation

WHAT REMAINS UNCHANGED:

- Same Liability
- Same Ownership of Practice
- Same Supervision of employees
- Same Procedures by dental hygienists allowed
- Same Education Requirements
- Same Licensure Requirements
- Same School Accreditation
- Same Discipline options (except fines)
- Same Administration by Department of Commerce

SCOPE OF PRACTICE IN STATUTE:

- Reduced Rule fluctuation and confusion of licensees
- Allows for enforcement
- Upholds quality of care and public safety
- Consumer protection
- Protects against Insurance Fraud

BENEFITS:

- Reduces Board of Dentistry workload
- Reduces Turf Battles - Employer / Employee Conflict
- Increases Dentist Ratio on Board of Dentistry to 5:2:1
- Increases Public Participation
- Upholds National Standard of Dental Hygiene Care
- Reduces Dental Hygienist Licensure Fees

CHAIRMAN BRUCE SIMON

February 10, 1995
House Business and Labor Committee
HB 401 - A bill to create a separate board of dental hygiene

EXHIBIT 2
DATE 2-10-95
HB 401

Mr. Chairman and Members of the Committee,

I am Dr. Carol Scranton, a practicing dentist from Kalispell for about nine years. I am the current president of the Board of Dentistry and have served on the board for three years.

On February 3, 1995, the Board of Dentistry ratified a by mail vote to oppose the creation of a separate board of dental hygiene and I will speak about that opposition today.

Dentistry has worked very hard to create a team to better serve the public's needs. The regulation of all the dental players should also be handled in that same vein - as a team. Licensure, scope of practice, education, all must be standardized and agreed upon by the team.

The fragmentation of the dental profession by the creation of a separate board of dental hygiene has a high potential for major conflict. And when this conflict occurs there will need to be yet another mechanism in place to resolve the conflict.

We as a board have had our disagreements. Now we are seriously addressing them.

When I became board president in August of 1994, the first thing I did was to form a committee to address the concerns of the Legislative Administrative Code Committee. This committee consisted of dentists, dental hygienists, and dental assistants. We were finally able to lay some of the real issues on the table. This committee came up with some wonderful suggestions for compromise among the factions involved, many of them made by dental hygienists on the committee. The board is currently putting the committee suggestions in place and will be presenting them for comment soon. I see this as a very positive force and a better way of handling conflict than fragmenting the dental team.

I understand there is a great concern over the recent fee increase. Let me explain what happened and tell you what the Board of Dentistry is in the process of doing to try to rectify the problem.

In the fall of 1994 the board was informed of a serious budget deficit. The staff at the Department of Commerce told us we must raise license fees or the board would be out of money to function. We were under the gun to do something quickly. We followed the suggestions of the department staff and implemented an across the board increase. This was also in accordance with the request of the Montana Dental Hygiene Association in December 1991, to divide the board's total revenue requirement by the total number of licensees to obtain a base license renewal fee and thus have an equitable fee structure.

Since the increase was put in place, the board has discovered a discrepancy in spending that would result in moneys to repay a cash loan the board had to take out to continue operation. This discrepancy in spending is also being fixed for the future. We are negotiating with the other board involved and if a satisfactory compromise occurs, the Board of Dentistry may be able to readjust license fees back down.

You can see that these two very important issues are ones that can be and are being handled within the board, without a necessity to split up into two boards.

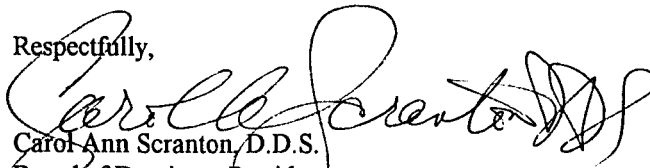
Comments have been made that when complaints come to the board nothing is done. This is the furthest thing from the truth. All complaints are handled and investigations are conducted by staff of the department, not the board. When the investigators run into a dead end and cannot find witnesses or present facts that a violation has occurred, the board has no choice but to dismiss. The board has never shirked its responsibility to discipline when there has been a proven violation.

The proponents of this bill sent a fact sheet to legislators. It said that HB 401: does not expand hygienists allowable functions; does not change the working relationship of the dental team; does not change the education, licensure, or competence of hygienists; does not change the total liability of the dentist. If this is all true, then why do we need a separate board?

The TEAM is the key. TEAM regulation is key.

I urge you to vote against HB 401.

Respectfully,



Carol Ann Scranton, D.D.S.
Board of Dentistry, President

EXHIBIT 2
DATE 2-10-95
HB 401

HB 401 Proposed Board Of Hygiene

Dental care, unlike medical care, is provided by a team effort. It consists of the dentist, dental hygienist, dental assistant, and laboratory technician. The dentist by virtue of 7 to 8 years of professional education is the leader of the team. All other team members generally have 1 to two years of training and are trained to support the dentist under his or her direct or general supervision.

The dentist is ultimately responsible for all team members under his or her supervision. If the dental team works as a team they should be regulated as a team. What we would have in HB 401 is two different boards regulating some of the same issues and it will result in conflict between the two boards and undoubtedly lawsuits. It is for this reason that the laws of all other states do not allow for separate boards of hygiene.

HB 401 defines and limits the types of duties performed by dental assistants. A dental assistant is under the direct supervision and responsibility of the dentist. Therefore, hygiene has no business regulating dental assistant's duties.

HB 401 will expand the duties that a hygienist can perform which in the past have not been allowed because of lack of education. Under present Montana law a dental hygienist is not allowed to diagnose or form a treatment plan. HB 401, although stating a hygienist cannot diagnose, goes further to circumvent this point by allowing "assessment and examination." This is part of diagnosis and treatment planning.

HB 401 requirements for hygienists and public members serving on the Board of Hygiene is discriminatory. HB 401 states that the public board member may not be involved in dental health by education, profession, blood relation, marriage, or financial interest. It further states that the dental hygienists' board members may not hold a degree in dentistry or be involved in a dental practice by blood relation or marriage. The purpose of a State Board is to regulate in the best interests of the consumers of Montana.

HB 401 will open a "Pandora's box." If there were a board of hygiene then it could be argued there should be a board of dental assistants, board of laboratory technicians, and board of dentistry as well. The bureaucracy would be unlimited.

This would increase the number of boards now served by the Board of Dentistry to a total of five boards. Further, this will result in serious inter-board disagreements which will result in litigation expense to the State of Montana, since the State is responsible for the boards.

Bill HB 401 rewrites the Dental Practices Acts that govern the Board of Dentistry. It also forms a separate Board of Hygiene with discriminatory control.

It is apparent that the supporters of this bill not only want autonomy but want to dictate how the other members of the dental team are allowed to practice.

We are against changes to the Dental Practice Acts which govern the Board of Dentistry and establishing a separate Board for Hygiene.

Please keep the hygiene profession within the Board of Dentistry to continue the quality of care to the public and maintain the line of responsibility already established.

Thank you for your support

Dental Distinctions, P.C.

Teré Nelson D.D.S.

445 3rd Ave. E. • Kalispell, MT 59901 • 406/755-4166

EXHIBIT 3
DATE 2-10-95
HB 401

- 1973 - High School Graduate
- 1974 - Certified Dental Assistant
- 1974 - 1977 - Employed Full-Time Dental Assistant
- 1979 - Graduated Dental Hygiene
- 1979 - 1989 - Licensed and Employed Full-Time Dental Hygiene
State Licenses - NE;ND;SD;AK
- 1989 - Returned to Dental School; Continue Part-Time Dental
Hygiene Throughout Dental School: Single Mother Throughout
Dental School.
- 1993 - Graduated UNMC College of Dentistry - Established Practice
in Kalispell.

In my 22 year history in Dentistry, I have worked for nine Dentists. I have worked with four Hygienists, as an employer. I feel I offer a unique perspective to the questions at hand concerning Bill 401 because of my background.

There are many technical skills auxillary and hygienists are capable of performing. The problem comes when these skills are performed without the proper background in bio medicine. The dentist, as the head of the dental care team, by nature of the eight plus years training required gives that background.

Efficient oral health is facilitated by the diagnosis, delegation, and supervision of dental care by the dentist. I feel that severely limiting the duties that the dentist can delegate to the auxillary and/or allowing hygienists free rein by virtue of establishing their own board is counter productive when attempting to offer optimum dental care to Montanans. Dental health care would be fragmented and the public will suffer the loss in continuity.

My opinion is, if an auxillary wants to scale, rootplane and deliver local anesthesia - let them go to hygiene school. Furthermore, if Hygienists want to diagnose and be responsible to the public for the diagnosis and treatment of their dental health, let them go the dental school! I DID. I feel I owe the people I serve my best. I would never want to cut corners in my delivery of service or the education that enables me to offer that service.

I believe Hygienists need to step back and examine their motives. In order to accomplish the goals that Hygienists appear to want, considerable education would be required beyond what now exists.


With that education and self-regulation the next logical step seems to be allowing Hygienists to establish their own separate practices which would be costly. (I know, I just set-up practice.), thereby not only fragmenting but increasing the cost of preventive care to the public.

In all reality I'm not sure what it is Hygienists are attempting to accomplish or whose welfare they have in mind. It certainly doesn't appear to be the public sector of Montana.

I'm here today thanking God I'm a Dentist! The opportunity is open to all.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Teresa L. Nelson DDS".

Teresa L. Nelson, DDS

EXHIBIT 4
DATE 2-10-95
HB 401

Chairman Simon and Committee Members,

My name is Lisa Hinebauch. I am from Chinook and serve as the public member on the Board of Dentistry. My husband Randy and I own a small business along with operating a farm in Blaine County. We have five children. I am here today to express my strong opposition to HB 401.

I appreciate the effort of this administration and members of this committee to down size government. I feel that implementing this bill would be doing the exact opposite of that commitment, it would be GROWING government! I see no need for another government entity to be created and place an unnecessary workload on our state employees, as the new board duplicates a workload that is already handled well at the Board of Dentistry.

Yes, there has been some conflicts between certain licensees. But the Board of Dentistry is working very hard to come to a mutual compromise and I feel the board is accomplishing this. Creating another board would only increase present conflict.

One point of this bill that concerns me is the power the hygienists have given to themselves to diagnose - no, that word is not specifically used - they use the words evaluating, examination, screening for abnormalities, assessment - all just window dressing words for diagnosis, a procedure that has always been in the doctor's arena and rightly so. As a mother of five the possibilities of this type of practice expansion frightens me due to their limited educational requirements. It also frightens me that the hygienists have given themselves unlimited power to redefine their scope of practice at will. This certainly is not in the best interest of the public and would only increase the dental cost to the consumer. A new board will in no way improve the health, welfare, and safety of the people of Montana, therefore there is no need for such a board. In fact this board as defined will in my opinion be detrimental to the dental consumers of this state.

I STRONGLY URGE YOU TO VOTE AGAINST HB 401 AND NOT ALLOW A BOARD OF DENTAL HYGIENE.

Thank you,

Lisa Hinebauch



YOUNGBAUER & YOUNGBAUER, P.C.

MARY RUTHERFORD-YOUNGBAUER, D.D.S.
DON G. YOUNGBAUER, D.D.S.

EXHIBIT 5
DATE 2-10-95
HB 401

1617 MAIN STREET, BOX 68
FORSYTH, MONTANA 59327
TELEPHONE: (406) 356-2131

February 9, 1995

Dear Representative,

My name is Mary Youngbauer and I am a dentist in private practice in the Eastern Montana community of Forsyth in Rosebud County.

As I talked about this legislation to my colleagues across the Eastern third of the state this week I heard the same concern many times. That concern is about access to care. Currently, there are sixteen hygienists working with the twenty-six dentists of this area. These hygienists are providing, all together, about 350 hours per week of valuable service to the people of this region. The practices that they serve would not be the same without them for they contribute, to the offices of which they are a part, by providing patient education and supervised therapy for periodontal disease. They are able to perform this valuable function because the remainder of the dental team contributes support by performing duties that they have been trained and certified to perform. The proposed legislation would change this system of staff cooperation. Under this law less hygienist time would be available for direct treatment of patient disease because now the hygienist would need to be available to help the doctor with intraoral tasks that used to be delegated to other staff members. The problems this would cause are to further decrease, in this area, the availability of hygiene time, decrease the need for or eliminate the job of the dental auxiliaries, and increase the overall cost of dental services to the public.

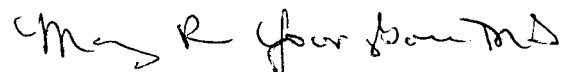
In Eastern Montana about one third of the practices have no hygienists. Areas of the region, particularly the Northeast, have a very limited number of hygienists available. By eliminating the ability of these practitioners to utilize their auxiliaries efficiently the impact on the public that these practices serve would be enormous. Doctor time would now be spent on duties that for a long time have been expertly performed by the auxiliaries on staff. Scheduling would need to be changed to allow for the fact that the doctor must do more things alone. In practices employing hygienists those hygienists would need to be scheduled so they could leave their hygiene patients to assist the doctor or their schedules will be filled with duties underutilizing their special skills ultimately making them less valuable to the practices of which they are a part.

For the patients of the Eastern region access means being able to get in when they want and getting as much done as possible so as to limit the number of visits made. Many of these patients spend hours driving on area roads to obtain care. After sixteen years of serving this area, I can assure you the last thing these patients want is to make more visits or to spend more time driving.

Under this law the cost of dental services would have to increase to reflect the utilization of valuable dentist and hygienist time to perform previously delegated duties. Dentistry has one of the better track records in controlling escalating health care costs. I am sure that the people of this area would take a rather dim view of those who would voluntarily raise those costs.

From a personal viewpoint, in examining the special aspects of this legislation, I feel, it is important not to lose sight of the larger issue. That issue being whether the public is adequately protected by the current system. Dr. Scranton has already spoken to you about this issue from the perspective of the Board of Dentistry on which I am the non-voting dentist member. After speaking to the practitioners of my area, I am comfortable and confident enough to tell you the wholesale unlicensed practice of dental hygiene is not occurring. These dentists value their patient relationships and are dedicated to providing the highest quality of service possible. To suggest otherwise, is to question the ethical character of every practitioner in this area. These men have chosen to make Eastern Montana their home, a fact that many Western Montanans cannot understand. They provide invaluable service to the public. Please do not introduce a player into this health care system who has the ability to continually change the rules of the game, disrupting the delivery of service. HB401 neither serves nor increases protection to the people of Eastern Montana.

Sincerely,

A handwritten signature in cursive script, reading "Mary R. Youngbauer".

Mary R. Youngbauer, D.D.S.

Academy of General Dentistry



211 East Chicago Avenue, Suite 1200, Chicago, Illinois 60611-2670, (312)440-4300

Joel Maes, DDS, FAGD
Region 11, Regional Director
64 Medical Park Drive
Helena, MT 59601
Office (406) 443-2780
Residence (406) 442-3069

February 9, 1995

House Business and Labor Committee House Bill 401

As a Regional Director of the Academy of General Dentistry I represent 1700 dentists in a 5 state area. We have over 100 members in Montana and on their behalf. I speak in opposition to House Bill 401. This is bad legislation, unneeded legislation and will harm the public welfare.

At a time in our history when there is strong and universal support for simple, streamlined government, this bill fragments and complicates our professional ability to govern ourselves. It would make fundamental changes in the dental practice act that will increase the cost of dentistry and that will inhibit the ability of dentists in Montana to delegate simple duties to our assistants. There is no demonstrable public benefit to offset the disadvantages.

This bill would effectively prohibit our dental assistants from performing any duties but the taking of x-rays and suctioning of saliva. It is categorically unfair and insulting to our dental assistants and it will restrict the ability of dentists to properly delegate simple duties to anyone but a dental hygienist.

This bill also creates an incredibly broad definition of what dental hygienists may do in the performance of their duties. This concurrent attempt to restrict the current legal definitions of what our dental assistants may do while permitting a free wheeling expansion of their own duties is both mean spirited and hypocritical.

This bill will not elevate the standard of dental care in Montana, it will not enhance the ability of our profession to respond to the public we serve and it absolutely will not serve to improve our professional relationships.

I guarantee House Bill 401 will unfairly restrict the ability of our dental assistants to cooperate in the care of our patients, it will exacerbate an already acute shortage of hygienists in the state and it will definitely increase the cost of dentistry at a time we all agree that health care costs are increasing too much. The state of Montana doesn't need this legislation. It is bad public policy and I encourage you to vote against it.

Joel Maes D.D.S., FAGD

EXHIBIT 7
DATE 2-10-95
HB 401

February 9, 1995

Representative Bruce Simon, Chairman
Business and Labor Committee
Montana State Legislature
Helena, Montana

Reference: Board of Hygiene, House Bill 401

Hearing: Friday, February 10, 8:00 am

Dear Representative Simon:

Enclosed with this facsimile is a memorandum to the Business and Labor Committee. It outlines all of the reasons why I am opposed to House Bill 401.

Would you please submit it into the record for the hearing tomorrow morning?

Thank you very much.

Sincerely,

Douglas E. Wood, D.D.S.
10 Three Mile Drive
Kalispell, MT 59901
(406) 752-8212

EXHIBIT #8

MISSING

Smith

EXHIBIT 9
DATE 2-10-95
HB 401

My Name is Kimberly Mayes Smith. I have practiced dental hygiene in Montana for 18 years. Montana has recognized Dental Hygiene as a profession since 1935. Dental Hygienists are college educated and highly skilled professionals, trained in the administration of oral hygiene. I write at this time to request your support for HB401 in the Committee meeting this Friday.

The primary benefit HB401 provides to Montanans is a definition of the practice of Dental Hygiene. (See Section 8) Defining Dental Hygiene will prevent untrained and unauthorized persons from administering Dental Hygiene services to patients, thus insuring the safety and care of dental consumers. The bill also provides for the creation of a Board of Dental Hygienists to regulate the practice of Dental Hygiene. I believe the creation of this board, at no cost to the taxpayers, is a necessary step in the process to define and govern the practice of Dental Hygiene. A board as set forth in the bill will promote the integrity of the profession and the safety of the services it delivers. Your support is needed. If you have any questions or need further information, please feel free to call me Thursday evening at (406) 549-2511. I will attend the hearing also, and would be happy to discuss this with you Friday as well. Thank you for your anticipated support.

Sincerely,

Kimberly Mayes Smith
100 Keith
Missoula, MT 59801
(406) 549-2511

EXHIBIT 10
DATE 2-10-95
HB 401



High Plains
DENTAL CLINIC

Gary L. Sengbusch, DDS
2703 11 Avenue North
Billings, Montana 59101
406-245-6556

February 8, 1995

Members of the Business & Labor Committee:

In reference to HB 401, I urge you not to pass this bill. It has the potential to greatly alter the method in which I practice dentistry in Montana.

I feel all dentistry functions should be regulated by one board. Dentistry is involved in delivery and maintenance of good oral health. This is not best served by dividing two of the major groups involved in the delivery of dental services.

Sincerely,

Gary L. Sengbusch DDS
Gary L. Sengbusch, D.D.S.

EXHIBIT 11
DATE 2-10-95
HB 401**A. EUGENE BAILEY, D.D.S., P.C.**

February 9, 1995

Bruce Simon,
Chairman, Business and Labor Board
Capital Station
Helena, Mt. 59620

Dear Mr. Simon,,

I was just informed about House Bill 401, and estimate that 75% of Montana's dentists are not aware of it.

House Bill 401 is totally outrageous. It is beyond my comprehension that our legislature would allow dental hygienists to regulate themselves, and to determine what duties can be performed by dental assistants. The hygienists that are pushing for this legislation are doing so on behalf of a militant national hygienist's group, primarily to prevent dental assistants from performing duties for which they have been trained and certified. It is not unusual for a nationwide group to target a rural state with a small population to spearhead their efforts in an attempt to gain a foothold and set a precedent. Their motive is to create a self-governed monopoly for themselves at everyone else's expense.

It sickens me to see a segment of our profession play the childish game of "I'll look better if I can make you look worse". Especially at the expense of a group of loyal, dedicated, conscientious, capable health professionals who should by all rights be embraced as colleagues, not enemies.

I sincerely hope that you will not place the goals of a few self-serving hygienists above what is in the best interest of our state and the dental profession. As you take House Bill 401 under consideration, especially the section that would allow hygienists to prohibit dental assistants from performing coronal polishing or other services that they are now allowed to provide, please keep the following points in mind:

1. There are simply not nearly enough hygienists available to clean everyone's teeth.

2. If you remove duties that can be performed by dental assistants, you will be forcing some of your finest constituents into the unemployment lines.

3. If you force dentists to do all of the duties now safely performed by dental assistants, you will raise the cost of dental care to your constituents.

4. Montana's dental assistants are allowed to perform fewer procedures now than are dental assistants in nearly all other states.

5. Contrary to what some hygienists imply, polishing the coronal surface of teeth is not exactly brain surgery! Properly trained dental assistants can do this as skillfully as a hygienist or dentist. The military trains new recruits, just out of high school, to do this in a few weeks.

6. Disallowing well trained, proficient, dedicated dental assistants to do what they are qualified to do would be a harsh slap in the face to them and to members of the profession who trained them, employ them, and are responsible for their proficiency.

7. The Board of Dentistry is most eminently suited to the task of regulating dental health care for Montana.

I urge you on behalf of my profession, assistants, and patients, patients, to defeat this ridiculous bill. Thank you.

Yours in better health care;



A. Eugene Bailey D.D.S.

EXHIBIT 12
DATE 2-10-95
HB 401

facsimile

TRANSMITTAL

to: Vicki Cocciarella
fax #:

To Whom it may concern:
RE: HB 401

I am sending this fax to inform you that not all Dental Hygienist (being one myself) agree with the movement to create a Board of Dental Hygiene. And want to formally oppose the passing of this bill in the Senate and I am giving some reasons why it should not be passes in the House:

1. The scope of this bill states it will "assure quality care for your patients...". Are they saying that patients are not already receiving quality care? And whose patients are they, if not the Dentists?
2. I for one do not wish to be "screening" to identify indications of oral abnormalities... "examination"... "assessment"... "evaluating" vital signs...etc..." Isn't diagnosing the Doctor's responsibility?
3. What difference does it make to me if "mid-level providers " have their own boards. Would it not be better to spend all this energy on something to help other instead of glorifying "self"?
4. Simply to quote a patient, "how many mobs have you seen running across town to do good deeds." I feel that about sums it up for me.

Thank you.

Sincerely,

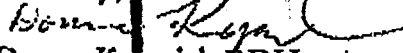

Donna Kaporich RDH
927 Helen Ave.
Missoula, Montana 59801
406-728-7053

EXHIBIT 13
DATE 2-10-95
HB 401

David D. Dachs, DDS
Family Dentistry
1874 Highway 93 North
Kalispell, Montana 59901
(406)752-1107

Representative Jack Herron
Business and Labor Committee
Capitol Station

February 9, 1995
RE: Board of Hygiene, HB 401

Dear Representative Jack Herron:

I am writing to you to let you know of my opposition to HB 401.
Simply stated, this bill will not improve the oral health of the people of Montana.

This bill will create another board duplicating the function of the State Dental Board.

Once established, the Hygiene Board can and will broaden their "scope of practice" to practice the same as a dentist. This will result in numerous law suits as one board will accuse the other of stepping on their turf and visa-versa. The Hygiene Board will also restrict the function that my dental assistants are allowed to do under the rules of the State Dental Board.

I assume this is not what the citizens of Montana want when they want government downsized. The bill will result in increased costs as the "duelling boards" will spend most of their time in court fighting one another instead of their appointed duties.

I currently do not employ a hygienist. I do not know of any hygienist working in my area for less than \$20.00 per hour, at that rate I feel I would rather keep myself busy. I do employ dental assistants.

If this bill passes and restricts my assistants from doing their duties, it will restrict patient access to care as I will have to do more myself, or it will increase dental costs as I would have to hire a hygienist (if available) to do dental assisting duties.

Sincerely,



David D. Dachs, DDS

EXHIBIT

14

DATE

2-10-95

HB

401

Representative Vicki Cocchiarella
Member, Business and Labor Committee
Capitol Station
Helena, MT 59620

February 6, 1995

Reference: Board of Hygiene, House Bill 401

Dear Representative Cocchiarella:

I am a practicing dentist in Whitefish and have served on the State Dental Board over 20 years ago. I am writing in opposition to the formation of the Board of Hygiene. It has been my understanding that the purpose for Boards is to regulate the business or profession involved, and to protect the citizens of the State of Montana from the business of profession so regulated.

HB401 as written reminds me of an attempt by special interest parties to form a type of union that operates in the form of a Board, but tries to control all parties involved in the practice called Dentistry. It seems to want to protect its licensees from other parties involved in the practice of dentistry and thus control its own fate in all future problems that come by. Where in this bill do the citizens of the State of Montana receive protection?

The citizens of Montana deserve better. The dental hygienists should remain in the Board of Dentistry for the protection of these citizens, where for almost 100 years the board has worked for this protection and regulation.

Sincerely,



John S. Petersen D.D.S.

LARRY CLAYTON, D.D.S.

P.O. BOX 335

100 VILLAGE LANE

BIGFORK, MONTANA 59911

EXHIBIT

DATE

HB

House Business and Labor Committee

Re: HB

Dental Hygienists' Proposal for a
Separate Board

February 7, 1995

INMATES MAKE BID TO RUN THE INSTITUTION!

A separate board for dental hygienists? Why? There is no demonstrated need for a separate board to regulate dentistry. The current board serves the needs of all members of a relatively small state dental care provider community.

New boards are necessary when there is a concern regarding protection of public safety. Public safety and dental consumers are protected very well now. A separate hygiene board would merely duplicate effort and responsibility at best and cause conflict and confusion for sure.

In the text of the proposed bill, hygienists are seeking fundamental changes to the practice of dentistry which range beyond their scope of practice and expertise. Hygienists are seeking to control the roles of fellow dental auxiliaries to the detriment of the dental practice as a business. This is an ill-conceived effort based on no demonstrated need.

Dentists assume the capital risks, are trained to coordinate all areas of treatment and have the ultimate liability for proper, safe care of the dental public. Hygienists serve one sector of the dental consumer community. It is only rational that dentists have overall control of the practice and business of dentistry.

Regulation of the integrated field of dentistry by a single board only makes sense as it most adequately and efficiently meets the needs of dental care providers and dental patients alike.

I urge that this measure be defeated as an unnecessary duplication of effort which would further bloat a bureaucracy that Montana taxpayers just mandated be minimized.

Thank you.

Larry Clayton

EXHIBIT 16DATE 2-10-95HB 401

Robert C. West, D.D.S., M.S.

Specialist in Orthodontics

Member
American Association of
Orthodontists

February 9, 1995

Ms. Alberta Strachan
Capital Station
Helena, Montana 59620-1706

RE: Opposition to HB 401

Dear Ms. Strachan,

I am a practicing orthodontist in Great Falls. I would like to urge you to oppose HB 401 that will be heard by your committee on February 10. My chief concern is that the proposed board of hygienists will have too much control over the practice of each dental office. Besides defining the scope of dental hygiene, the proposed bill will directly and indirectly dictate the tasks other auxillary staff members in my practice can and can not perform. I do not believe the hygienists should be able to dictate these matters.

The cost of orthodontic services to the public will undoubtedly increase if I am forced to hire hygienists for tasks that are currently performed in a legal manner by my highly qualified dental assistants.

Dentistry is superbly served by a single board. Why change something that doesn't need fixing? Is not the public adequately protected and served by the present Board of Dentistry? Why fragment the supervision of dentistry with multiple boards? The public does not want more government, bureaucracy, etc. The public made that very clear in November during the elections.

Please vote no for increased health care cost to Montanans and increased government bureaucracy--please vote no for HB 401.

Thank you,

Robert C. West, D.D.S., M.S.

RCW/ml

*Gentle
Dental
Care*

RAYMOND W. WHITE, D.D.S.

EXHIBIT 17
DATE 2-10-95
HB 401

February 8, 1995

Rep. Alberta Strachan
Capitol Station
Helen, MT 59620-1706

Dear Rep. Strachan,

This letter states my strong objection to House Bill 401.

A hygienist works for and with the dentist. Section 6, page 3, would put dentists and hygienists in conflict because hygienists would be determining what duties a dental assistant, who works for the dentist and not the hygienist, could or could not do in the dental office.

This act only allows dental assistants to take x-rays and apply fluoride. It would mean that a dental assistant could not do the following:

1. toothbrushing or flossing instructions
2. verify health history answers
3. tell patients or parents that sugar is causing tooth decay and recommend a reduction in sugar to reduce decay
4. apply disclosing solutions to show someone how to improve care of their mouth.

Section 8, letter f, page 5, would allow use of a high speed handpiece by a hygienist. It is very easy to overheat a tooth in polishing or margination with a high speed handpiece. This should be the responsibility of the dentist.

There is severe shortage of hygienists in Eastern Montana. This act would force many dentists to perform the above functions that a dental assistant is now allowed to do. This would cause a manpower shortage of dentists and hygienists. This then would mean a new government program to alleviate the shortage.

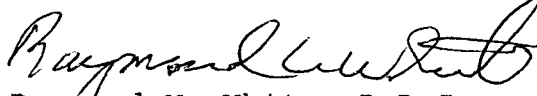
"Patients Are Precious"

11 1/2 N.E. Main Street
Lewistown, MT 59457
(406) 538-2347
(800) 870-2347

I believe this act would seriously undermine the practice of dentistry, causing an increase in the cost of dentistry and reduce the overall quality of dental care by requiring dentists who are unable to hire hygienists to spend valuable time doing the above procedures that have been done by dental assistants for decades. Many dental assistants would lose their jobs as a result of not being able to perform these traditional duties.

I urge to vote against House Bill 401! Thank you.

Yours for better dentistry,

A handwritten signature in cursive script, appearing to read "Raymond W. White".

Raymond W. White, D.D.S.

RWW/mw

cc: Rep. Bruce Simon
Rep. Norm Mills
Rep. Bob Pavlovich
Rep. Larry Grinde

EXHIBIT 18
DATE 2-10-95
HB 401

February 9, 199

From: Ronald R. Friez, DDS, PC
505 N. Sanders
Helena MT 59601

To: Business and Labor Committee, Letters

RE: House Bill 401

Dear Committee members,

The mission of dentistry is to deliver quality efficient care to the public. In Montana, particularly, the dental field is much less specialized than the medical field and serves the public efficiently, receiving comparatively few complaints.

House Bill 401 would allow dental hygienists to withdraw from the dental team and have their own board of licensing. Along with this they would like to reserve for themselves, by law, certain dental services, some of which have traditionally been in the job descriptions of dental assistants. THIS WOULD CREATE ANIMOSITY WITHIN THE DENTAL TEAM AND ALSO RAISE THE COST OF SERVICES, since dental hygiene hourly wages are, on the average, three times the dental assistant hourly wage.

I believe it is wrong to create what is akin to a new specialty within dental services and by doing so complicate and increase the cost to the public. VOTE NO ON HOUSE BILL 401.

Thank you,


Ronald R. Friez, DDS, PC

EXHIBIT 19
DATE 2-10-95
HB 401

February 9, 1995

Rep. Bruce Simon, Chairperson
House Business and Labor Committee
Capitol Station
Helena, Montana 59620

Re: Support of HB 401 (Dental Hygiene Board)

Dear Rep. Simon and Committee Members:

My name is Frank Crowley and my address in 807 2nd Street in Helena. I formerly worked for State Government (Montana Department of Health) and, in my law practice, have dealt with numerous licensing boards over the years.

Up until recently, there probably was not a need for a separate board of dental hygiene. However, the increasing specialization and sophistication of both dentistry and of dental hygiene now support a separate board for the hygienists.

My experience has been excellent both with my dentist and with my hygienist. Both are extremely competent and professional. However, the reality is that I and my children spend more time with my hygienist than with my dentist and therefore it is important for me to have guarantees that hygienist services in the state are provided by professionals who are overseen by a board **focused** on this specialty area of practice. The Board of Dentistry can only give secondary attention to hygienist issues and, over time, this secondary status can tend to limit the quality and excellence of dental hygiene. We are seeing this in the legal field as specific certification for paralegals is rapidly spreading.

Dental hygiene is well established as a separate discipline and deserves to have its own framework for licensing and practice issues. Please **pass** House Bill 401. Thank you very much.

Sincerely,


Frank C. Crowley

EXHIBIT 20
DATE 2-10-95
HB 401

ROBIN NEIL, D.M.D.
212 Montana Building
603 1st Avenue North
Great Falls, Montana 59401
(406) 454-1512

February 8, 1995

Ms. Carley Tuss
Representative
Capital Station
Helena, MT 59620-1706

RE: House Bill 401

Dear Ms. Tuss,

It is the purpose of this letter to oppose enactment of House Bill 401, which would establish a board of dental hygiene, a further layer of bureaucracy which will increase the cost of government for Montana's taxpayers.

It is the dentist, under whose supervision that a dental hygienist works, who should be responsible for the supervision and regulation of the hygienist not an unnecessary board comprised of hygienists themselves. It is the dentist who is ultimately responsible for the kind and quality of care his or her patients receive; the creation of another layer of state regulations and regulators should not, and under our law cannot, relieve the dentist of that responsibility. Accordingly, the existing Board of Dentistry should by its regulation of Montana's dentists, satisfy whatever public health concerns HB401 is suppose to address.

Assuming arguendo that there is a public purpose which is served by government regulation of dental hygienists, the existing statutory arrangement whereby hygienists are regulated by the Board of Dentistry is adequate.

HB401 appears to be the first step toward recognition of the practice of dental hygiene as a vocation independent of dentistry. Certainly it is not in the public interest to have dental hygienists operating unsupervised by a licensed dentist.

Further HB401 severely limits the services that dental assistants may perform under the direct supervision of a licensed dentist by broadening the procedures which can be performed by hygienists and prohibiting the performance of those procedures by a dental assistant and, in fact, making the performance of any of those procedures by a dental assistant punishable by a fine not less than \$500.00 and up to six months in jail (Sec. 22). This provision is unfair to the great number of experienced dental assistants who

February 8, 1995

Page 2

through training and experience under their supervising dentist are equally capable of performing some of the procedures HB401 would reserve to licensed dental hygienists who may have little or no practical experience.

Again, it should be the supervising licensed dentist (the person who is ultimately responsible for the quality of care patients receive) who should supervise the people who assist him or her in practicing dentistry, not another board controlled by dental hygienists.

Please use your best efforts to kill HB401.

Sincerely,

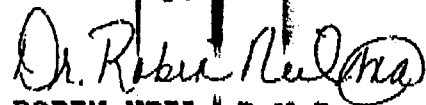

ROBIN NEIL, D.M.D.

EXHIBIT 21
DATE 2-10-95
HB 401

Graham D. Shea, D.D.S.

604 First Avenue, West
P.O. Box 2011
Columbia Falls, MT 59912
(406) 892-5668

February 09, 1995

Representative Bruce Simon
Chairman, House Business and Labor Committee
Capitol Building, 3rd Floor
Helena, MT 59620

RE: House Bill 401, A bill to establish a Board of Dental Hygiene

Dear Representative Simon:

As a dental practitioner who is very concerned about the delivery of quality dental care to the people of Montana, I ask for your efforts to defeat HB401.

The bill, if passed, will create further separation and conflict amongst the dental team. Of special concern is the ability of the Board of Dental Hygiene to regulate the allowable duties of dental auxiliaries who work in a dentist's office. The functions performed by auxiliaries, under the supervision of a licensed dentist are well defined by the Board of Dentistry and it is unprecedented for that control to be removed from The Board of Dentistry.

Contrary to the training obtained by dental hygienists, the language of the bill will allow a hygienist to examine, diagnose and interpret certain dental conditions by x-ray and clinical examination. This is clearly giving authority which outstrips their level of training received from an accredited school of dental hygiene.

Lastly, The purpose of the Board of Dentistry is to protect and serve the public by regulating the accepted practice of dentistry by all who perform dental functions. It is additional bureaucracy to add an additional Board to separately regulate dental hygiene, and it will increase the conflicts in proper administration of Board(s) rulings for both Dentistry and Dental Hygiene. Ultimately the public will suffer the consequences of this bill.

The passage of HB401 will further destroy the unity of the dental team and will not serve the public's dental health interests. Please work for the defeat of HB401.

Sincerely,

Graham D. Shea, D.D.S.

EXHIBIT 22
DATE 2-10-95
HB 401

Dr. Leslie B. Anthony
795 Sunset Blvd.
Kalispell, MT 59901

February 9, 1995

Representative Paul Sliter
Helena, Montana

Dear Representative Sliter:

I appreciated your telephone call to me today regarding HB 401. I am quite pleased that you do not support this bill. Although I explained on the telephone that why I am opposed to the bill, I would like to outline here in greater why this bill should be defeated.

HB 401 redefines the hygienist's scope of practice and would give them the authority to define and regulate themselves. This bill would allow hygienists to perform procedures which only dentists perform. Hygienists do not have the training or education to use a high speed hand piece, examine patients, interpret x-rays, or diagnose oral disease. to grant them authority to perform such duties would endanger the health, safety and welfare of dental patients. Hygienist licensees are employees of dentist licensees and therefore the regulation of both entities should be under the same board as they currently are. Dental hygienists are regulated in all fifty states under the same board as dentists. The fact that not one state has seen fit to allow a separate board for hygienists speaks volumes.

HB 401 is also an attempt by hygienists to position themselves so that they have the authority to define what dental assistants are allowed to do. The bill would seriously limit the functions of dental assistants by placing many procedures that assistants have been performing solely into the purview of hygienists. It also would intentionally change the auxiliary section of the dental practice act to allow assistants to take x-rays and apply fluoride only. This would effectively take away the ability for dental assistants to function in any capacity. The obvious result in such a change would be the destruction of the current "team approach" in dentistry and an increase the cost of dental care because of the elimination of the position of dental assistant as it exists today.

Thank you for your attention in this matter. If I can be of any assistance please feel free to contact me at home (406) 257-0038 or work (406) 752-8161).

Sincerely

Dr. Leslie B. Anthony

EXHIBIT 23
DATE 2-10-95
HB 401

Rep. Bruce Simon, Chairman
House Business and Labor Committee
Capital Station
Helena, Mt. 59620

Dear Mr. Chairman and Members of the Committee,

My name is Rose Fellows and I am a dental hygienists in Butte.
I am writing in reference to HB 401.

I support this bill because I feel it will make it safer for the public, as it eliminates unlicensed and uneducated persons from practicing Dental Hygiene and will assure quality care for patients. I also feel it will eliminate the conflicts over the scope of practice between employers and employees.

I ask for your support on this bill and that you will vote yes to pass HB 401. Thank you for your time and consideration.

Sincerely,

Rose Fellows R.D.H.

Rose Fellows RDH
845 Lexington
Butte, Mt. 59701
723-9125

Feb. 9, 1995

EXHIBIT

24

DATE

2-10-95

HB

401

The Honorable Norm Mills
House of Representatives
Capital Station
Helena, MT 59601

Dear Mr. Mills,

I would like to express my OPPOSITION
to House Bill 401.

I have worked in the dental field for 11 1/2 years of which 7 1/2 years as a dental assistant. I believe this bill would greatly restrict duties of the dental assistant. In our practice the dental assistant is a very important part of the team. I don't understand why creating a New Board would help the dental field! In my mind, it would hurt!!

Please vote in opposition of this bill.
Thank you.

Sincerely -

Mary Strauss
1425 Easy St #3
Belo MT 59105

EXHIBIT 25DATE 2-10-95HB 401

Representative Bruce Simon
Business and Labor Committee
Capitol Station
Helena, MT 49620

February 8, 1995

RE: HB 401, Board of Hygiene

Dear Representative Simon:

I am a private dentist in the small town of Chester. I have a hygienist that works for me two days a week, and in Havre two days a week. She does not desire to work any more, and there are no other hygienists available in this area. The reason I bring this up is I believe there are many other areas that either can't get a hygienist at all, or would like a hygienist to be able to work more days. If this bill passes, my assistants (called dental auxiliaries in HB401) will not be allowed to do some of the things they presently do. One of these duties is "enamel etching and application of pit and fissure sealants" [Section 8; subsection 2(h)]. I try to operate my practice with an emphasis on prevention, and sealing the grooves in teeth with a plastic resin means there will be a greatly reduced chance that the sealed tooth will get decay in the future. For the past 14 years my assistants have been applying this sealant (mostly to children's teeth) at a reasonable cost to the patients. If this bill were to pass, and I could find a hygienist to work more, then the cost for this procedure would be twice what it is now, as my hygienist makes almost three times the hourly wage as my best assistant (this situation is comparable to most practices in the state). Even if the public were willing to pay twice as much for this service from a hygienist, I and many of my colleagues in Montana are unable to find a hygienist to work more to be able to perform these extra services that they are not now doing. Therefore, if this service were to be provided to the patient, I would have to do it, which would again be more expensive to the patient. I have a very busy practice, and if I were to do the sealants, it would require working more hours, and I am already working too many.

I relate this scenario as only one example, but this bill also lists other similar things in Section 8 that would have the same impact of increased expense for the dental patients in Montana. I don't understand why another board needs to be organized, and especially when it can control and change to this major degree what I and my assistants do in my dental practice. As explained in Section 8, this list can be added to at any time in the future, and anything that is included in this section is prohibited for my assistants to do [see Section 6; subsection(1)], and the penalties are described in section 22.

Dentists are held accountable for the actions of their employees. If there are any problems with what any of my employees do (including my hygienist), I am responsible, and carry liability insurance on everyone in case it is ever needed. With this responsibility, how can another board other than the Board of Dentistry dictate how I can operate my practice? Out of 50 states there is possibly only one other state that has a separate Board of Dental Hygiene, and I understand that state may dissolve that board.

I would strongly encourage you not to fragment the dental profession by allowing a separate dental board to be created. The public in Montana has the right to the same high quality and affordable dental care that it now has.

Please defeat HB 401.

Sincerely,

A handwritten signature in cursive script, reading "Jerry D. Martin D.D.S.", with a stylized flourish at the end.

Jerry D. Martin D.D.S.

EXHIBIT 26DATE 2-10-95HB 401

Beth Holcomb
620 Wintergreen Court
Helena, MT 59601

The Honorable Alberta Strachan
Capitol Station
Helena, MT 59620-1706

Dear Representative Strachan;

On the morning of February 10, 1995, the House Business and Labor Committee will consider House Bill 401, a bill to establish a board of dental hygiene.

This letter expresses my opposition to the bill. First, at a time when Montana citizens are demanding smaller government, HB-401 seeks to create another board thereby increasing government bureaucracy.

Second, Section 6 section 37-4-408 of this bill mandates that the duties of a dental auxiliary (dental assistant) be defined and limited by the Board of Dental Hygiene. The Board of Dentistry currently determines this. Since a dental auxiliary is an employee of a dentist and a dentist is regulated by the board of dentistry then it seems only logical that definitions and limitations of a dental auxiliary be set by the board of dentistry and not by a board of dental hygiene. If duties are taken away from the auxiliary that are currently allowed by the board of dentistry then auxiliary jobs will be lost.

Lastly, there is no obvious need for a board of dental hygiene. Regulatory matters are already carried out by the board of dentistry.

Please vote against House bill 401. Thank you for your time.

Sincerely,

Beth Holcomb

Beth Holcomb

john spierling, dmd

lewis & clark bldg., suite #b
690 s.w. higgins
missoula, montana 59801
(406) 728-5100

EXHIBIT

DATE

HB

27

2-10-95

401

February 8, 1995

Representative Don Larson
Capitol Station
Helena, MT 59620

Dear Representative,

Reference: Board of Hygiene House Bill 401

This legislation creates a new Dental Hygiene Board, made up of just dental hygienists that would not only govern themselves but dictate to me what duties are assigned to other personnel in my office. Montana already has a governing Board of Dentistry (with hygienist representation) that effectively regulates our practices. My assistants are now trained and certified under Montana law to polish amalgams and do coronal polishing and they are very good at it.

The wording of House Bill 401 would proscribe this. Two independent Boards governing the same territory can result only in conflict and expensive litigation that none of us need. House Bill 401 is already Pandora's Box of dissention in our offices.

PLEASE DEFEAT HOUSE BILL 401.

Respectfully,


John Spierling D.M.D.

EXHIBIT 28
DATE 2-10-95
HB 401

MICHAEL J. McCARTHY
1537 Avenue D
Billings, MT 59102

February 9, 1995

Representative Don Larson
Capitol Station
Seat 63
Helena, MT 59620-1706

Fax Number: 1-900-225-1600

Dear Representative Larson,

It has come to my attention that there will be a hearing on HB401 on Friday, February 10 regarding the formation of a State Board of Dental Hygiene and some associated issues.

I strongly oppose this bill and suggest you and your colleagues do likewise.

The verbiage in the bill granting rule making authority to a dental hygiene board is quite vague and ambiguous, in my opinion

"...authorizes the board to make rules regarding the scope of the practice of dental hygiene,..." - too vague.

"...setting fees..." - what fees?

"...and other methods to improve the periodontal health of the patient..." - too broad!

I also fail to see the need for a separate board to add to an already complicated health care delivery system.

If this in some way is going to create better quality dentistry that benefits the patient it would make sense.

Creating a larger dental bureaucracy is counterproductive.

This bill is flawed in my opinion and should be rejected.

Sincerely,



Dr. Michael J. McCarthy

EXHIBIT 29
DATE 2-10-95
HB 401

February 09, 1995

Reference: Board of Hygiene, House Bill 401

Dear Representative Simon:

I am a dental assistant and have worked in my profession for eight years. I have always enjoyed a good relationship with every member of the dental team. This includes the dentist and dental hygienist.

HB401 is a bad bill as it divides the dental team. It defines and limits the traditional duties of dental assistants established by schooling and experience. It is self-serving to hygienists and discriminating against dental assistants.

This is a very bad bill and destroys the tradition of the dental team concept. Please work for its defeat.

Sincerely,

Debbie Pearson
Dental Assistant

Jauntae Foltz, R.D.H.
1716 Lake Elmo Drive
406-252-3382
2-9-95

Rep. Bruce Simon, Chairman
House, Business and Labor Committee
Capitol Station
Helena, MT 59620

Dear Mr. Chairman and Members of the Committee,

I have been a registered dental hygienist in Montana for six years. I am writing in strong support of HB 401.

The most important reason to pass HB 401 is to assure the public of quality dental care by a licensed dental professional. The current Board of Dentistry has not protected this right and we need to eliminate the practice of dental hygiene by people who are not licensed or educated.

HB 401 would not change the way dentistry is practiced. This bill does not affect dentistry in any way except to protect the patients that we treat. It would affect dental hygienists by preserving our profession and our important role in the dental team. In the state of Montana, hygienists would be self-regulated as are most other mid-level medical providers. A Board of Dental Hygiene would eliminate the employer-employee conflict of interest on the current Board of Dentistry. Dental hygienists would be reviewed by their peers, as most professionals are reviewed. The dental team would stay intact and would become stronger as a result of more concise regulatory boundaries.

Your committee has been receiving many letters opposing HB 401 from dentists and dental assistants from across Montana. Much of this opposition is in regard to Section 6, page 4, lines 14-30. There seems to be a misunderstanding of which board this section is referring to, therefore creating a great deal of confusion and hostility. This section of HB 401 is an excerpt from the Board of Dentistry Practice Act and was included merely to make an amendment to allow for the overlap of certain duties of dental assistants and hygienists.

I urge you to please vote to PASS HB 401. Thank you for your consideration.

Respectfully,

Jauntae Foltz, R.D.H.

Jauntae Foltz, R.D.H

EXHIBIT 31
DATE 2-10-95
HB 401

John B. Snively, D.D.S.

1221 South Higgins Avenue • Missoula, Montana 59801 • (406) 728-9442

February 9, 1995

Representative David Ewer
Business & Labor Committee
Capitol Station
Helena, MT 59620

Dear Representative Ewer:

I am writing to express my disapproval of HB401 which comes before the House Business and Labor Committee on Friday, February 10.

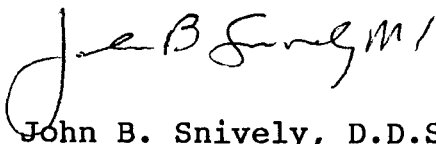
Viewed on its face, it is a bill which merely creates an independent Board of Dental Hygiene. In fact, it has significant effects on how dentists may run their practices.

HB401 inserts language into the Dental Practice Act which proscribes dental assistants from performing duties which they have done routinely under the dentist's supervision for many years. These duties include polishing teeth, polishing fillings, applying desensitizing agents and sealing pits. It is interesting that my assistants routinely do far more difficult tasks such as fabricating temporary crowns, removing cement from crowns, taking Xrays and taking impressions, but these duties are left intact. The fact is that dental assistants are well trained and closely supervised so that the patient's well-being is protected.

This law additionally creates hardship for a high percentage of practices in Montana which are unable to obtain a hygienist at any price. In 1992, I advertised throughout the region for five months before I was able to hire one. They are flat out unavailable even in the Missoula market where wages run between eighteen (18) and twenty-seven (27) dollars and hour. Is it right that the Montana Dental Hygiene Association dictates how any dentist may run his practice, let alone one who may never see a hygienist within a one hundred mile radius?

Thanks for taking the time to read of my concerns.

Sincerely,


John B. Snively, D.D.S.

JBS/blw

EXHIBIT

32

DATE

2-10-95

HB

401

Rep. Aaron Mills
Capitol Station
Helena, Mt 59620-1706

Dear Representative Mills:

Please oppose H. B. 401. I have
two daughters that work as dental
assistants. This bill would put
them out of work. One daughter is
supporting two small children.

Sincerely

Mr & Mrs Wallace Beatty
1700 Smith River Rd
White Sulph. Spg. Mt 59645

Rep. Norm Mills + Bob Pavlovich
Capitol Station
Helena, MT 59620-1706

EXHIBIT 33
DATE 2-10-95
HB 401

Dear Rep. Mills + Pavlovich
Please oppose HB 401 as
I am a single mother of
two children supporting
them as a dental assistant
and this bill could very well
make my job obsolete. I
see it only benefiting the
hygienists at the expense of
the dentists, patients, dental
assistants and taxpayers.

Our government doesn't
need another entity to fund.
Again I encourage you
to vote against H.B. 401.

Sincerely,
Jerry A. Buckingham
2103 Glasser Place.
Billings, MT 59102

EXHIBIT 34
DATE 2-10-95
HB 401

36.25 Mile base
Billings, Mt 59102

Rep. Norman Mills
Helena, Mt.

Dear Rep. Mills
As a taxpayer I
oppose H. B. 401. Please vote no
on this bill.

Sincerely,
Mr & Mrs Alf Davis

Representative Bruce Simon, Norm Mills, and
Bob Paulovich

Capitol Station

Helena, MT 59620-1706

EXHIBIT 35
DATE 2-10-95
HB 401

February 8, 1995

Dear Representative Simon, Mills and Paulovich,

I am writing this letter to encourage you to oppose HB 401 which would create a separate Board of Dental Hygiene.

After having read the bill I feel that the reasons for opposing it are many. Among the them would include my belief that Montanans are currently paying enough for both medical/dental bills and taxes, both of which would increase should this Bill be passed. The only people who would benefit if HB401 was passed would be the hygienists.

Again, I strongly encourage you to vote NO on HB 401!

Thank you for your time and consideration.

Sincerely,

Don K Miller

Representative Bruce Simon, Norm Mills and Bob Paulovich
Capitol Station

Helena, MT 59620-1706

EXHIBIT 36
DATE 2-10-95
HB 401

February 8, 1995

Dear Representative Simon, Mills, and Paulovich,

I would like to encourage you to
oppose HB 401 which would create
a separate Board of Dental Hygiene.

I feel this board is not needed and would
be a waste of tax payers money. I also
feel it would result in higher dental
fees.

Again, Please vote NO on HB 401.

Yours Truly,

Roxy Reed.



American Association
of Endodontists
Specialist Member

Stephen M. Lyon, D.D.S.

Specialist in Endodontics

EXHIBIT 37
DATE 2-10-95
HB 401

To the Committee Members- House Business and Labor Committee

My name is Stephen M. Lyon. I was the first Endodontist to practice in the State of Montana. I came here only three years ago. As an association, Endodontists celebrated their fiftieth anniversary last year. We are far from being new. In my specialty we do not directly utilize Hygienists. Many might then conclude that we have no concern in this matter. I would be quick to point out that our indirect affiliation allows us to look past the motivating forces of both sides of this issue and allows us to focus our attention toward what might be best for our patients, the consumers of dentistry. We can give a unique and unparalleled "informed" view point of what is actually going on behind the scenes of the proposal of this bill, along with identifying those who would be adversely affected by its passage, and those who will benefit directly.

This whole bill is predicated upon the principal that Dental Hygiene is a "unique" entity unto itself, separate and apart from dentistry enough to necessitate a board of its own. The Dental Hygiene Association is seeking sovereignty and self rule. It sounds noble when you put it in those terms. Unfortunately the proposed house bill is not good for dentistry in Montana. It is not written with the intent to improve the service or conditions in which dentistry is conducted in this state. With careful examination of this proposal it is apparent that this legislation will be advantageous for a small group rather than the whole. The motivation for the bill is a best self-serving, giving hygienists in general an unbalanced, and un-monitored line of authority to act on behalf of dentistry.

The role of dental hygiene in dentistry does not support this concept. The point can be easily illustrated by the nature of their service. Dental Hygiene is an adjunct dental treatment, delegated with trust to an auxiliary dental team member. In many small offices hygiene is still performed by the dentist. This treatment is given in a non-emergency setting. It is neither a definitive treatment nor a primary diagnostic procedure when performed by a hygienist. It is a preparatory or maintaining treatment or therapy. Hygiene, in essence is the left arm of dentistry. We know that an arm cannot say to the body I have no more need for you and separate from the body and continue to function. And it would be just as foolish for the body of dentistry to allow its arm to be cut off.

I talking and listening to local hygienists, one of their key issues is that they, like nursing should be allowed self rule. The fundamental flaw in this justification is that the relationship of Medicine to Nursing is in no way similar to the relationship of Dentistry to Hygiene. A quick illustration will show that a Nurse will work frequently in the absence of a medical doctors supervision in both chronic and acute care situations. Their training spans situations from one end of a spectrum that may be Psychiatric Nursing to the other end that may consist of Surgical or Emergency Room care. In these situations their education and function do not parallel the training of an attending physician. They are trained to do a separate yet simultaneous function. With functions being different, it necessitates different examination criteria, different levels of expertise, different board requirements.

In stark contrast, there is not a dentist in practice that has completed a regional practical board for dental licensure, that has not taken and passed the "exact" board examination given to a dental hygienist. Not only is the dentist tested in hygiene, he is also tested technically in how it relates to other dental disciplines.

So, who suffers with this proposal? Two groups, the first and most important, the public who seeks dental treatment. They will pay more, for less or repeated services. Second, the dental assistants, who through this bill will have their jobs effectively eliminated. This bill acts to cut them off from most of their current duties as it seeks to include many duties as the domain of the hygienist. Statistically it will have a greater negative effect as there are more assistants than hygienists based on the number of displaced and devalued workers.

The irony of the situation is that in a state with no formal dental hygiene teaching facility, and an environment of shortage for more trained hygienists, the issue before the legislature is not how do we promote dental hygiene and its pursuit in Montana. Hygiene's proposal and concern is on how the few who are already here can protect, control and insulate their positions. As the president of the Dental Hygienist Association has said "it's job security".

With your careful consideration, I am confident that you will find this bill not worthy of your support.

EXHIBIT 38DATE 2-10-95HB 401

Dear Representatives Simon & Miles,

I am writing to inform you of my strong opposition of HB 401. This bill greatly jeopardizes my position as a dental assistant for which I have dedicated eight years.

My name is Mitchell McKinnis and I urge you to take into consideration the consequences of this bill.

First, and most important, is the general public. Health care costs have sky rocketed and seem to be a major topic of discussion. By supporting this bill, you will be supporting increase of fees for dental care. If a dental hygiene board is formed and existing duties of dental assistants be eliminated, dentists will be obligated to see fewer patients and therefore forced to raise fees in order to maintain high costs of overhead.

Secondly, many jobs are in jeopardy. Many dental auxiliary positions will be eliminated and others will be decreased in pay. I have two children. A decrease in pay would not allow me to keep my position and pay child care. I, and many others, would be forced to look for employment elsewhere or stay at home.

As a registered voter in Montana, I do not feel adding another bureaucratic entity is necessary. I did not vote for bigger government. Again, I encourage you to oppose HB 401.

Thank You

Mitchell McKinnis

February 8, 1995

Dear Representatives Bruce Simon, Norm Mills and
Bob Pavlovich

I am writing in regards to the hearing
on HB401. I encourage you to vote NO on
this bill.

This bill would only increase the
amount of money tax payers would spend
on dental costs.

I am a dental assistant, and worry
about what this bill would do to my job
duties + responsibilities.

Please vote against HB401!

Sincerely,
Julia H Berve

1500

Representative Bruce Simon, Norm Mills, and
Bob Pavlovich,
Capitol Station
Helena, MT 59620-1706

EXHIBIT 40
DATE 2-10-95
HB 401

February 8, 1995

Dear Representative,

Please vote against HB 401. At a
time when tax payers are wanting smaller
government this bill makes no sense.
The only people that would benefit from
this would be the hygienists. The patients
would end up paying more for dental
services and the last thing consumers
need is more medical bills.

Thank you for your time.

Please vote against HB 401

Sincerely,

A. D. L.

Representative Bruce Simon, Norm Mills and
Bob Pavlovich

Capitol Station

Helena, MT 59620-1706

February 8, 1995

Dear Representative Simon, Mills and Pavlovich,

I am writing this letter to encourage
you to oppose HB 401 which would create
a separate Board of Dental Hygiene.

At this time when we are trying to
create a smaller, more efficient
government, this would be a waste
of tax payers money.

Vote No on HB 401.

Thank you -

Kathy Marguardt

Representative Bruce Simon, Norm Mills, and
Bob Paulovich

EXHIBIT 42
DATE 2-10-95
HB 401

Capitol Station

Helena, MT 59620-1706

February 8, 1995

Dear Representative Simon, Mills and Paulovich,

I am writing this letter to encourage you to oppose HB 401 which would create a separate Board of Dental Hygiene.

After having read the bill I feel that the reasons for opposing it are many. Among them would include my belief that Montanans are currently paying enough for both medical/dental bills and taxes, both of which would increase should this Bill be passed. The only people who would benefit if HB401 was passed would be the hygienists.

Again, I strongly encourage you to vote NO on HB 401!

Thank you for your time and consideration.

Sincerely,

Don K. Mills

Matthew
Benn

EXHIBIT 43
DATE 2-10-95
HB 401

February 7, 1995

Rep.
House Business and Labor Committee
Capital Station
Helena, MT 59620

Dear Rep.

I am writing regarding House Bill 401, the bill to establish the Board of Dental Hygiene. I am asking that you vote NO on this bill for the following reasons. As you are aware we are trying to simplify government and adding another board of examiners does not work to this end. The Board of Dentistry already preforms the functions that would be needed for the Board of Dental Hygiene and in fact it will be easy for issues coming before the Hygiene Board to require evaluation from the Dental board as well which would complicate some issues dramatically.

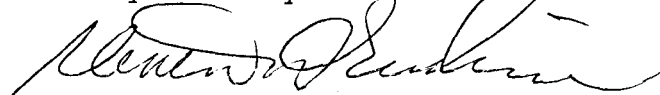
There are questions that I now have that concern me regarding the institution of a Board of Dental Hygiene but this bill does not stop with a Board of Dental Hygiene, it also has profound implications on the future and cost of dental care in this state.

As specified under section 6 of the bill and section 37-4-408, MCA #2 (a and b), this bill appears to limit the duties performed by a dental auxiliary to two duties: taking dental radiographs and applying fluoride. There is no logic, reason or practicality to this stipulation. Dental assistants have performed these and many other functions safely and well for decades in this country. The standard of care throughout the United States involves the use of dental auxiliaries, as they perform numerous functions that are supervised by their dentists.

The result of this bill would increase the cost of dental care since only dentists or hygienists could do most of the "omitted" duties.

Please vote NO on House Bill 401.

Thank you for your consideration.



Steven D. Erickson, DMD

EXHIBIT 44
DATE 2-10-95
HB 401

2010 East Sixth Avenue
Helena, Montana 59601
406-449-3455

February 9, 1995

Rep. Bruce Simon, Chairman
House Business and Labor Committee
Capital Station
Helena, MT 59620

Dear Mr. Chairman and Members of the Committee:


I am a licensed, Registered Dental Hygienist. I support House Bill 401.

I feel a separate Board of Dental Hygiene would help ensure a high quality of dental hygiene care to the public by securing the rules. I feel under the Board of Dentistry the rules of dental hygiene can easily be altered. These rule alterations are not always in the best interest of the public.

Last year, the Board of Dentistry changed a dental hygiene rule definition, allowing dental auxiliaries to coronal polish patients teeth. If a Dentist visually checks the patients mouth after a coronal polish, the coronal polish can be billed to the patient as a dental prophylaxis (cleaning). I feel this is inadequate and would not give a patient the highest standard of care. Only a Registered Dental Hygienist or Dentist has had the education and training to perform a dental prophylaxis (cleaning).

I strongly support House Bill 401, and feel a Board of Dental Hygiene would serve to protect the public and ensure a high quality of care versus a quantity of coronal polishings. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Carol Vosbeck R.D.H.".

Carol Vosbeck, R.D.H.

February 7, 1995

Rep. Vicki Cocchiarella,
Helena, Montana

We the undersigned from your District are strongly opposed to House Bill 401.
This bill will divide the dental team.
This bill defines and limits the traditional duties of dental assistants.
This bill widens the scope of the dental hygiene practice.
This bill will decrease the services which we can offer to our patients.
This bill is an expansion of government..

We strongly urge you to vote against House Bill 401. As your constituents we will be following your action on this bill.

Jimmy Zahnd DDS
Marlene McDonald
Shirley & Bruce DDS
Jane Hill
George M. Olsen (adrian & I spent a lot of time together at Roosevelt, your house on Brooks and ours.)
Robert J. Whalen Jr.
John C. Leonard
John Spierburg
Kathy Hayden
Jackie Briess CDA
Debra J. Harrington
Debby M. Porter, TDA
Rebecca Grubbs DMS
MS
Liberty Knight, RDA, Secretary MDAA
Roy W. Campbell, D.M.D.
NAS

James P. Byrne

Michael P. Bray

James A. B. L. S.

201 AGNES
721-7527

Gerita Shelley, R.N.

Nichole Larson

Christine Hinds

Ann B. L. S.

Mary Ann Bigelow, MSW

Gayle Reid, C.O.A.

Jodie Conley

Lynette S.

Vivian W. Mery S.

Eileen Lanza

D. Ann Dugg, M.D.

Testimony of Sheriff Chuck O'Reilly
on House Bill 432
2/10/95

ON 7-16-83 AROUND 5:00 A.M. AN INDIVIDUAL REPORTED A HOUSE FIRE IN THE HELENA VALLEY. RESPONDING OFFICERS, MYSELF BEING ONE, FOUND A HOME FULLY ENGULFED AND ONE MALE INDIVIDUAL STANDING OUTSIDE. THE MALE STATED HIS WIFE WAS STILL INSIDE AND THAT HE HADN'T BEEN ABLE TO FIND HER TO GET HER OUT.

I KNEW THIS INDIVIDUAL FROM 20 YEARS EARLIER WHEN I HAD DEVELOPED HIM AS THE PRIMARY SUSPECT IN A MUTILATION AND DISMEMBERMENT HOMICIDE OF A 19-YEAR OLD GIRL. THE CASE STILL OFFICIALLY REMAINS UNSOLVED. DURING MY INVESTIGATION OF THAT CASE IT BECAME MY BELIEF - & STILL IS TODAY - THAT THE WIFE OF THIS PERSON HAD KNOWLEDGE OF HIS CRIME BUT WAS FORCED TO REMAIN SILENT BECAUSE OF FEAR AND INTIMIDATION. DUE TO THE CIRCUMSTANCES SURROUNDING THIS CRIME, IT COULD ONLY BE SOLVED UPON THE ADMISSION OF THE KILLER OR THROUGH TESTIMONY PROVIDED BY HIS WIFE. THE MAN IS COURTNEY ATLAS. The WIFE'S NAME WAS DONNA.

TO MAKE A LONG STORY SHORT, I REQUESTED THE ASSISTANCE OF THE FIRE MARSHAL FOR THIS HOUSE FIRE AND THE LATE BRUCE HOUSTON OF THE BUREAU RESPONDED. OVER THE NEXT 3 MONTHS ONE OF THE MOST INTENSIVE, PROFESSIONAL, AND THOROUGH INVESTIGATIONS I HAD EVER WITNESSED OR BEEN A PART OF TO THAT POINT WAS IN EFFECT.

THE HOUSE LITERALLY WAS LEVELED BY THE FIRE WITH ALL THE DEBRIS COLLAPSING INTO THE BASEMENT. ALL OF THAT DEBRIS WAS SIFTED AND EXAMINED. EVERYTHING FROM FRONT END LOADERS TO TOOTHBRUSHES WAS USED IN THIS INVESTIGATION. THE BODY OF DONNA WAS SO SEVERELY BURNED AND DISINTEGRATED THAT THE PATHOLOGISTS HAD AN EXTREMELY DIFFICULT TIME WITH THEIR EXAMINATION AND IN FACT WERE UNABLE TO DRAW CERTAIN CONCLUSIONS REGARDING THE CAUSE OF HER DEATH. THUS THE INVESTIGATION REGARDING THE FIRE CAUSE, MEANS, AND ABILITY, BECAME THE CRITICAL MOST IMPORTANT FACET OF THIS INVESTIGATION.

AT THE END OF THE 3 MONTHS, CHARGES OF ARSON AND HOMICIDE WERE FILED AGAINST COURTNEY ATLAS AND A TRIAL WAS HELD. ONE OF THE PRINCIPAL WITNESSES FOR THE PROSECUTOR WAS FIRE MARSHAL BRUCE HOUSTON WHO SPENT APPROXIMATELY 2 DAYS ON THE WITNESS STAND PROVIDING ABSOLUTELY

EXCEPTIONAL EXPERT TESTIMONY. RESULT -- A GUILTY VERDICT AND A SENTENCE OF 100 YRS PLUS 20 MORE!

I PRESENT THIS STORY TO YOU TO AID IN EXPRESSING MY VIEWS, AND I BELIEVE THE VIEWS OF MANY OTHER LAW ENFORCEMENT ADMINISTRATORS AS WELL, REGARDING THE NECESSITY FOR, AND AVAILABILITY OF, STATE FIRE MARSHALS TO LOCAL LAW ENFORCEMENT AGENCIES.

I TRULY BELIEVE THAT WITHOUT THE EXPERT ASSISTANCE OF THE FIRE MARSHALS' OFFICE IN THE ATLAS CASE WE WOULD HAVE HAD AN EXTREMELY DIFFICULT - IF NOT IMPOSSIBLE - TIME IN SOLVING THAT CASE. I ADMIT THIS CASE WAS ONE OF THE MORE SENSATIONAL CASES, BUT I CAN ASSURE YOU THAT IN THE PAST SEVERAL YEARS THERE HAVE BEEN NUMEROUS INSTANCES OF SIMILAR SUPPORT FROM THESE PROFESSIONALS IN THE FIRE MARSHAL'S OFFICE.

WHEN A FIRE IS DETERMINED TO BE OF SUSPICIOUS ORIGIN AND A CRIMINAL INVESTIGATION ENSUES, THE FIRE MARSHALS NEED TO BE AN INTEGRAL PART OF THE INVESTIGATION TEAM ON A CONTINUING BASIS. THEIR EXPERTISE AND KNOWLEDGE DURING THE INTERVIEW AND INTERROGATION PHASES OF THE CASE ARE ESSENTIAL. WITHOUT THEM PRESENT HOW MANY CASES WOULD BE LOST ON A LOCAL LEVEL DUE TO THE FACT WE ALL ARE NOT COGNIZANT OF THE SPECIALIZED FIRE INVESTIGATION TECHNIQUES AND CLUES TO LOOK FOR WHICH ARE NECESSARY TO PROVING ARSON. I WOULD NOT FEEL COMPETENT TRYING TO ELICIT A CONFESSION FROM A SUSPECT BY TRYING TO CONVINCE HIM OF THE OVERWHELMING EVIDENCE AGAINST HIM WHEN I DON'T EVEN KNOW HOW OR WHY BURN PATTERNS CAN DETERMINE ACCELERANT USE, ETC.

HOW COULD I INTERVIEW A WITNESS WITHOUT KNOWING WHAT QUESTIONS TO ASK THAT ARE PECULIAR TO FIRE INVESTIGATIONS? WHAT ABOUT IN THE CASE OF A SEARCH WARRANT? FIRE INVESTIGATORS HAVE A FAR BETTER IDEA OF WHAT TO BE LOOKING FOR THAN DOES THE GENERALIZED CRIMINAL INVESTIGATOR. I MUST POINT OUT, I AM NOT IMPLYING LOCAL AGENCY OFFICERS CANNOT PLAY ANY ROLE IN THESE INVESTIGATIONS AS OBVIOUSLY THEY CAN AND SHOULD. I'M MERELY TRYING TO SHOW THAT THERE MUST BE A CLOSE WORKING RELATIONSHIP WITH A SHARING OF TALENTS AND EXPERTISE.

I'M SURE IF I TRIED I COULD COME UP WITH SCENARIO AFTER SCENARIO INDICATING THE NEED FOR FIRE MARSHALS AVAILABILITY TO LOCAL LAW ENFORCEMENT, BUT I THINK I'VE MADE MY POINT IN THIS REGARDS.

YOU ARE ON THE THRESHOLD OF A DECISION TO BE MADE THAT WILL HAVE MAJOR IMPACTS ON LOCAL LAW ENFORCEMENT FOR MANY YEARS TO COME. REMOVING THE FIRE MARSHAL FROM THE DEPARTMENT OF JUSTICE LAW ENFORCEMENT

EXHIBIT 46
DATE 2-10-95
1 HB 432

SERVICES DIVISION AND PLACING IT IN ANOTHER AGENCY WILL SEPARATE CRIMINAL INVESTIGATION FUNCTIONS AND WILL ADD ANOTHER AGENCY AND THEIR BUREAUCRATIC MANAGEMENT LEVELS WHO ARE NOT FAMILIAR WITH LAW ENFORCEMENT CRIMINAL INVESTIGATIONS INTO THE EQUATION. THIS COULD JEOPARDIZE THE SUCCESS OF OUR INVESTIGATIONS AND COULD VERY EASILY DESTROY THE INTERAGENCY TEAMWORK AND COOPERATION THAT ARE SO NECESSARY IN OUR WORK.

I FULLY AM AWARE OF THE FACT THAT FIRE MARSHALS HAVE A MYRIAD OF DUTIES TO PERFORM, NOT THE LEAST OF WHICH ENTAILS INSPECTING ALL PUBLIC BUILDINGS, SCHOOLS, JAILS, BUSINESSES, ETC., AND I WAS ABSOLUTELY FLABBERGASTED TO RECENTLY FIND OUT THAT THERE ARE ONLY 10 FIRE MARSHALS FOR THE ENTIRE STATE!

TO BE SURE ALL OF YOU ARE PROBABLY MORE KNOWLEDGEABLE OF THE VARIOUS STATUTES DETAILING FIRE MARSHAL DUTIES AND RESPONSIBILITIES THAN I, BUT AFTER EVEN A CURSORY GLANCE OF THE LAW BOOKS I WAS ABLE TO DEDUCE THAT THOSE 10 OFFICERS ARE FACED WITH AN ABSOLUTELY IMPOSSIBLE TASK!

PERHAPS THE PROBLEM LIES MORE WITH INADEQUATE NUMBERS OF PERSONNEL AND FUNDING THAN WITH IMPROPER BUREAU STRUCTURE OR DUTY ALIGNMENT!

I WOULD LIKE TO END MY COMMENTS WITH A PLEA TO THIS COMMITTEE TO KEEP LOCAL NEEDS FOREMOST IN YOUR MINDS DURING YOUR DELIBERATIONS. SURE THE STATE HAS FISCAL PROBLEMS AND EVERYONE IS LOOKING FOR MORE EFFICIENT AND CHEAPER WAYS TO OPERATE, BUT SO DOES LOCAL GOVERNMENT AND IN MANY CASES THEIR BUDGET PROBLEMS ARE MORE SEVERE THAN THE STATES. IF THE STATE ABDICATES, DIMINISHES, OR FRACTURES ITS' RESPONSIBILITIES IN THE ARSON INVESTIGATION ARENA THEN THE ONUS FALLS ONTO THE BACKS OF LOCAL LAW ENFORCEMENT AGENCIES WHO SIMPLY DON'T HAVE THE EXPERTISE AND WHO CAN ILL AFFORD TO GET IT!

THANK YOU FOR YOUR PATIENCE AND I URGE YOU TO KEEP THE FIRE MARSHAL WITHIN THE DEPARTMENT OF JUSTICE.

Good morning ladies and gentlemen.

My name is Creighton Sayles and I have been in the fire service for 37 years. 29 years in the public sector and eight years in the private sector. I own and operate Eagle Investigations, Inc. out of Florence, Mt. where I perform strictly fire investigations for a wide range of clients. I am also vice chairman of the Advisory Council for the Fire Prevention and Investigation Bureau.

Today I would like to speak in opposition to House Bill No. 432. I personally believe that any proposed legislation should be carefully examined as to;

1. Why is it being proposed.
2. Who is proposing it.

In regards to the why, I adhere to the philosophy of "If it isn't broken, Don't fix it". I know of no problems in the Bureau that exist that require the transfer from the Department of Justice to the Commerce Dept.

~~I think it is also prudent that this committee should follow the money. At this point in time the Bureau, by statute, is supposed to be supported by a tax on all fire insurance policies written in the state. This is not a dedicated fund, but rather the receipts are placed into the general fund. The Bureau receives only approximately 75% of the premium tax, whereas the statute states it's sole intended use was support of the Bureau. I personally believe that these monies should be a dedicated fund strictly for the support of the bureau. I would hope at some point in time that the fire insurance premium tax would be spent in the manner that the original legislation stated that it should be. There is also a small amount of funds generated thru licensing fees.~~

The Bureau by it's name, Fire Prevention and Investigation Bureau, indicates it's primary function. There is a world of difference in the word, "Inspection" and the word "Investigation", an inspector is one who looks at a structure for a leak in a pipe, or an improper electrical connection prior to a fire. An investigator is one who looks at a burned structure and attempts to determine the cause and origin of the fire.

A little over three years ago the advisory council took under consideration the possible consolidation of all inspection agencies. It was brainstormed and researched. A proposition of such a consolidation was presented to several of the agencies involved in inspections and it was flatly rejected. I still firmly believe that the multitude of inspections done by various agencies results in duplication in many areas and is a totally unnecessary expenditure of the taxpayers dollars. If the original intent of the sponsors of this bill was to achieve the consolidation that I have mentioned, then it is tragic that they did not attempt to find if anyone else had done any previous work in this area.

This bill is by no means the proper mechanism for the implementation of consolidation of inspections. But, rather, it will be much costlier than the existing system, and it will also develop more duplication of services.

If you are truly concerned about the consolidation of the inspection services of the State of Montana will you please contact us. I think you might find we have some very valuable input. While I believe in some form of consolidation of the inspections, ^{LICENSES INC.} there is, however, no possibility of including the investigations.

In a report submitted to Attorney General on 9-1-92 it states "The report provided a synopsis of the Council's mission in the future:" and the number one concern was; "DELIVERY OF FIRE SERVICES IN MONTANA. Work needs to continue to provide the ability to respond to requests for assistance from local fire and law enforcement agencies, at all levels governed by statute."

EXHIBIT 47
DATE 2-10-95
HB 432

It is absolutely ludicrous to think that the Fire Prevention and Investigation Bureau can in any logical manner be associated with the Department of Commerce.

The Bureau is a very small agency with approximately 15 employees and I often times feel like we are the little kid on the school yard who keeps getting beat up and having our lunch money stolen by the big bullies.

The Bureau belongs where it is.

The following is a statement of belief by the Advisory Council "The ultimate goal is to provide recommendations which will protect the lives and property of the citizens of the state of Montana from the ravages of fire and hazards in the most responsible manner possible."

Please allow us to meet this goal and please do not allow ~~432 to pass~~.

Are there any questions I could possibly answer ?

If you would like any information regarding my statement please contact me.

RETAIN INSPECTION AND
INVESTIGATIONS
WHERE THEY ARE.

Florence Rural Fire District

Florence, Montana 59833

EXHIBIT 48DATE 2-10-95HB 432

Dear Sirs

In regards to house bill 432 on the portion which would split existing services of the State Fire Marshals office between two divisions of State government. This bill instead of making it easier for local fire officials to gain access to code services, arson investigation, incident reporting problems and other related information and services provided by the fire marshals office. It would eliminate the sole source access by fire dept and the general public by having to access two different government subdivisions for interrelated items.

If the goal is better government efficiency to the service public and fire officials then this is a step backwards and not forward.

sincerely

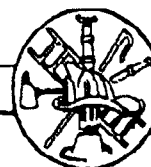
Asst Chief Gordon R Gieser
Florence Volunteer Fire Department





CITY FIRE DEPARTMENT

200 W. PINE • MISSOULA, MT 59802-4220 • (406) 721-2291 • FAX: 728-6690



FEBRUARY 10, 1995

MEMO TO: DIVISION OF FIRE PREVENTION AND INVESTIGATION

EXHIBIT 49

DATE 2-10-95

RE: HOUSE BILL 432, COMMENTS BY DICK LARSON, ASSISTANT FIRE
MARSHAL, PRESIDENT, MT. CHAPTER INTERNATIONAL ASSOC. ARSON
INVESTIGATORS.

HB 432

TO WHOM IT MAY CONCERN:

I AM OPPOSED TO PUTTING DIVISION OF FIRE PREVENTION AND INVESTIGATION BACK INTO COMMERCE. IT APPEARS THAT THIS FIRE AGENCY IS BEING SHUFFLED AROUND LIKE AN UNWANTED STEP-CHILD.

THE FOUR MEMBERS OF THE MISSOULA CITY FIRE PREVENTION BUREAU ALSO WORK CLOSELY WITH OTHER REGULATORY AGENCIES, BUT WE DO SO EFFICIENTLY AND EFFECTIVELY USING MODERN COMMUNICATION EQUIPMENT LIKE THE TELEPHONE. INSPECTIONS AND CODE ENFORCEMENT ARE NOT THE ONLY FUNCTIONS OF OUR BUREAU, WE SPENT A GREAT DEAL OF TIME ON FIRE INVESTIGATIONS AND PUBLIC EDUCATION.

I WOULD LIKE TO SEE THE FIRE PREVENTION DIVISION REMAIN INTACT IN THE DEPARTMENT OF JUSTICE. THE FIRE MARSHAL AND HIS DEPUTIES ARE ESSENTIALLY FIRE COPS. ALL FOUR MEMBERS OF THE MISSOULA CITY FIRE PREVENTION BUREAU ARE GRADUATES OF THE MONTANA LAW ENFORCEMENT ACADEMY AND ARE SWORN MONTANA PEACE OFFICERS. THE STATE IN ADOPTING THE UNIFORM FIRE CODE HAS GIVEN POLICE POWERS TO MEMBERS OF THE FIRE PREVENTION BUREAU. IN SECTION 2.105 OF THE ADMINISTRATIVE SECTION IT STATES [THE CHIEF AND MEMBERS OF THE FIRE PREVENTION BUREAU SHALL HAVE THE POWERS OF A POLICE OFFICER IN PERFORMING THEIR DUTIES UNDER THIS CODE.] IN ANOTHER UNDER INVESTIGATIONS SECTION 2.203 IT STATES [THE FIRE DEPARTMENT IS AUTHORIZED TO INVESTIGATE PROMPTLY THE CAUSE, ORIGIN AND CIRCUMSTANCES OF EACH AND EVERY FIRE OCCURRING IN THE JURISDICTION INVOLVING LOSS OF LIFE OR INJURY TO PERSON OR DESTRUCTION OR DAMAGE TO PROPERTY AND IF IT APPEARS TO THE BUREAU OF INVESTIGATION THAT SUCH FIRE IS OF SUSPICIOUS ORIGIN, THEY ARE AUTHORIZED TO TAKE IMMEDIATE CHARGE OF ALL PHYSICAL EVIDENCE RELATING TO THE CAUSE OF THE FIRE AND AUTHORIZED TO PURSUE THE INVESTIGATION TO ITS CONCLUSION.] THIS IS EXTENDED TO INCLUDE RELEASES OF HAZARDOUS MATERIALS. SECTION 2.106 [THE POLICE DEPARTMENT IS AUTHORIZED TO ASSIST THE FIRE DEPARTMENT IN ITS INVESTIGATION WHEN REQUESTED TO DO SO.] WE ARE GIVEN THE RIGHT OF ENTRY UNDER THIS SECTION ALSO. FUNCTIONING WITHIN THE JUSTICE DEPARTMENT PROVIDES A MORE CONVENIENT ACCESS TO THE TOOLS OF INVESTIGATION. OBTAINING NEEDED WARRANTS AND SUBPOENAS, WORKING WITH THE COURTS ON CITATIONS ISSUED, NCIC, CRIME LAB, ETC.

THE IDEA OF SPLITTING UP THE DIVISION OF FIRE PREVENTION AND INVESTIGATION BUREAU BETWEEN JUSTICE AND COMMERCE IS ALSO POORLY CONCEIVED. WE ARE A LONG WAY FROM BEING ABLE TO AFFORD THE LUXURY OF SPECIALIZATION.

February 9 1995

EXHIBIT 50DATE 2-10-95HB 432

Mr. Bruce Simon: Chairman, Business and Labor

Mr. Simon I'm Writing concerning House Bill 432.

As Fire Marshal for the City of Billings for thirteen years and having severed as chairman of the State Fire Marshal advisory board. House Bill 432 is the wrong direction to take.

The Bill will split the primary duties of the State Fire Marshals Office.

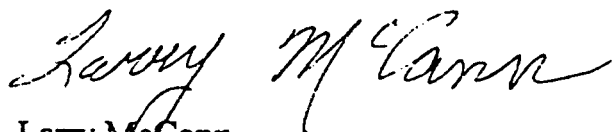
The duties of Fire Marshal are diverse, but they are compatible. The goal being Fire and Life Safety for the citizens of the State. To accomplish the task the Fire Marshal must be directly involved with all aspects of Fire Safety.

House Bill 432 will remove one of the key involvement's of Fire Safety and Life Safety from the Fire Marshals direct control. That key will be Fire, Arson investigation a natural duty of the Fire Marshals Office.

The understanding of Fire to effectively conduct an investigation requires Fire Code knowledge, Fire extinguishment knowledge, and Fire history knowledge. House Bill 432 will split the information and will hinder the States Fire Marshal in carrying out his duties to the public.

House Bill 432 will also create and expansion of government in that more people will be needed to carry out the tasks assigned. Presently deputies in the Fire Marshals Office conduct investigation and also do inspections, public education, and other duties. If house Bill 432 is passed I would think some of these trained personnel would be used as investigators only. New personnel will be needed to do the tasks assigned and required.

Your assistance in tabling HB 432 would be appreciated. If government reorganization is necessary this is not the place for the Fire Marshals Office.



Larry McCann

Fire Marshal Retired

House Committee on Business and Labor
SB 95- February 10, 1995
B. G. "Ben" Havdahl
Helena, MT

Mr. Chairman and members of the committee. For your record, my name is Ben Havdahl and I live in Helena.

I am a registered lobbyist in this session for the Montana Motor Carrier's Association, however I am appearing as a proponent on SB 95 representing myself and the interests of people in the State who are hard of hearing.

I am the Montana Coordinator for the national association of hard of hearing persons, called Self Help For Hard of Hearing People, Inc., with headquarters in Bethesda, Maryland.

As some of you may know, I am profoundly hard of hearing. I have served for the past four and half years as the consumer representative on the Board of Hearing Aid Dispensers.

I am speaking here today from my own personal experiences in being evaluated, fitted and purchasing hear aids and special listening devices and from experiences as a Board member dealing with complaints from aggrieved consumers and the testing and licensing of dispensers.

Proper fitting and evaluation of hearing aids is a complex business and requires very special training and experience. Hearing aids are expensive costing anywhere from \$500 to \$4,000 and more. They are not covered under health care plans and most people who purchase them are older retired citizens living on a fixed income.

Over the past 18 years or more, I have been gradually but steadily losing my hearing due to the deterioration of nerves in the inner ear commonly referred to as nerve deafness. I have purchased a half dozen or more sets of hearing aids that are specially equipped with special features and circuitry to accommodate my progressive hearing loss.

Hearing loss is measured in decibels and normal hearing occurs at about 10 to 15 decibels. My decibel threshold is 90 in one ear and 92 in the other. To give you some idea what that means, the noise from a gasoline powered lawn mower going a full speed is about 100 decibels.

The cochlear nerve is about the size of pea and is embedded in the hardest bone in the body right up against the brain. It contains the nerves which transmit sound signals to the brain for interpretation and understanding as in the case of speech. A common cause of becoming hard of hearing stems from these nerves dying or deteriorating resulting in so called nerve deafness.

The problem is incurable and there are only two "real" alternatives for those of us who are hard of hearing and want to continue living in a hearing world.

One alternative if is to have surgery, called a cochlear implant, to insert a device containing a 22 channel electrode inside the cochlear nerve used with a complex listening and interpreting equipment designed to do what the nerve can no longer do.

The surgery and rehabilitation costs \$35,000. Most cases of hearing loss are not bad enough nor do most hard of hearing people need such surgery. It is there for those who do and can afford it.

The only real alternative is to use hearing aids inserted behind or in the ear. In some cases, as in my own, it becomes necessary to couple the aids with a special listening device which uses an FM radio or invisible infra light ray to better enable speech understanding such as the system in this room and on the House and Senate floors.

According to estimates from reliable sources, about 26 million people in the country including some 56,000 Montanans suffer from some degree of hearing loss in both ears. Of that number 29,000 in the State are estimated to have a significant bilateral loss. So you can see, it is not an uncommon problem.

SB 95 deals with amendments to the law governing hearing aid dispensers..., the people who fit and sell hearing aids. The bill proposes changes to insure greater protection for hard of hearing people who purchase hearing aids and I strongly support the bill as it is presented today by Senator Bishop.

Based on my experience as the consumer member of the Board of Hearing Aid Dispensers, it is my firm feeling that the passage of SB 95 is in the very best interest of consumers.

It insures greater protection for the public against an untrained and loosely supervised trainee who has not and cannot pass the practical examination to qualify as a dispenser. The main reason for that failing is because he or she has not been directly supervised and adequately trained by the sponsoring dispenser.

The bill removes the section of the law that allows such a person to engage in all activities allowed a licensed hearing aid dispenser and be able to continue doing so up to two years without qualifying for a license. No other Montana licensing board that I know of allows an unlicensed person to do that.

Many problems come before the Board as a result of trainees not knowing the basics of hearing aid dispensing. Most dispensers do a good job of training their trainees. Some do not.

Time and time again trainees fail the exam because they do not know, for example, the different sizes of hearing aid batteries. Or they cannot read an audio gram. Or they fail to make a properly fitting ear mold impression.

The oversight requirement in the law for "general supervision", which is being repealed under this bill, is being interpreted by some dispensers as requiring nothing more than submitting a written report on the trainee to the Board without real observation and instruction.

It has come to the Board's attention that blank report forms are being signed by some trainees. They are then falsified by the dispenser without the trainee actually receiving the benefit of needed training.

The removal of the loose general supervision provision in the statute would require "direct supervision" of the trainee until he or she passes the practical examination.

This requirement is in the best interest of the purchasing public who does lose and may continue to lose a great deal as result of the failings of the present law.

Thank you for your favorable consideration of this bill.

We, the undersigned, strongly urge the passage of Senate Bill No. 95.

The above bill addresses a need to upgrade the Hearing Aid Consumer Protection Act. We realize that the first charge to the board is not to protect the professionals but rather to protect the consuming public and to guarantee them the best possible product and service delivered with competency and integrity.

Senate Bill 95 provides for three very necessary changes in the present law:

First, it reduces the training period from one year to 180 days. But in doing so, it also requires that "the final delivery and fitting of the hearing aid and related devices must be made by the trainee and the supervisor." (37-16-405: (2)(b)).

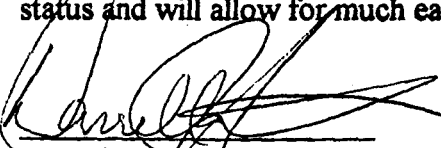
37-16-405 (8) is critical to the implementation of the above (37-16-405: (2) (b)). It states, "direct supervision means the direct and regular observation and instruction of a trainee by a licensed hearing aid dispenser who is available at the same location for prompt consultation and treatment." Under the present regulations an unlicensed person may, after a ninety day period, deliver and fit hearing aids with no further supervision regarding the appropriateness and satisfaction of the fit. This section, (37-16-405: (2) (b)) insures that no hearing aid fittings will be made in Montana by an individual who is not fully licensed to provide that service.

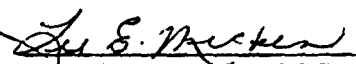
More importantly, the above changes allow for easier monitoring and documentation of transgressions.

Third, reducing the opportunity to retake the practical examination from two to one renewal (37-16-405: (b)) still gives a potential professional one full year of directly supervised training; certainly an adequate amount of time to study and pass a relatively simple examination of one's necessary professional skills; (skills that should be in place prior to any final delivery and fitting to a consumer.)

Under the present law a person can provide all of the services given by a fully licensed professional, with only ninety days of "direct supervision" for a full year before their first attempt at passing the practical examination. If they fail, they can work another six months completely non-supervised. If they fail the first renewal (second attempt), they can work another six months before their final attempt (second renewal). *This means that an individual with a trainee license can potentially provide all of the services of a fully licensed professional for two full years, never being able to demonstrate that they are competent to do so.* This is not consumer protection.

The above changes will encourage the rapid and thorough training of trainees to professional status and will allow for much easier monitoring and documentation.


Darrell Micken, M.A., CCC-A
Audiologist


Lee Micken, M.A., CCC-A
Audiologist

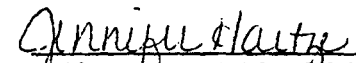

Jennifer Hartze, M.S., CCC-A
Audiologist

EXHIBIT 53
DATE 2-10-95
#B SB 95

Missoula Hearing Inc.

943 Stephens Missoula, Montana 59801 (406) 549-1951

Dudley Anderson Larry Wundrow

SERVING WESTERN MONTANA
OVER 20 YEARS.

Good morning, my name is Dudley Anderson. I live at 4640 Spurgin Road, Missoula, Montana. I have been a licensed hearing aid dispenser in the state of Montana since 1970, and have served as Chairperson on the Hearing Aid Licensor Board. This letter is to confirm my support of the current law changes in question, and to particularly address 37-16-405; the area covering trainee license.

As a hearing aid dispenser board member years ago, two persistent and abusive activities continued to surface. First of all, a large number of complaints were made on trainees, many of which were failing the license exam repeatedly, and many who eventually gave up and left the profession. The consumers in these cases received incompetent service. Coupled with this, and secondly, there was an overwhelming number of trainees complaining that they were not receiving any support from their supervisor regarding the passing of the state exams. It was obvious to myself and to other board members, that trainees in this instance were willingly being turned over, or rotated as sales personnel with no intent to train them to pass the exams. Perhaps the supervisors were confident that they were never going to train a potential competitor but at any rate, the "system" has proved to provide a sales force to sell hearing aids. The complaint records show that the consumers constantly received poor and unsatisfactory service as a result. This must stop.

I therefore support the bill changes as they should have a direct affect on halting this activity.

Respectfully,

Dudley Anderson

EXHIBIT 54
DATE 2-10-95
HB SB95

BOZEMAN ENT CLINIC
OTOLARYNGOLOGY
HEAD AND NECK SURGERY

FRED F. BAHNSON, M.D., F.A.C.S.

DIPLOMATE, AMERICAN BOARD OF OTOLARYNGOLOGY

William R. Carroll, M.D., F.A.C.S.

January 18, 1995

RE: Senate Bill # 95

To Whom It May Concern:

I am an ear, nose and throat specialist, and routinely see people with hearing problems.

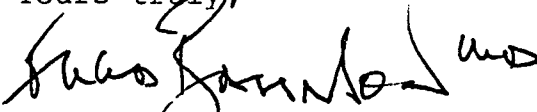
It is my concern for my patients that they be properly cared for when seeking to be fitted with hearing aids. In the name of consumer protection for my patients with hearing problems, I would like to see direct supervision for anyone in training at all times during fitting of hearing aids. I think anyone who fits a patient with hearing aids should be either fully licensed, or directly supervised. If a person seeking to be fully licensed in the fitting of hearing aids fails to pass the licensing examination, I feel it would be reasonable for them to have another period of time, directly supervised, to prepare for a retake of the examination.

Thus, it is only fair to patients with hearing problems that direct supervision be performed at all times over these candidates for licensure in dispensing hearing aids.

In closing, many of my patients who need hearing aids have already the disability of their hearing impairment to deal with. I do not feel that they should be subjected to unsupervised fitting of hearing aids by unqualified people.

I fully support Senate Bill # 95. Thank you for your consideration.

Yours truly,


Fred F. Bahnson, M.D.

FB:kl

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

House Bus. + Labor

DATE 2/10/95

BILL NO. SB 95

SPONSOR(S) Sen. Bishop

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Mona Jannsen	mt. speech, Lang + Hearing Assoc.	✓	
Darrell J. Micken	MSHA "	✓	
Gloria Hladik	MSHA	✓	
Gregory Quinn	MSHA	✓	
Cheryl L. Smith	Br. of HAD information only		
COLLEEN A. GRAHAM	Dept of Comm/HAD	Info Only	
Ben Hadden / Helene	Self	✓	
Jennifer Hartzel	MSHA	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Brad Johnson	Belgrade Rural Fire Dist.		X
Wick Swingle	GREAT FALLS FIRE DEPT		X
JAMES A. LOFFTUS	MT FIRE DIST ASSN		✓
REIGHTON SAYLES	F.P.I.B. Advisory Council		X
Chuck Rully, Sheriff	Mt. Shennepet & Pease Officers Assn		X
Clem Dineen	Silver Bow Vol Fire Council		X
Laurie Ekanger	Governors Office	X	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bob Gilbert	MT STATE Volunteers Firefighters		X
Pat Clinch	MT State Council Professional Fire Fighters		X
Vern Erickson	Montana State Fireman's Assoc.		X
Chuck Gibson	MONT. STATE Fire Chiefs Assn		X
Dick Hanson	MT Chap Intermtnl ^{FW} Assoc		X
Scott Walden	MISSOULA COUNTY FIRE ASSN		X
Bill FEINER	MONT FIREWORKERS ASSOC		X
Alan Scholes	Bozeman Fire Dept		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>RANK Crowley</u>	<u>SELF</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Dana Standley RMA</u>	<u>SELF</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Dr. Frank Pearl</u>	<u>Mont. Dental Assoc</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Don Northman DDS</u>	<u>Self.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Carol Savant DDS</u>	<u>BOARD OF DENTISTRY</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>James B. Johnson DDS</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Lisa Hinebaugh</u>	<u>Public member Board of Dentistry</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Patti Conway RMA</u>	<u>MDHA</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Theresa Dougherty</u>	<u>MDHA</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Chris Herbert</u>	<u>MDHA</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>June Benson</u>	<u>Self</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>James Williams</u>	<u>Self</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Bob Benson</u>	<u>Gracie Falls</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Kim Moyes Smith</u>	<u>MDHA</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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W James Kambel
Shelton Ivers DDS

MDHA
Self

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jack Barber	Self MDH11	✓	
Kathy Barber	Self MDHA	✓	
Tom Bellmer	Self		✓
Mildred Sichelstark	Self		✓
Kim Anderson RDH	Self		✓
Anne Hammel	Self		✓
James Bill D.U.P.	Self		✓
Fred E Anderson DDS	Self		✓
Tom Nelson DDS	Self		✓
Joe M. Lee DDS FAGD	Self		✓
Michelle Kresling RDH, NW	Self	Neutral	
My R Youngblood DDS			✓
Ray Clayton	Self		✓
DENNIS H. BARBIAN	SELF		✓

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Anne M. Broom, DMD Missoula	self		✓
John R. Holcomb DDS	self		✓
ROGER KIESLING, DDS Helena	self		✓
Regina Gabrian RDH Helena	Self	✓	
Robert Witham RDH Helena	Self	✓	
Beverly Dell CPA	self		✓
June Meng DDS	Self		✓
June Cleveland RDH	Self	✓	
Gai Gentry	Self	✓	
Marie Mary MHA	Self - MHA		
Becky Dunlap, CPA	Montana Dental MHA Associates Assoc (self)	✓	✓
RICHARD CROFTS	DCH E		✓
Maureen Gary, RDH	self - MHA	✓	
John Lee Deer	Self - MHA	✓	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Connie Jungmann	ALT Dental Assn		✓
Rm ONEA	DDS		✓
Angela Lauer	CDA		✓
Shirley Kren	PTA		✓
Mary Clayton			✓
Shauna Moore	Dental Asst		✓
Kimberly Woloszyn	RDH		✓
Annette Ferguson	Dental Asst		✓
PAM SHERIDAN	Dental Asst		✓
Lu Jensen	Hygienist		✓
CRAIG STANNESSEN	DENTIST		✓
John Smith	Dentist		✓
Arny Waltem	MDHA	✓	
JENNY PATZKE	RDH	✓	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Connie Hutes	Great Falls		X
Eugene P. Bellworth MD	Gr Falls		X
Katie Burkham	Gr Falls		X
Theresa Guill	Gr Falls		X
Daniel W. Hersh DMD	Helena - self		X
GARY A. JAGODZINSKI DD	LEWISTOWN SELF		X
Candy Tipton	Self	X	
Judy HARBRECHT	SELF - BUTTE	X	
Kaye Gummigud Kaye Gummigud Anna Gummigud	Self MISSOULA	X	
Becky Ellestad	Lewistown Self		X
Deborah Surford	Self - Dental Assistant LEWISTOWN		X
Romulo M. Pacheco	Self - Dental Assistant - Lewistown		X
Kelli H. Hargrave	Self - Dental Assistant LEWISTOWN		X
Dale R. Chamberlain	Self LEWISTOWN		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Ray White Lewistown	SELF-Dentist		X
CHRISTOPHER G BRUCH DDS, MSD	SELF GREAT FALLS		X
Heidi Halverson	self	X	
Ross Feltner	self	X	
Lorraine M. Merrill RDH	Self	X	
Nick Stannbeck	SELF		X
Sara O'Bole	SELF		X
Yvette Smith	self Dent. Ass.		X
Pammy Mayer	self		X
Terrice Casey	SELF		X
Toni Bourke	SELF-Dental Practice		X
Twila Sims	Self-orthodontic office		✓
Gary Speath	State Auditor	X	
Archie Williams	self-orthodontic office		✓

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Susan Braguit AF	Self		X
D.J. O'Neill	SELF		X
Donald Grinsell	Public	X	
Filletash	self, RDH		X
Steve Mely	Common		
Juine Janner	MDA		X
Jan Fuhner	self		X
Peter Hodder	MDA		X
Robert M. Ward (DMD)	Self		X
JOHN C. REMIENIA	MDLA Self		X
Kathy Rivers	C.D.A. self		X
Paula McElroy	self		X
Kathy King	self		X
Doreen McNulty	Self		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Nedra Brown	self		✓
Barb Petty	self		✓
Julie Ford	self		✓
Bruce Perry Billings	self		✓
Marie Peller	self		✓
Shanua Bratsky	self	X	
Kathy Smith	self	X	
Nammy Donahue	self	✓	
Debbie Porter	self	X	
Deb Carlson	self	X	
Cathy Testerman	self	X	

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