HOUSE BILL NO. 233

INTRODUCED BY BENNETT

IN THE HOUSE

January 17, 1979	Introduced and referred to Committee on Human Services.
February 15, 1979	Intent statement attached.
	Committee recommend bill do pass. Report adopted.
February 16, 1979	Printed and placed on members' desks.
February 17, 1979	Motion pass consideration.
February 19, 1979	Second reading, do pass.
February 20, 1979	Considered correctly engrossed.
February 21, 1979	Third reading, passed. Transmitted to second house.
IN THE SEN	JATE
February 22, 1979	Introduced and referred to Committee on Public Health, Welfare, and Safety.
March 9, 1979	Committee recommend bill be concurred in. Report adopted.
March 12, 1979	Motion pass consideration.
March 13, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in.
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IN THE HOUSE

March 16, 1979

Returned from second house.
Concurred in. Sent to enrolling.

Reported correctly enrolled.

1		House BILL 40. 233	
2	INTRODUCED BY	# Demet	_

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE BOARD OF DENTISTS TO ESTABLISH EXAMINATION STANDARDS AND PROCEDURES AND TO ESTABLISH EXAMINATION. LICENSE, RENEWAL, AND REINSTATEMENT FEES FOR DENTISTS AND DENTAL HYGIENISTS COMMENSURATE WITH COSTS OR WITHIN CERTAIN LIMITS; TO ESTABLISH CERTAIN REQUIREMENTS FOR APPLICATIONS FOR LICENSURE; TO INCREASE THE LATE RENEWAL FEE FROM \$3 TO \$10; TO PERMIT JURISPRUDENCE EXAMINATIONS TO BE GIVEN AND REGIONAL TESTING SERVICES TO BE UTILIZED; AND TO EXEMPT BONA FIDE FACULTY MEMBERS PERFORMING DENTAL PROCEDURES IN A TEACHING FUNCTION AND TO EXEMPT STUDENTS PERFORMING DENTAL PROCEDURES IN AN ASSIGNED TEACHING CURRICULUM FROM CERTAIN REQUIREMENTS; AMENDING SECTIONS 37-4-103, 37-4-301, 37-4-307, 37-4-402, AND 37-4-406, MCA."

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-4-103, MCA, is amended to read:
#37-4-103. Exemptions. (1) A dental laboratory or
dental technician is not practicing dentistry under this
chapter when engaged in the construction, making,
alteration, or repairing of bridges, crowns, dentures, or
other prosthetic appliances, surgical appliances, or

orthodontic appliances if the casts, models, or impressions
on which the work is constructed have been made by a
regularly licensed and practicing dentist and the crowns,
bridges, dentures, prosthetic appliances, surgical
appliances, or orthodontic appliances are returned to the
dentist on whose order the work was constructed.

(2) Section 37-4-101(2) and part 5 of this chapter do not apply to a legally qualified physician or surgeon or to a dental surgeon of the United States army. navy. public health service, or veterans bureau or to a legal practitioner of another state making a clinical demonstration before a dental society. convention. or association of dentists or to a licensed dental hygienist performing an act authorized under 37-4-401 or 37-4-405.

faculty member of a schools colleges or department of a university recognized and approved by the board from performing dental procedures necessary to his teaching functions. Nothing in this chapter prevents students from performing dental procedures under the supervision of a bona fide instructor of a schools colleges or department of a university recognized and approved by the boards provided such dental procedures are a part of the assigned teaching curriculums.

25 Section 2. Section 37-4~301, MCA, is appended to read:

#37-4-301. Examination qualifications fees
certification. (1) Theboardshallmakerulesgoverning
examinationsforalicenseto-proctice-dentistry-in-this
states-The-examinations-are-open-to-an-applicant-meeting-the
requirements-of-this-chapter«-The-board-shall-sissprovides
byrulevressonablenoticeofthetime-and-place-where
ex ominations-are-haldw- An-examination-shall-be-hald-at-least
once a year Applicants for licensure shall take and pass an
examination in order to be licensed. The examination shall
consist of a written part, a practical or clinical part, and
an oral interview with the board which may include questions
pertaining to the practice of dentistry. The board may
accepts in satisfaction of the written parts successful
completion of an examination by the national board of dental
examiners and whenever the board determines necessary:
successful completion of a board examination in
jurisprudence. The board may accepts in satisfaction of the
practical part: successful completion of an examination by a
board-designated regional testing service.

ond-sufficiently-thorough-to-test-the-fitness-of-the
opplicant-to-practice-dentistry- Acceptance by the board of
such written and practical examination shall be conditioned
on evidence that the examination is sufficiently thorough to
test the fitness of the applicant to practice dentistry. It

shall includes written in the English languages questions on
anatomy, histology, physiology, chemistry, pharmacology and
therapeutics, metallurgy, pathology, bacteriology,
anesthesia, operative and surgical dentistry, prosthetic
dentistry, prophylaxis, orthodontics and endodontics, and
any additional subjects pertaining to dental service. The
writtenexeminationmaybesupplementedbyoral
examinations Demonstration of the applicant*s-skill-in
operative-and-prosthetic-dantistryisalsorequiredThe
examinationshall-be-conducted-under-cath-or-affirmation-by
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board-may-administer-the-oath-or-affirmations-The-board-may
recognize-a-certificate-granted-bythenationalboardof
dentelexaminarsinstead-of-or-subject-to-the-examinations
the-beard-requires-

- (3) A-person-desiring-to-practice—dentistry—in—this state—shall—filev—in—his—full—namev—an—application—for examination—with—the—department—at—least—20—days—before—the date——set——by—the—board—for—the—commencement—of—the examination—At—the—time—of—making—the—applicationv—the applicant—shall+
- 22 (a)--pay-to-the-department-a-fee-of-\$581
 23 (b)--furnish---the---department--with--at--least--three
- 24 affidavita-of-good--moral--charactery--satisfactory--to--the

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1	(c)presenttothedeportmenthisdiplomeor
2	satisfactory-evidence-of-having-graduated-from-arecognized
3	dentalachoolarcollegewhichhas-been-approved-by-the
4	boards-and
5	{d}furnish-the-department-e-recent-photograph-ofthe
6	epplicants Ins board has the right to administer its own
7	examination in lieu of acceptance of the national board
8	written examination and a regional testing service practical
9	examination. The board is authorized to make rules governing
10	any such examination procedures.
11	(4) Applicants successfully-passing—the-examination
12	shall-be-registered-as-licensed-dentists-inthedepartment
13	register-and-on-payment-of-an-additional-\$15-shall-receive-a
14	certificatevsignedby-the-members-of-the-boardv-in-s-form
15	prescribed-by-the-boards for licensure shall submit an
16	application, which shall include, when required:
17	(a) certification of successful completion of the
18	national board written examination:
19	(b) certification of successful completion of a
20	regional board practical examination:
21	(c) three affidavits of good moral character:
22	(d) certificate of graduation from a hoard-approved
23	dental_school:
24	lel an examination fee commensurate with costs and set
25	by the board:

1	(f) a licensure fee commensurate with costs and set by
2	the board:
3	(g) a recent photograph of the applicant.
4	(5) An opplicantfailingtopasshisfirst
5	ex ominationifotherwisequolifiedmoy-teke- subsequent
6	examinations-on-payment-of-the-fee-of-425foreach
7	exeminations Applications must be submitted no less than 20
8	days prior to the board interview and Jurisprudence
9	examinations
10	(6) E xaminationpapersafanapplicantshallbe
11	reteined-2-years-by-the-department-and-may-then-be-destroyed
12	end-white-so-retained-are-open-to-inspection-enly-byboard
13	wembersytheapplicantysomeperson-appointedbythe
14	applicant-to-examinethemyorbyacourtofcompetent
15	juriodictioninproceedingwherethequestion-of-the
16	contents-of-the-papers-is-properly-involved Applicants_may
17	not take the jurisprudence examination or the oral interview
18	without first having completed all other parts of the
19	examinations
20	(7) The-boord-moy-in-its-discretionpermitedental
21	studentwho-hos-successfully-completed-his-junior-year-in-a
22	recognized-dental-school-and-who-files-proof-satisfactory-to
23	the-board-that-he-has-the-praliminary-education-described-in
24	this-section-to-take-a-writtan-examination-inthesubjects
25	hehascompletedwSatisfactorygradessecuredshall-be
	-6 HB 223

credited on the final examination of the students. The board

shall require a fee of \$50 for this examination, which shall

apply on the final examination token by the applicants

Examination results will be accepted for a period of time as

set by board rule. An applicant failing to pass his first

examination, if otherwise qualified, may take a subsequent

examination upon payment of a fee commensurate with costs

and set by the board.

9 (8) The board is authorized to adopt necessary and
10 reasonable rules governing application procedures.

19) The board may in its discretion permit a dental student who has successfully completed his junior year in a recognized dental school and who files proof satisfactory to the board that he has the preliminary education described in this section to take a written examination in the subjects he has completed. Satisfactory grades secured shall be credited on the final examination of the student. The board shall require a fee commensurate with costs and set by the board for this examination, which shall apply on the final examination taken by the applicant."

Section 3. Section 37-4-307, MCA, is amended to read:

"37-4-307. Annual license renewal fee -- absent
registered dentist -- default. (1) A licensed dentist
practicing within this state shall annually pay to the
department before March 1, as a license renewal fee for the

year, the a sum of-310 set by the board and not to exceed

150. The board may increase or decrease the annual freense

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(2) If a registered dentist absents himself from the state for a period of 1 or more years or does not engage in active practice within this state, he may continue his license in good standing by the a payment of set by the board each year, not to exceed \$25, or at the discretion of the board, he may be reinstated on the payment of a fee of \$10 \$25 for each year's absence. The annual payments shall be made prior to March 1 of each year, and a receipt or certificate shall be issued by the department.

(3) In case of default in payment of the annual license renewal fee by a dentist, his license shall be revoked by the board on 30 days, notice given to the delinquent of the time and place of considering the revocation. A registered or certified letter addressed to the last-known address of the party failing to comply with this requirement, as the address appears on the records of

the department, constitutes sufficient notice of revocation of license, but no license may be revoked for nonpayment if the dentist notified pays the **icense renewal* fee plus a late payment penalty of **3 **\$10 before or at the time fixed for consideration of revocation. The department may maintain in the name of this state a suit to collect **icense renewal* fees and penalties applicable and to recover from the delinquent dentist the cost of the action, including reasonable attorneys* fees.

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- 10 (4) No license fee or tax may be imposed on dentists
 11 by a municipality or any other subdivision of the state."
 - Section 4. Section 37-4-402, MCA, is amended to read:
 #37-4-402. License -- examination. (1) The department
 may issue licenses for the practice of dental hygiene to
 qualified applicants to be known as dental hygienists.
 - (2) Except as provided in subsections (1), (2), and (3) of 37-4-404, no person may engage in the practice of dental hygiene or practice as a dental hygienist in this state until he has passed an examination approved by the board under rules it considers proper and has been issued a license by the department.
 - (3) A--condidate-for-examination-as-a-dental-hygienist
 shall-filey-in-his-full-namey-an-application-for-examination
 with-the-department-at-least-20-days-before-the-date-set-by
 the-board-for-the-commencement-of-the-examination-and-at-the

time--of--making--the-application-shall-pay-the-department-a 2 fee-of-120-The-applicant-shall--also--furnish--satisfactory proof--that--he--is-of-qood-morel-character-and-has-earned-a diploma-or-certificate--from--e--school--of--dental--hygiene offering-a-course--ef-study-recognized-end-approved-by-the boord- Applicants for licensure shall take and pass an examination in order to be licensed. The examination shall consist of a written party a practical or clinical party and A 9 an oral interview with the board which may include questions 10 pertaining to the practice of dental hygiene. The board may 11 accept. in satisfaction of the written part, successful 12 completion of an examination by the national board of dental examiners and, whenever the board determines necessary. 13 14 successful completion of a board examination in 15 jurisprudence. The board may accept, in satisfaction of the 16 <u>practical parts successful completion of an examination by a </u> 17 board-designated regional testing service.

(4) The board shell-wake-uniform-rules-governing-the matter-of-examinations-for-s-license-to-practice-dented hygiene-in-this-statev-which-examinations-are-open-to-an applicant-meeting-the-requirements-of-this-chaptery-and shell-also-provide-in-its-rules-for-giving-reasonable-notice of-the-time-and-place-where-examinations-are-heldw has the right to administer its own examination in lieu of acceptance of the national board written examination and a

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1	regional testing service practical examination. The board
2	is authorized to make rules governing any such examination
3	procedures.
4	(5) The-board-may-recognize-a-certificategrantedby
5	the-notional-board-of-dental-hygiene-examiners-instead-of-ar
6	examination—the—board—requires. Applicants for licensure
7	shall submit an application, which shall include, when
8	required:
9	(a) certification of successful completion of the
10	national board written examination:
11	(b) certification of successful completion of a
12	regional board practical examination:
13	(c) two affidavits of good moral character;
14	(d) certificate of graduation from a board-approved
15	dental hygiene school:
16	(e) an examination fee commensurate with costs and set
17	by the board:
18	(f) a licensure fee commensurate with costs and set by
19	the board:
20	igl a recent photograph of the applicants
21	(6) An-applicant-failing-to-pass-his-first-examination
22	mayy-if-otherwise-qualifiedy-take-subsequent-examinations-on
23	psyment-of-the-fee-of-\$20-for-each-examination: Applications
24	must be submitted no less than 20 days prior to the board

1	(7) Examination results will be accepted for a period
2	of time as set by board rule. An applicant failing to pass
3	his first examination, if otherwise qualified, may take a
4	subsequent examination on payment of a fee commensurate with
5	costs and set by the board.
6	(8) The board is authorized to adopt necessary and
7	reasonable rules governing application procedures.
8	Section 5. Section 37-4-406, MCA, is amended to read
9	*37-4-406. Annual license renewal fee revocation of
10	license. (1) Before March 1 of each year, a licensed dental
11	hygienist shall pay to the department a license renewal fee
12	of-\$3 set by the board, not to exceed \$25. In default of
13	payment, the board may, after hearing and on 30 days
14	notice: revoke the license of the hygienist in default; but
15	the payment of the <u>renewal</u> fee on or before the time of
16	hearing, with an additional sum fixed set by the board, not
17	exceeding\$3 to exceed \$10, excuses the default. The
18	department may collect the fee by suit.
19	(2) The board may likewise revoke or suspend the
20	license of a dental hygienist for violating this chapter.*

interview and jurisprudence examination.

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STATEMENT OF INTENT RE: HB 233

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A statement of intent is required for HB 233 because the bill amends sections 37-4-301, 37-4-402, and 37-4-404, MCA, to give the Board of Dentists rulemaking authority regarding examination and application procedures for dentists and dental hygienists. The following explains the intent of the Legislature regarding the rulemaking authority granted by this bill.

Sections 37-4-301 and 37-4-402 give the Board of Dentists the right to administer their own exams for dentists and hygienists, respectively. The rulemaking authority delegates power to the Board for making rules for running its own examinations. This is intended to be a continuation of existing authority, and rules now in effect may not have to be substantially revised.

In addition, section 37-4-301 gives the Board power to set the examination and licensure fees for identists. These are to be "commensurate with cost" and it is intended that the Board publish data on the actual costs of examination in the notice of proposed rulemaking.

Sections 37-4-301 and 37-4-402. MCA, give the Board of Dentists the authority to make rules for application procedures for dentists and hygienists. respectively. It is

intended that these rules would cover routine matters not provided for in the statute.

Sections 37-4-307 and 37-4-406, MCA, require licensed 3 dentists and hygienists, respectively, to pay an annual renewal fee that is set by the Board. It is intended that these fees, as established through administrative rules, should not exceed during the next biennium, \$20 to \$25 for dentists and \$10 for hygienists. These fees, as required by statutes are for the purpose of maintaining an emergency fund that is used for administering and enforcing the 10 11 statutes relating to dentistry and dental hygiene. If. 12 during the next biennium; some unforeseen; complex legal 13 proceeding arises involving the Board, the fees intended for this biennium would be increased to defray such additional 14 15 costs.

First adopted by the HOUSE COMMITTEE ON HUMAN SERVICES on February 15, 1979.

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HB 0233/02

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46th Legislature

l	HOUSE BILL NO. 233
2	INTRODUCED BY BENNETT

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A BILL FUR AN ACT ENTITLED: "AN ACT TO PERMIT THE BOARD OF DENTIST TO ESTABLISH EXAMINATION STANDARDS AND PROCEDURES AND TO ESTABLISH EXAMINATION, LICENSE, RENEWAL. REINSTATEMENT FEES FOR DENTISTS AND DENTAL HYGIENISTS COMMENSURATE WITH COSTS OR WITHIN CERTAIN LIMITS: ESTABLISH CERTAIN REQUIREMENTS FOR APPLICATIONS FOR LICENSURE: TO INCREASE THE LATE RENEWAL FEE FROM \$3 TO \$10: TO PERMIT JURISPRUDENCE EXAMINATIONS TO BE GIVEN AND REGIONAL TESTING SERVICES TO BE UTILIZED: AND TO EXEMPT BONA FIDE FACULTY MEMBERS PERFORMING DENTAL PROCEDURES IN A TEACHING FUNCTION AND TO EXEMPT STUDENTS PERFORMING DENTAL PROCEDURES IN AN ASSIGNED TEACHING CURRICULUM FROM CERTAIN AMENDING SECTIONS 37-4-103. 37-4-301. REQUIREMENTS: 37-4-307. 37-4-402. AND 37-4-406. MCA.*

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Section 1. Section 37-4-103, MCA, is amended to read: #37-4-103. Exemptions. (1) A dental laboratory or dental technician is not practicing dentistry under this chapter when engaged in the construction, making, alteration, or repairing of bridges, crowns, dentures, or other prosthetic appliances, surgical appliances, or

1 orthodontic appliances if the casts, models, or impressions 2 on which the work is constructed have been made by a regularly licensed and practicing dentist and the crowns, dentures. prosthetic appliances. bridges. 5 appliances, or orthodontic appliances are returned to the dentist on whose order the work was constructed.

(2) Section 37-4-101(2) and part 5 of this chapter do not apply to a legally qualified physician or surgeon or to a dental surgeon of the United States army, navy, public health service, or veterans' bureau or to a legal practitioner of another state making a clinical demonstration before a dental society, convention, or association of dentists or to a licensed dental hygienist performing an act authorized under 37-4-401 or 37-4-405.

(3) Nothing in this chapter prevents a bona fide faculty member of a school college or department of a university recognized and approved by the board from performing dental procedures pecessary to his teaching functions. Nothing in this chapter prevents students from verforming dental procedures under the supervision of a bona fide instructor of a school college or department of a university recognized and approved by the board, provided such dental procedures are a part of the assigned teaching curriculum."

Section 2. Section 37-4-301, MCA, is amended to read: 25

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*37-4-301. Examination -- qualifications -- faes -certification. (1) The--board--shall--make--rules--governing exominations--for--a--license--to-practice-dentistry-in-this statew-The-examinations-are-open-to-an-applicant-meeting-the requirements-of-this-chaptery-The-board-shall-also-sprovides by--ruley--reasonable--notice--of--the--time-and-place-where exeminations-ore-heldy-An-exemination-shell-be-held-ot-least once-a-year * Applicants for licensure shall take and pass an examination in order to be licensed. The examination shall consist of a written party a practical or clinical party and an oral interview with the board which may include questions pertaining to the practice of dentistry. The board may accept. in satisfaction of the written part: successful completion of an examination by the national board of deptal examiners and, whenever the board determines necessary. successful completion of a board examination in iurisprudence. The board may accept in satisfaction of the practical parts successful completion of an examination by a board-designated regional testing service.

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(2) The-examination-shall-be--practical--in--character and--sufficiently--thorough--to--test--the--fitness--of--the applicant-to-practice-dentistry* Acceptance by the board of such written and practical examination shall be conditioned on evidence that the examination is sufficiently thorough to test the fitness of the applicant to practice dentistry. It

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shall include, written in the English language, questions on anatomy. histology. physiology. chemistry. pharmacology and therapeutics. metallurgv. pathology bacteriology. anesthesia, operative and surgical dentistry, prosthetic dentistry, prophylaxis, orthodontics and endodontics, and any additional subjects pertaining to dental service. The written---exemination---may---be---supplemented---by----oral examinations---Demonstration--of--the--applicant's-skill-in operative-and-prosthetic-dentistry--is--also--required---The examination--shall-be-conducted-under-oath-or-affirmation-by the-departmenty-subject-to-37-1-101y-and-any-member--of--the board--may-administer-the-oath-or-affirmation--The-board-may racognize-a-certificate-granted-by--the--national--board--of dental--examinary--instead-of-or-subject-to-the-examinations the-boord-requires.

- (3) A-person-desiring-to-practice-dentistry-in-this state-shall-filey-in-this-full-namey-an-application-for examination-with-the-department-at-least-20-days-before-.ne date---set--by--the--board--for--the--commencement--of--the examinations-At-the-time--of--making--the--applicationy--the applicant-shall+
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2	satisfactory-evidence-of-having-graduated-from-arecognized
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4	board;-and
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20	regional board practical examination:
21	<pre>(c) three affidavits of good moral character;</pre>
22	(d) certificate of graduation from a board-approved
23	dental_school:
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10	(6) Examinationpapersofanapplicantshallbe
11	retained-2-years-by-the-department-and-may-then-be-destroyed
12	and-while-so-retained-are-open-to-inspection-anlybyboard
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16	contents-of-the-papers-is-properly-involved+ Applicants_max
17	not take the jurisprudence examination or the oral interview
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20	(7) The-board-may-in-its-discretionpermitadental
21	studentwho-has-successfully-completed-his-junior-year-in-a
55	recognized-dental-school-and-who-files-proof-satisfactory-to
23	the-board-that-he-has-the-preliminary-education-described-in
24	this-section-to-take-o-written-examination-inthesubjects

ifl a licensure fee commensurate with costs and set by

he--has--completedw--Satisfactory--grades--secured--shall-be

credited-on-the-final-examination-of-the-studenty-The-board
shall-require-o-fee-of-\$58-for-this-examinationy-which-shall
apply-on-the-final-examination-taken-oby-the-applicants
Examination results will be accepted for a period of time as
set by board rules An applicant failing to pass his first
examination: if otherwise qualifieds by take a subsequent
examination upon payment of a fee correspond with costs
and set by the boards

181 The board is authorized to adopt necessary and reasonable rules governing application procedures.

- 19) The board may in its discretion permit a dental student who has successfully completed his junior year in a recognized dental school and who files proof satisfactory to the board that he has the preliminary education described in this section to take a written examination in the subjects he has completed. Satisfactory grades secured shall be credited on the final examination of the student. The board shall require a fee commensurate with costs and set by the board for this examination, which shall apply on the final examination taken by the applicant.
- Section 3. Section 37-4-307, NCA, is amended to read:

 #37-4-307. Annual Picense <u>renewal</u> fee -- absent
 registered dentist -- default. (1) A licensed dentist
 practicing within this state shall annually pay to the
 department before March 1, as a Picense <u>renewal</u> fee for the

-7-

- year. the a sum of-510 set by the board and not to exceed \$50. The board may increase or decrease the annual freense renewal fee to maintain in the earmarked revenue fund at all times an amount, to be known as the emergency fund, to be used for the purpose of administering, policing, and enforcing this chapter. The emergency fund shall be maintained at an approximate level of \$2,500. Notice of the change in the amount of freense renewal fees shall be given to each dentist registered in this state by the department.
 - (2) If a registered dentist absents himself from the state for a period of 1 or more years or does not engage in active practice within this state, he may continue his license in good standing by the a payment of-\$10 set by the board each year, not to exceed \$25, or at the discretion of the board, he may be reinstated on the payment of a fee of \$10 \$25 for each year's absence. The annual payments shall be made prior to March 1 of each year, and a receipt or certificate shall be issued by the department.
- (3) In case of default in payment of the annual freense renewal fee by a dentist, his license shall be revoked by the board on 30 days, notice given to the delinquent of the time and place of considering the revocation. A registered or certified letter addressed to the last-known address of the party failing to comply with this requirement, as the address appears on the records of

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the department, constitutes sufficient notice of revocation of license, but no license may be revoked for nonpayment if the dentist notified pays the license renewal fee plus a late payment penalty of \$3 \$10 before or at the time fixed for conderation of revocation. The department may maintain in the nume of this state a suit to collect license renewal fees and panalties applicable and to recover from the delinquent dentist the cost of the action, including reasonable attorneys' fees.

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(4) No license fee or tax may be imposed on dentists by a municipality or any other subdivision of the state."

Section 4. Section 37-4-402, MCA, is amended to read: #37-4-402. License -- examination. (1) The department may issue licenses for the practice of dental hygiene to qualified applicants to be known as dental hygienists.

- (2) Except as provided in subsections (1), (2), and (3) of 37-4-404+ no person may engage in the practice of dental hygiene or practice as a dental hygienist in this state until he has passed an examination approved by the board under rules it considers proper and has been issued a license by the department.
- (3) A--candidate-for-examination-as-a-dental-hygienist shall-filey-in-his-full-namey-an-application-for-examination with-the-department-at-least-20-days-before-the-date-set-by the-hoard-for-the-commencement-of-the-examination-and-at-the

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time--of--making--the-application-shall-pay-the-deportment-a fee-of-920v-The-applicant-shall--also--furnish--satisfactory proof--thot--he--is-ef-good-morel-character-and-has-earned-a diploma-or-certificate--from--a--school--of--dental--hygiene offering--a--course--of-study-recognized-end-approved-by-the boord. Applicants for licensure shall take and pass an 7 examination in order to be licensed. The examination shall consist of a written party a practical or clinical party and an oral interview with the board which may include questions pertaining to the practice of dental hygiene. The board may accept. in satisfaction of the written part, successful completion of an examination by the national board of dental examiners and, whenever the board determines necessary. successful completion of a board examination in jurisorudence. The board may accept, in satisfaction of the practical parts successful completion of an examination by a board-designated regional testing service.

(4) The board shatt-make-uniform-rules-governing-the matter-of-examinations-for--a--license--to--practice--dental hyqiene--in--this--state---which-examinations-arc-open-to-an opplicant-meeting-the--requirements--of--this--chaptery--and shail-also-provide-in-its-rules-for-aiving-reasonable-natice of--the--time-end-place-where-examinations-are-heldw has the right_to_administer_its_own_examination_in_lieu_of acceptance of the national board written examination and a HB 0233/02

1	regional testing service practical examination. The board
2	is _authorized_to_make_rules_governing_any_such_examination
3	orocedures.
4	(5) The-board-may-recognize-a-cartificatagrantedby
5	the-national-board-of-dental-hygiene-examiners-instead-of-an
6	examinationtheboardrequires- Applicants_for_licensure
7	shall_submit_an_application:_which_shall_includes_when
8	required:
9	tal_certification_of_successful_completion_of_the
10	national board written examination:
11	(b) certification of successful completion of a
12	regional board practical examination:
13	icl two affidavits of good moral character:
14	idl_certificate_of_graduation_from_a_board-approved
15	dental_hygiene_school:
16	<u>lel_an_examination_fee_commensurate_with_costs_and_set</u>
17	by the board:
18	Ifi a licensure fee commensurate with costs and set by
19	the_board:
20	igl_a_recent_photograph_of_the_applicant.
21	(6) An-applicant-failing-to-pass-his-first-examination
22	mayy-if-otherwise-qualifiedy-take-subsequent-examinations-on
23	psyment-of-the-fee-of-\$28-for-each-examination* Applications
24	must be submitted no less than 20 days prior to the board

interview and jurisprudence examination.

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1	171 Examination results will be accepted for a period
2	of time as set by board rule. An applicant failing to pass
3	his_first_examination:_if_otherwise_qualified:_may_take_a
4	subsequent exampleation on payment of a fee commensurate with
5	costs and set by the boards
6	(8) The board is authorized to adopt necessary and
7	reasonable_rules_governing_application_procedures.*
8	Section 5. Section 37-4-406, MCA, is amended to read:
9	*37-4-406. Annual Ficense renewal fee revocation of
10	license. (1) Before March 1 of each year, a licensed dental
11	hygienist shall pay to the department a license renewal fee
12	of-63 set by the board: not to exceed \$25. In default of
13	payment, the board may, after hearing and on 30 days
14	notice. revoke the license of the hygienist in default; but
15	the payment of the renewal fee on or before the time of
16	hearing, with an additional sum fixed set by the boards not
17	exceeding63 to exceed \$10. excuses the default. The
18	department may collect the fee by suit.
19	(2) The board may likewise revoke or suspend the
20	license of a dental hygienist for violating this chapter."

-End-

НВ 233 —12- НВ 233

STATEMENT OF INTENT RE: HB 233

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A statement of intent is required for MB 233 because the bill amends sections 37-4-301, 37-4-402, and 37-4-404, MCA, to give the Board of Dentists rulemaking authority regarding examination and application procedures for dentists and dental hygienists. The following explains the intent of the Legislature regarding the rulemaking authority granted by this bill.

Sections 37-4-301 and 37-4-402 give the Board of Dentists the right to administer their own exams for dentists and hygienists, respectively. The rulemaking authority delegates power to the Board for making rules for running its own examinations. This is intended to be a continuation of existing authority, and rules now in effect may not have to be substantially revised.

In addition, section 37-4-301 gives the Board power to set the examination and licensure fees for dentists. These are to be "commensurate with cost" and it is intended that the Board publish data on the actual costs of examination in the notice of proposed rulemaking.

Sections 37-4-301 and 37-4-402, MCA, give the Board of Dentists the authority to make rules for application procedures for dentists and hygienists, respectively. It is

intended that these rules would cover routine matters not
provided for in the statute.

Sections 37-4-307 and 37-4-406, MCA, require licensed dentists and hydienists, respectively, to pay an annual renewal fee that is set by the Board. It is intended that these fees, as established through administrative rules, should not exceed during the next biennium, \$20 to \$25 for dentists and \$10 for hydienists. These fees, as required by statute, are for the purpose of maintaining an emergency fund that is used for administering and enforcing the statutes relating to dentistry and dental hygiene. If, during the next biennium, some unforeseen, complex legal proceeding arises involving the Board, the fees intended for this biennium would be increased to defray such additional costs.

First adopted by the HOUSE COMMITTEE ON HUMAN SERVICES on February 15, 1979.

-2-

HB 233

46th Legislature HB 0233/03 HB 0233/03

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1	HOUSE BILL NO. 233
2	INTRODUCED BY BENNETT
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE BOARD OF
5	DENTISTS TO ESTABLISH EXAMINATION STANDARDS AND PROCEDURES
6	AND TO ESTABLISH EXAMINATION: LICENSE: RENEWAL, AND
7	REINSTATEMENT FEES FOR DENTISTS AND DENTAL HYGIENISTS
8	COMMENSURATE WITH COSTS OR WITHIN CERTAIN LIMITS; TO
9	ESTABLISH CERTAIN REQUIREMENTS FOR APPLICATIONS FOR
0	LICENSURE; TO INCREASE THE LATE RENEWAL FEE FRUM \$3 TO \$10;
1	TO PERMIT JURISPRUDENCE EXAMINATIONS TO BE GIVEN AND
2	REGIONAL TESTING SERVICES TO BE UTILIZED; AND TO EXEMPT BONA
3	FIDE FACULTY MEMBERS PERFORMING DENTAL PROCEDURES IN A
4	TEACHING FUNCTION AND TO EXEMPT STUDENTS PERFORMING DENTAL
5	PROCEDURES IN AN ASSIGNED TEACHING CURRICULUM FROM CORTAIN
6	REQUIREMENTS; AMENDING SECTIONS 37-4-103, 37-4-301,
7	37-4-307, 37-4-402, AND 37-4-406, MCA.**
e	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
0	Section 1. Section 37-4-103, MCA, is amended to read:
1	"37-4-103. Exemptions. (1) A dental laboratory or
2	dental technician is not practicing dentistry under this
:3	chapter when engaged in the construction, making,
	alterations or renairing of bridges, crowns, dentures, or

other prosthetic appliances, surgical appliances, or

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orthodontic appliances if the casts, models, or impressions on which the work is constructed have been made by a regularly licensed and practicing dentist and the crowns, bridges, dentures, prosthetic appliances, surgical appliances, or orthodontic appliances are returned to the dentist on whose order the work was constructed.

(2) Section 37-4-101(2) and part 5 of this chapter do not apply to a legally qualified physician or surgeon or to a dental surgeon of the United States army, navy, public health service, or veterans, bureau or to a legal practitioner of another state making a clinical demonstration before a dental society, convention, or association of dentists or to a licensed dental hygienist performing an act authorized under 37-4-401 or 37-4-405.

15 131 Nothing in this chapter prevents a bona fide 16 faculty_member_of_a_school:_college:_or_department_of_a 17 university_cecomized_and_approved_by_the_board_from 18 performing_dental_procedures_necessary_to_his_teaching 19 functions. Nothing in this chapter prevents students from 20 performing dental procedures under the supervision of a bona 21 fide_instructor_of_a_school*_college*_or_department_of_a 22 university_recognized_and_approved_by_the_board:_provided 23 such_dental_procedures_are_a_part_of_the_assigned_teaching 24 curriculum."

25 Section 2. Section 37-4-301, MCA, is amended to read:

HB 0233/03

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37-4-301. Examination -- qualifications -- fees -certification. (1) The--board--shall--make--rules--governing examinations--for--a-license--to-practice-dentistry-in-this statew-fhe-examinations-are-open-to-an-applicant-meeting-the requirements-of-this-chapteru-The-board-shall-olio--provideu by--ruley--reasonable--matice--of--the--time-and-place-where examinations-are-helds-An-examination-shall-be-held-at-least once-e-year Applicants for licensure shall take and pass an examination in order to be licensed. The examination shall consist of a written part, a practical or clinical part, and an ocal interview with the board which may include questions pertaining to the practice of dentistry. The board may accept.in_satisfaction_of_the_written_part:_successful completion of an examination by the national board of dental examiners and, whenever the board determines necessary, successful completion of a board examination in iurisprudence. The board may accepte in satisfaction of the practical parts successful completion of an examination by a board-designated regional testing service.

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(2) The examination shall be practiced—in-character and—sufficiently—thorough—to—test—the—fitness—of—the applicant—to-practice—dentistry. Acceptance by the board of such written and practical examination shall be conditioned on evidence that the examination is sufficiently thorough to test the fitness of the applicant to practice dentistry. It

shall include, written in the English language, questions on anatomy, histology, physiology, chemistry, pharmacology and theraneutics. metallurgy. pathology. bacteriology: anesthesia, operative and surgical dentistry, prosthetic dentistry, prophylaxis, orthodontics and endodontics, and any additional subjects pertaining to dental service. The written---examination---may---be---supplemented---by----oral examinations---Bemonstration--of--the--applicant*s-skill-in operative-and-prosthetic-dentistry--is--elso--requiredu--The examination--shall-be-conducted-under-oath-or-affirmation-by the-departmenty-subject-to-37-1-101y-and-any-member--of--the boord--may-administer-the-oath-or-affirmstiony-The-boord-may recognize-a-certificate-granted-by--the--notional--boord--of dental--examiners--instead-of-or-subject-to-the-examinotions the-board-requires.

- (3) A-person-desiring-to-practice--dentistry--in--this state--shall--filey--in--his--full--namey-an-application-for examination-with-the-department-at-least-20-days-before--the date---set---by--the--board--for--the--commencement--of--the examination-At-the-time--of--making--the--applicationy--the-applicant-shalls
- 22 taj--psy-to-the-department-a-fee-of-450;
- 23 (b)--furnish---the---department--with--at--least--three 24 affidavits-of-good--moral--charactery--satisfactory--to--the 25 boards

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1	(c)presenttothedepartmenthisdiplomeor
2	satisfactory-evidence-of-having-graduated-from-arecognized
3	dentalschoolorcollegewhichhas-been-approved-by-the
4	board;-and
5	fd}furn+sh-the-department-a-recent-photograph-ofthe
6	eppfreents The board has the right to administer its own
7	examination in lieu of acceptance of the national board
8	written_examination_and_a_regional_testing_service_practical
9	examination. The board is authorized to make rules governing
10	any such examination procedures.
11	(4) Applicants successfullypassingthe-examination
12	shall-be-registered-as-licensed-dentists-in-thedepartment
13	register-and-an-payment-of-an-additional-615-shall-receive-a
14	certificatevsignedby-the-members-of-the-boardv-in-a-form
15	prescribed-by-theboardv for licensure shall submit an
16	application: which shall include: when required:
17	<pre>fal_certification_of_successful_completion_of_the</pre>
18	national_board_written_examination:
19	(b) certification of successful completion of a
20	regional board practical examination:
21	<pre>icl_three_affidavits_of_good_moral_character;</pre>
22	<pre>idl_certificate_of_graduation_from_a_board-approved</pre>
23	dental_school:
24	iel_an_examination_fee_commensurate_with_costs_and_set
25	by_the_board:

1 If 1 a licensure fee commensurate with costs and set by 2 the board: 3 101 a recent photograph of the applicant. (5) An---eppticant---feiling---to---pass---his---first 4 examination--if--otherwise--qualified---may-take-subsequent examinations--an--payment--af--the--fee--af--\$25--far---ageh 7 exemination. Applications must be submitted no less than 20 8 days_prior_to_tbe_board_interview_and_iurisprudence examination. 10 (6) Examination---papers--of--an--applicant--shall--be 11 retained-2-years-by-the-department-and-may-then-be-destroyed 12 and-white-so-retained-are-open-to-inspection-only--by--board 13 membersy---the--applicanty--some--person--appointed--by--the applicant-to-examine--them;--or--by--a--court--of--competent 14 15 iurisdiction--in--a--proceeding--where--the--agestion-of-the 16 contents-of-the-papers-is-properly-involveds Applicants may 17 not take the jurisprudence examination or the oral interview 18 without first having completed all other parts of the 19 examination. 20 (7) The-board-may-in-its-discretion--permit--a--dental 21 student--who-has-successfully-completed-his-junior-year-in-a 22 recognized-dental-school-and-who-files-proof-satisfactory-to 23 the-board-that-he-has-the-preliminary-education-described-in 24 this-section-to-take-a-written-examination-in--the--subjects

he--has--completedy--Satisfactory--grades--secured--shall-be

credited-on-the-final-examination-of-the-students-The-board shall-require-a-fee-of-\$58-for-this-examination-which-shall apply-on-the-final-examination-token-by-the-applicants Examination-results will be accepted for a period of time as set by board-rules. An applicant failing to pass his first examinations if otherwise qualifieds may take a subsequent examination upon payment of a fee commensurate with costs and set by the boards

181_Ibe_board_is_authorized_to_adopt_necessary_and
reasonable_rules_governing_application_procedures.

191_The board_may in its discretion_permit_a_dental student_wbo_bas_successfully_completed_bis_junior_year_in_a recognized_dental_school_and_who_files_proof_satisfactory_to the_board_that_be_bas_the_preliminary_education_described_in this_section_to_take_a_written_examination_in_the_subjects be_bas_completeda___Satisfactory_grades_secured_shall_be credited_on_the_final_examination_of_the_studenta_The_board_shall_require_a_fee_commensurate_with_costs_and_set_by_the board_for_this_examination_wbich_shall_apply_on_the_final_examination_taken_by_the_applicanta."

Section 3. Section 37-4-307, MCA, is amended to read:
#37-4-307. Annual Picense renewal fee -- absent
registered dentist -- default. (1) A licensed dentist
practicing within this state small annually pay to the
department before March 1, as a Picense renewal fee for the

year, the a sum of-\$10 set by the board and not to exceed 150. The board may increase or decrease the annual license renewal fee to maintain in the earmarked revenue fund at all times an amount: to be known as the emergency fund: to be used for the purpose of administering, policing, and enforcing this chapter. The emergency fund shall be maintained at an approximate level of \$2.500. Notice of the change in the amount of ticense renewal fees shall be given to each dentist registered in this state by the department. (2) If a registered dentist absents himself from the state for a period of 1 or more years or does not engage in active practice within this state, he may continue his license in good standing by the a payment of-\$18 set by the board each year, not to exceed \$25, or at the discretion of the board, he may be reinstated on the payment of a fee of \$10 125 for each year's absence. The annual payments shall

(3) In case of default in payment of the annual license renewal fee by a dentist, his license shall be revoked by the board on 30 days, notice given to the delinquent of the time and place of considering the revocation. A registered or certified letter addressed to the last-known address of the party failing to comply with this requirement, as the address appears on the records of

certificate shall be issued by the department.

be made prior to March 1 of each year, and a receipt or

~7~ HB 233 ~8~ HB 233

the department, constitutes sufficient notice of revocation of license, but no license may be revoked for nonpayment if the dentist notified pays the license renewal fee plus a late payment penalty of \$3 \$10 before or at the time fixed for consideration of revocation. The department may maintain in the name of this state a suit to collect license renewal fees and penalties applicable and to recover from the delinquent dentist the cost of the action, including reasonable attorneys fees.

10 (4) No license fee or tax may be imposed on dentists

11 by a municipality or any other subdivision of the state.**

Section 4. Section 37-4-402, MCA, is amended to read:
"37-4-402. License -- examination. (1) The department
may issue licenses for the practice of dental hygiene to
qualified applicants to be known as dental hygienists.

- (2) Except as provided in subsections (1), (2), and (3) of 37-4-404, no person may engage in the practice of dental hygiene or practice as a dental hygienist in this state until he has passed an examination approved by the board under rules it considers proper and has been issued a license by the department.
- (3) A--candidate-for-examination-as-a-dents)-hygienist
 shall-filey-in-his-full-namey-an-application-for-examination
 with-the-department-at-least-20-days-before-the-date-set--by
 the-board-for-the-commencement-of-the-examination-and-at-the

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time--of--making--the-opplication-shall-pay-the-department-a fee-of-\$20x-The-apolicant-shall--also--furnish--satisfactory proof--that--he--is-of-good-moral-character-and-has-earned-a diploma-or-certificate--from--a--school--of--dental--hygiene offering--a--course--of-study-recognized-and-approved-by-the boord. Applicants for licensure shall take and pass an examination in order to be licensed. The examination shall consist of a written party a practical or clinical party and an oral interview with the board which way include questions pertaining to the practice of dental hygiene. The board may accept: in satisfaction of the written part: successful completion of an examination by the national board of dental examiners and . whenever the board determines necessary. successful completion of a board examination in iurisprudence. The board may accept. in satisfaction of the proctical parts successful completion of an examination by a board-designated_regional_testing_service.

(4) The board shall-make-uniform-rules-governing-the matter-of-examinations-for-o-license--to--practice--dental hygiene--in--this--statev--which-examinations-are-open-to-an applicant-meeting-the--requirements--of--this--chapterv--and shall-also-provide-in-its-rules-for-giving-reasonable-notice of--the--time-and-place-where-examinations-are-heldw has the right to administer its own examination in lieu of acceptance of the national board written examination and a

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1	[6816091 [621100 261ATC6 DESCRICGE EXAMINATION* 106 DOSE
2	is_authorized_to_make_rules_governing_any_such_examination
3	brocedure?*
4	(5) The-board-may-recognize-a-certificategrantedby
5	the-national-board-of-dental-hygiene-examiners-instead-of-an
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7	shall_submit_an_application:_which_shall_include:_when
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9	fal_certification_of_successful_completion_of_the
10	national_board_written_examination:
11	1bl certification of successful completion of a
12	regional board practical examination:
13	icl two affidavits of good moral character:
14	<pre>idl_certificate_of_graduation_from_a_board-approved</pre>
15	dental_bygiene_school:
16	<u>lel_an_examination_fee_commensurate_with_costs_and_set</u>
17	by_the_board:
18	Ifla_liceosure_fee_commensurate_with_costs_and_set_by
19	the_board:
20	igl_a_recent_photograph_of_the_applicant*
21	(5) An-applicant-failing-to-pass-his-first-examination
22	may+-if-atherwise-qualified+-take-subsequent-examinations-on
23	payment-of-the-fee-of-\$20-for-each-examinationv <u>Applications</u>
24	must_be_submitted_no_less_than_20_days_priortotheboard
25	interview and jurisprudence examination.

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license of a dental hygienist for violating this chapter."

-End-

(1) Examination results will be accepted for a period

~12- HB 233