SENATE BILL NO. 391

INTRODUCED BY HIMSL, S. BROWN

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

Pebruary 7, 1981 Introduced and referred to Committee on Public Health, Welfare and Safety. February 20, 1981 Committee recommend bill do pass. Report adopted. Pebruary 21, 1981 Bill printed and placed on members' desks. February 23, 1981 Second reading, do pass. February 24, 1981 Correctly engrossed. February 25, 1981 Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House. IN THE HOUSE Introduced and referred to March 3, 1981 Committee on Human Services.

> Committee recommend bill be concurred in as amended. Report adopted.

March 26, 1981Second reading, concurred in.March 28, 1981Third reading, concurred in
as amended. Ayes, 90; Noes, 4.

March 20, 1981

IN THE SENATE

March 30, 1981

April 3, 1981

April 6, 1981

Returned from House with amendments.

Second reading, amendments concurred in.

Third reading, amendments concurred in. Ayes, 47; Noes, 1. Sent to enrolling.

Reported correctly enrolled.

BILL NO. 391 1 2 INTRODUCED BY BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE Б 4 A BILL FOR AN ACT ENTITLED: MAN ACT TO REESTABLISH THE 5 BCARD OF DENTISTRY UNDER EXISTING STATUTORY AUTHORITY AND 6 RULES; ADDING A PUBLIC MEMBER TO THE BOARD; DELETING THE 7 REQUIREMENT THAT BOARD APPDINTMENTS BE MADE FROM ASSOCIATION 3 LISTS; CORRECTING AN ERRONEOUS BOARD NAME; DELETING THE 7 RAILROAD RATE REINBURSEMENT FOR BOARD TRAVEL; DELETING THE 10 REQUIREMENT TO MAINTAIN AN EMERGENCY FUND; AUTHORIZING A 11 DENTAL HYGIENIST TO PROVIDE SERVICES WITHOUT A DENTIST ON 12 THE PREMISES WITH BOARD APPROVAL; DELETING A FELONY 13 CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF LICENSE: 14 AMENDING SECTIONS 2-8-103, 2-15-1606, 37-4-101, 37-4-203, 15 37-4-204, 37-4-307, 37-4-321, AND 37-4-405, MCA; AND 16 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 17 13

19 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, MCA, terminates the Board of Dentistry and requires a 20 21 performance evaluation of the Board by the Legislative Augit 22 Committee; and

WHEREAS, as a result of the performance evaluation the 23 24 Legislative Audit Committee recommends that the Board of 25 Dentistry be reestablished under existing statutory

1 authority.

2 3

BE IT EWACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 Section 1. Reestablishment. The board of dentistry is 5 reestablished for 6 years pursuant to 2-8-122 with its existing statutory authority and rules. 5

7 Section 2. Section 2-8-103, MCA, is amended to read:

а "2-8-103. Agencies to terminate. (1) The following

9 agencies shall terminate on July 1, 1979:

10 (a) board of abstracters, department of professional 11

and occupational licensing, created by 2-15-1643;

12 (b) board of real estate, department of professional

13 and occupational licensing, created by 2-15-1642;

14 (c) state board of warm air heating, ventilation, and

15 air conditioning. department of professional and

16 occupational licensing, created by 2-15-1656;

17 (d) board of institutions, department of institutions,

18 created by 2-15-2303.

19 (2) The following agencies shall terminate on July 1. 20 1981:

(a) commission for human rights, department of labor 21

22 and industry, created by 2-15-1706;

23 (b) board of athletics, department of professional and

24 occupational licensing, created by 2-15-1661;

25 (c) board of barbers, department of professional and INTRODUCED BILL

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occupational licensing, created by 2-15-1625; 1 2 (d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613; з department of cosmetologists. of 4 (e) board 5 professional and occupational licensing, created by 2-15-1626; 6 7 tf)--board--of-dentistsy-department-of-professional-and 8 occupational-licensingy-ereated-by-2-15-1686; tatifi board of hearing aid dispensers, department of 9 professional and occupational licensing, created by 10 11 2-15-1616; thild board of massage therapists, department of 12 13 professional and occupational licensing, created by 2-15-1627; 14 tit(h) Montana state board of medical examiners, 15 department of professional and occupational licensing, 16 created by 2-15-1605; 17 fit(i) board of morticians, department of professional 18 19 and occupational licensing, created by 2-15-1619; tk+(i) board of nursing, department of professional 20 21 and occupational licensing, created by 2-15-1610; nursing home administrators, 22 t+++(k) board of department of professional and occupational licensing, 23 24 created by 2-15-1611; 25 tm)(1) board of optometrists, department of

1 professional and occupational licensing, created bv 2 2-15-1612: of osteopathic physicians, department of 3 tn)(m) board professional and occupational licensing, created bγ 4 5 2-15-1607; to) [n] board of phermacists, department of ó occupational licensing, created 7 professional and bν 2-15-1609; 8 of podiatry examiners, department of 9 tp)(o) board 10 professional and occupational licensing, created by 11 2-15-1608; 12 totio) board of psychologists. department of professional and occupational licensing, created 13 by 2-15-1617; 14 15 tr)(0) board of radiologic technologists, department of professional and occupational licensing, created by 16 17 2-15-1614; 18 (start) board of speech pathologists and audiologists, department of professional and occupational licensing, 19 20 created by 2-15-1615; 21 veterinarians. ttisi board of department of 22 professional and occupational licensing, created by 2-15-1618; 23 24 of veterans' affairs, department of f#f[t] board

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social and rehabilitation services, created by 2-15-2202;

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sanitarians, department of of 1 tvi[u] board occupational licensing, created by professional and 2 2-15-1631. 3 (3) The following units of state government shall 4 terminate on July 1, 1983: 5 (a) board of aeronautics, department of community Ķ. affairs, created by 2-15-1103; 7 (b) state board of hail insurance, department of 3 agriculture, created by 2-15-3003; 9 (c) board of horse racing, department of professional 10 and occupational licensing, created by 2-15-1662; 11 (d) board of livestock, department of livestock, 12 created by 2-15-3102; 13 (e) board of milk control, department of business 14 regulation, created by 2-15-1802; 15 (f) board of oil and gas conservation, department of lo natural resources and conservation, created by 2-15-3303; 17 1.5 (a) Montana outfitters council, department of fish, wildlife, and parks, created by 2-15-3403; 19 20 (h) public service commission, department of public service regulation, created by 69-1-102; 21 (i) board of water and wastewater operators, 22 23 department of health and environmental sciences, created by -24 2-15-2105: 25 (i) board of water well contractors, department of

professional and occupational licensing, created by 1 2 2-15-1632. 3 (4) The following agencies terminate on July 1, 1985: 4 (a) the board of public accountants, created by 5 2-15-1641; 6 (b) the board of architects, created by 2-15-1651; 7 (c) state banking board, department of business regulation, created by 2-15-1803; 8 9 (d) the state electrical board, created by 2-15-1654; (e) the board of professional engineers and land 10 11 surveyors, created by 2-15-1653; 12 (f) office of commissioner of insurance and the insurance department, state auditor's office, created by 13 2-15-1902 and 2-15-1903; 14 (g) office of the securities commissioner, 15 state auditor's office, created by 2-15-1901; 16 (h) the board of landscape architects, created by 17 13 2-15-1652; 19 (i) the board of county printing, created by 20 2-15-1102: 21 (j) the board of plumbers, created by 2-15-1655; 22 (k) board of physical therapy examiners, created by 23 2-15-1628. 24 15) The following agency terminates on July 1. 1987: 25 board___of__dentistry.__department___of__professional__and

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2	Section 3. Section 2-15-1606, MCA, is amended to read:
3	<pre>#2-15-1606. Board of dentistry. (1) There is a board</pre>
4	of dentistry.
5	(2) The board consists of five dentists <u>a</u> and one
6	dental hygienist, and one public members all appointed by
7	the governor. The-Montana-dental-association-and-the-Montane
8	dentalhygienists*associationshalleach-present-to-the
9	governory-within-15-days-after-its-regular-annual-maetingy-a
10	listofnotlessthanfivecandidetesfromwhic h
11	appointments-for-vacancies-on-the-board-occurring-during-the
12	ensuingyearmaybemadewAtalltimes-at-least-three
13	members-of-the-board-shall-be-appointedfromthelistof
14	candidatessubmittedby-the-Montena-dental-association-and
15	one-member-shall-be-appointed-from-the-list-submitted-by-the
16	Montana-dental-hygienists≛-association+ Each <u>licensed</u> member
17	shall be licensed to practice a dental profession in this
18	state, shall have actively practiced in this state for at
19	least 5 continuous years immediately before his appointment.
20	and shall be actively engaged in practice while serving on
21	the board. Each member shall be a citizen of the United
22	States and a resident of this state.
23	(3) Each member shall serve for a term of 5 years• The

occupational licensing, created by 2-15-1606,"

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24 governor may remove a member only for neglect or cause.
25 (4) The governor shall fill any vacancy within 30

1	days.
2	(5) The board is allocated to the department for
3	administrative purposes only as prescribed in 2-15-121."
4	Section 4. Section 37-4-101, MCA, is amended to read:
5	"37-4-101. Definitions practice of dentistry. (1)
6	Unless the context requires otherwise, in this chapter the
7	following definitions apply:
8	(a) "Board" means the board of dentists <u>dentistry</u>
9	provided for in 2-15-1606.
10	(b) "Department" means the department of profassional
11	and occupational licensing provided for in Title 2, chapter
12	15, part 16.
13	(2) A person is "practicing dentistry" under this
14	chapter if he:
15	(a) performs, attempts, advertises to perform, causes
16	to be performed by the patient or any other person, or
17	instructs in the performance of dental operations, oral
18	surgery, or dental service of any kind gratuitously or for a
19	salary, fee, money, or other remuneration paid or to be
20	paid, directly or indirectly, to himself, any other person,
21	or agency;
22	(b) is a manager, proprietor, operator, or conductor
23	of a place where dental operations, oral surgery, or dental
24	services are performed;

25 (c) directly or indirectly, by any means or method.

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furnishes, supplies, constructs, reproduces, or repairs a
 prosthetic denture, bridge, appliance, or other structure to
 be worn in the human mouth;

4 (d) places the appliance or structure in the human
5 mouth or attempts to adjust it;

(a) advertises to the public, by any method, to
 furnish, supply, construct, reproduce, or repair a
 prosthetic denture, bridge, appliance, or other structure to
 be worn in the human mouth;

(f) diagnoses, professes to diagnose, prescribes for,
professes to prescribe for, treats, or professes to treat
disease, pain, deformity, deficiency, injury, or physical
condition of human teeth, jaws, or adjacent structures;

14 (g) extracts or attempts to extract human teeth or
 15 corrects, attempts, or professes to correct malpositions of
 16 teeth or of the jaw;

17 (h) gives or professes to give interpretations or10 readings of dental roentgenograms;

19 (i) administers an anesthetic of any nature in20 connection with a dental operation;

(j) uses the words "dentist", "dental surgeon", "oral
surgeon", the letters "D.D.S.", "D.N.D.", or any other
words, letters, title, or descriptive matter which in any
way represents him as being able to diagnose, treat,
prescribe, or operate for any disease, pain, deformity,

1 deficiency, injury, or physical condition of human teeth,

2 jaws, or adjacent structures;

3 (k) states, advertises, or permits to be stated or
4 advertised, by sign, card, circular, handbill, newspaper,
5 radio, or otherwise, that he can perform or will attempt to
6 perform dental operations or render a diagnosis in
7 connection therewith; or

8 (1) engages in any of the practices included in the
 9 curricula of recognized dental colleges."

Section 5. Section 37-4-203, MCA, is amended to read:
*37-4-203. Compensation and expenses of board members
-- disbursement of excess funds. (1) Out of the funds
derived from fees collected under this chapter, each member
of the board shall be reimbursed as follows:
(a) \$25 per day for each day in actual attendance at a

16 weeting of the board;17 (b) expenses and travel authorized under 2-18-501

13 through 2-18-503.

19 (2) Money collected in excess of expenses and salaries 20 provided for shall be held by the department as a special 21 fund for meeting the expenses of the board, the proper 22 administration of this chapter, and educational purposes 23 considered wise by the board. The-departmenty-on-the-written 24 requisit-of-the-boardy-shall-set-saide-in-a-separate-account 25 in-the-earmarked-revenue-fund-the-emergency-moneys--provided

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under--37-4-307w--This-account-may-be-expended-only-when-the
 board-determines--that--an--emergency--exists--requiring--an
 expenditure-therefromw*

4 Section 6. Section 37-4-204, MCA, is amended to read: 5 "37-4-204. Affiliation with national association 6 authorized -- delegate -- expenses allowed. The board may 7 affiliate with the national association as an active member, 8 pay regular annual dues to the association, and send a 9 delegate to the meetings of the association. The delegate 10 shall be reimbursed as follows:

11 (1) \$15 per day for each day traveling to and from a 12 meeting and while in actual attendance at a meeting; and

13 (2) expenses and travel authorized under 2-18-501 and 14 2-18-503+-and.

15 t3)--first-closs-raitroad-end--Pullman--fares--actually 16 incurred--to-and-from-his-place-of-residence-to-the-place-of 17 a-meeting."

18 Section 7. Section 37-4-307, MCA, is amended to read: "37-4-307. Annual renewal fee -- absent registered 19 20 dentist -- default. (1) A licensed dentist practicing within 21 this state shall annually pay to the department before March 22 I, as a renewal fee for the year, a sum set by the board and not to exceed \$50. The-board-may-increase--or--decrease--the 23 24 annual-renewal-fee-to-maintain-in-the-carmerked-revenue-fund 25 st--sll--times-en-emounty-to-be-known-cs-the-emergency-fundy 1 to-be-used-for-the-purpose-of-administeringv--policingv--and 2 enforcing---this---chapterv--The--emergency--fund--shall--be 3 maintained-at-en-approximate-level-of-\$2y500v Notice of the 4 change in the amount of renewal fees shall be given to each 5 dentist registered in this state by the department.

(2) If a redistered dentist absents himself from the 6 state for a period of 1 or more years or does not engage in 7 active practice within this state, he may continue his 8 9 license in good standing by a payment set by the board each 10 year, not to exceed \$25, or at the discretion of the board, he may be reinstated on the payment of a fee of \$25 for each 11 year's absence. The annual payments shall be made prior to 12 13 March 1 of each year, and a receipt or certificate shall be 14 issued by the department.

(3) In case of default in payment of the annual 15 renewal fee by a dentist, his license shall be revoked by 16 17 the board on 30 days' notice given to the delinguent of the time and place of considering the revocation. A registered 13 19 or certified letter addressed to the last-known address of 20 the party failing to comply with this requirement, as the 21 address appears on the records of the department, 22 constitutes sufficient notice of revocation of license, out 23 no license may be revoked for nonpayment if the dentist notified pays the renewal fee plus a late payment penalty of 24 25 \$10 before or at the time fixed for consideration of

revocation. The department may maintain in the name of this 1 state a suit to collect renewal fees and penalties 2 applicable and to recover from the delinquent dentist the 3 cost of the action, including reasonable attorneys' fees. 4 (4) No license fee or tax may be imposed on dentists 5 by a municipality or any other subdivision of the state." 6 Section 8. Section 37-4-321, MCA, is amended to read: 7 #37-4-321. Grounds for disciplinary proceedings --8 range of sanctions. The board may censure, prescribe 9 10 probation, suspend, or revoke any license issued under this chapter for any of the following causes: 11 (1)--conviction--of--a--felony--or-misdemeanor-when-the 12 sentence-imposed-is-imprisonment--in--the--state--prisonw--A 13 certified--copy--of--the-conviction-record-from-the-district 14 enurt-imposing-the-sentence-is-conclusive-evidence; 15 +2+(1) physical or mental incompetence; 16 (3)(2) gross malpractice or repeated malpractice; 17 (4)13) unprofessional conduct, as defined by rule of 18 19 the board; or (5)(4) violation of any of the provisions of this 20 chapter or rules or orders of the board." 21 Section 9. Section 37-4-405, MCA, is amended to read: 22

23 "37-4-405. Cental hygienist to practice under
24 supervision of licensed dentist. (1) A licensed dental
25 hygienist may practice in the office of a licensed and

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actively practicing dentist, in a public or private 1 institution, under a board of health, or in a public clinic 2 3 authorized by the board but may not practice except under the direct personal supervision of a licensed dentist; 4 however, the dental hygienist may give instruction in oral 5 hydiene without the supervision of a licensed dentist in a 6 public or private institution or hospital or extended care 7 facility or under a board of health or in a public clinic 8 9 authorized by the board.

10 (2) The board may, in lieu of the direct supervision requirement set forth in subsection (1), permit a licensed 11 dental hygienist to provide clinical dental hygiene services 12 to-a-public-or-private-institutiony-a-hospital--or--extended 13 core--facilityy-or-a-school-or-public-health-program after a 14 15 review by the board of a request for such service and a 16 description of the type of supervision necessary is made by 17 the board. For the purposes of this section "supervision" is defined as follows: 10

19 (a) "direct supervision" means the supervision of 20 those tasks and procedures that do not require the dentist 21 in the room where performed but require his presence on the 22 premises and availability for prompt consultation and 23 treatment; and

(b) "general supervision" means those tasks andprocedures that do not require the presence of a dentist on

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1 the premises but shall remain under the dentist's directive

2 order, control, responsibility, and evaluation."

3 Section 10. Effective date. This act is effective on

4 passage and approval.

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47th Legislature

LC 0978/01

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Approved	by	the	committee	on
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Public Health, Welfare and Safety

ALL SILL NO. 391 ł 2 INTRODUCED BY BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE з

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE 5 BOARD OF DENTISTRY UNDER EXISTING STATUTORY AUTHORITY AND 6 RULES; ADDING A PUBLIC MEMBER TO THE BOARD; DELETING THE 7 REQUIREMENT THAT BOARD APPOINTMENTS BE MADE FROM ASSOCIATION 8 LISTS; CORRECTING AN ERRONEOUS BOARD NAME; DELETING THE 9 RAILROAD RATE REINBURSEMENT FOR BOARD TRAVEL; DELETING THE 10 REQUIREMENT TO MAINTAIN AN EMERGENCY FUND; AUTHORIZING A 11 DENTAL HYGIENIST TO PROVIDE SERVICES WITHOUT A DENTIST ON 12 THE PREMISES WITH BOARD APPROVAL; DELETING A FELONY 13 CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF LICENSE; 14 AMENDING SECTIONS 2-8-103, 2-15-1606, 37-4-101, 37-4-203, 15 37-4-204, 37-4-307, 37-4-321, AND 37-4-405, MCA; AND 16 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 17

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20 MCA, terminates the Board of Dentistry and requires a
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22 Committee; and

WHEREAS, as a result of the performance evaluation the
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1	occupational licensing, created by 2-15-1625;	1	professional and cccupational licensing, created by
2	(d) board of chiropractors, department of professional	2	2-15-1612;
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4	(e) board of cosmetologists, department of	4	professional and occupational licensing, created by
5	professional and occupational licensing, created by	5	2-15-1607;
6	2-15-1626;	6	<pre>total of pharmacists, department of</pre>
7	{f}boardof-dentistsy-department-of-professional-and	7	professional and occupational licensing, created by
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10	professional and occupational licensing, created by	10	professional and occupational licensin;, created by
11	2-15-1616;	11	2-15-1608;
12	(h)[g] board of massage therapists, department of	12	terms of psychologists, department of
13	professional and occupational licensing, created by	13	professional and occupational licensing, created by
14	2-15-1627;	14	2-15-1617;
15	<pre>titlbl Montana state board of medical examiners;</pre>	15	<pre>(+)(g) board of radiologic technolegists, department</pre>
16	department of professional and occupational licensing,	16	of professional and occupational licensing, created by
17	created by 2-15-1605;	17	2-15-1614;
18	tj)(i) board of morticians, department of professional	18	<pre>(s) board of speech pathologists and audiologists,</pre>
19	and occupational licensing, created by 2-15-1619;	19	department of professional and occupational licensing,
£0	<pre>tk)(j) board of nursing, department of professional</pre>	20	created by 2-15-1615;
n/ 21	and occupational licensing, created by 2-15-1610;	21	(t) board of veterinarians, department of
22	<pre>this board of nursing home administrators,</pre>	22	professional and occupational licensing, created by
23	department of professional and occupational licensing,	23	2-15-1618;
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25	<pre>(m)(l) board of optometrists, department of</pre>	25	social and rehabilitation services, created by 2-15-2202;

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sanitarians. department of 1 tv)[u] board of occupational licensing, created by 2 professional and 2-15-1631. 3 [3] The following units of state government shall 4 terminate on July 1, 1983: 5 (a) board of aeronautics, department of community 6 affairs, created by 2-15-1103; 7 (b) state board of hail insurance, department of 8 agriculture, created by 2-15-3093; 9 (c) board of horse racing, department of professional 10 and occupational licensing, created by 2-15-1662; 11 (d) board of livestock, department of livestock, 12 13 created by 2-15-3102; (e) board of milk control, department of business 14 regulation, created by 2-15-1802; 15 (f) board of oil and gas conservation, department of 16 17 natural resources and conservation, created by 2-15-3303; (a) Montana outfitters council, department of fish, 13 19 wildlife, and parks, created by 2-15-3403; 20 (h) public service commission, department of public 21 service regulation, created by 69-1-102; 22 (i) board of water and wastewater operators, 23 department of health and environmental sciences, created by 2-15-2105; 24 25 (j) board of water well contractors, department of

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1	occupational_licensings_created by 2-15-1606."	1	da ys.
z	Section 3. Section 2-15-1606, MCA, is amended to read:	2	(5) The board is allocated to the department for
3	*2-15-1606. Board of dentistry. (1) There is a board	3	administrative purposes only as prescribed in 2-15-121."
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5	(2) The board consists of five dentists <u>.</u> end one	5	"37-4-101. Definitions practice of dentistry. (1)
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8	dentolhygienists ⁴ essociationshallcach-present-to-the	6	(a) "Board" means the board of dentists <u>dentistry</u>
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16	Montana-dental-hygienists*-association+ Each <u>licensed</u> member	16	to be performed by the patient or any other person, or
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19	least 5 continuous years immediately before his appointment.	19	salary, fee, money, or other remineration paid or to be
20	and shall be actively engaged in practice while serving on	20	paid, directly or indirectly, to himself, any other parson,
	the board. Each member shall be a citizen of the United	21	or agency;
22	States and a resident of this state.	22	(b) is a manager, proprietor, operator, or conductor
23	(3) Each member shall serve for a term of 5 years. The	23	of a place where dental operations, oral surgery, or dental

24 services are performed;

25 (c) directly or indirectly, by any means or method,

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(4) The governor shall fill any vacancy within 30

governor may remove a member only for neglect or cause.

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furnishes, supplies, constructs, reproduces, or repairs a
 prosthetic denture, bridge, appliance, or other structure to
 be worn in the human mouth;

4 (d) places the appliance or structure in the human
5 mouth or attempts to adjust it;

6 (e) advertises to the public, by any method, to 7 furnish, supply, construct, reproduce, or repair a 8 prosthetic denture, bridge, appliance, or other structure to 9 be worn in the human mouth;

(f) diagnoses, professes to diagnose, prescribes for,
professes to prescribe for, treats, or professes to treat
disease, pain, deformity, deficiency, injury, or physical
condition of human teeth, jaws, or adjacent structures;

14 (g) extracts or attempts to extract human teeth or
15 corrects, attempts, or professes to correct malpositions of
16 teeth or of the jaw;

17 (h) gives or professes to give interpretations or18 readings of dental roentgenograms;

19 (i) administers an anesthetic of any nature in20 connection with a dental operation;

(j) uses the words "dentist", "dental surgeon", "oral surgeon", the letters "D.D.S.", "D.M.D.", or any other words, letters, title, or descriptive matter which in any way represents him as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of human teeth,
 jaws, or adjacent structures;

3 (k) states, advertises, or permits to be stated or 4 advertised, by sign, card, circular, handbill, newspaper, 5 radio, or otherwise, that he can perform or will attempt to 6 perform dental operations or render a diagnosis in 7 connection therewith; or

8 (1) engages in any of the practices included in the
9 curricula of recognized dental colleges."

Section 5. Section 37-4-203, MCA, is amended to read:
*37-4-203. Compensation and expenses of board members
-- disbursement of excess funds. (1) Out of the funds
derived from fees collected under this chapter, each member
of the board shall be reimbursed as follows:

15 (a) \$25 per day for each day in actual attendance at a
16 meeting of the board;

17 (b) expenses and travel authorized under 2-18-501
18 through 2-18-503.

19 (2) Money collected in excess of expenses and salaries 20 provided for shall be held by the department as a special 21 fund for meeting the expenses of the board, the proper 22 administration of this chapter, and educational purposes 23 considered wise by the board. The-departmenty-on-the-written 24 request-of-the-boardy-shall-set-aside-in-a-separate-account 25 in-the-earmarked-revenue-fund-the-emergency-moneys--provided

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Under--37-4-307w--This-occount-may-be-expended-only-when-the
 board-determines--that--ah--emergency--exists--requiring--an
 expenditure-therefromw*

Section 6. Section 37-4-204, MCA, is amended to read:
"37-4-204. Affiliation with national association
authorized -- delegate -- expenses allowed. The board may
affiliate with the national association as an active member,
pay regular annual dues to the association, and send a
delegate to the meetings of the association. The delegate
shall be reimbursed as follows:

(1) \$15 per day for each day traveling to and from a
 meeting and while in actual attendance at a meeting; and

13 (2) expenses and travel authorized under 2+18-501 and
14 2-18-503t-and_

15 t3)--first-closs-railroad-and--Pullman--fares--actually incurred--to-and-from-his-place-of-residence-to-the-place-of a-meeting**

18 Section 7. Section 37-4-307. MCA, is amended to read: 19 *37-4-307. Annual renewal fee -- absent registered dentist -- default. (1) A licensed dentist practicing within 20 21 this state shall annually bay to the department before March 1, as a renewal fee for the year, a sum set by the board and 22 × 23 not to exceed \$50. The-board-may-increase--or--decrease--the 24 annual-renewal-fee-to-maintain-in-the-earmerked-revenue-fund 25 st--sll--times-an-amounty-to-be-known-as-the-emergency-fundy 1 to-be-used-for-the-purpose-of-administeringy--policingy--and 2 enforcing---this---chapter--The--dhergency--fund--shall--be 3 mointained-at-an-approximate-level-of-\$2y500. Notice of the 4 change in the amount of renewal fees shall be given to each 5 dentist registered in this state by the department.

(2) If a registered dentist absents bimself from the ó 7 state for a period of 1 or more years or does not engage in 8 active practice within this state, he may continue his 9 license in good standing by a payment set by the board each 10 year, not to exceed \$25, or at the discreti n of the board, 11 he may be reinstated on the payment of a fee of \$25 for each 12 year's absence. The annual payments shall be made prior to 13 March 1 of each year, and a receipt or certificate shall be issued by the department. 14

(3) In case of default in payment of the annual 15 16 renewal fee by a dentist, his license shall be revoked by the board on 30 days' notice given to the delinguent of the 17 13 time and place of considering the revocation. A registered 19 or certified letter addressed to the last-known address of 20 the party failing to comply with this requirement, as the address appears on the records of the department, 21 22 constitutes sufficient notice of revocation of license, but 23 no license may be revoked for nonpayment if the dentist 24 notified pays the renewal fee plus a late payment penalty of 25 \$10 before or at the time fixed for consideration of

1 revocation. The department may maintain in the name of this 2 state a suit to collect renewal fees and penalties 3 applicable and to recover from the delinguent dentist the 4 cost of the action, including reasonable attorneys' fees, (4) No license fee or tax may be imposed on dentists 5 by a municipality or any other subdivision of the state." 6 7 Section 8. Section 37-4-321, MCA, is amended to read: 8 #37-4-321. Grounds for disciplinary proceedings --9 range of sanctions. The board may consure, prescribe 10 probation, suspend, or revoke any license issued under this 11 chapter for any of the following causes: 12 tip--conviction--of--a--felony--or-misdemeanor-when-the 13 sentence-imposed-is-imprisonment--in--the--state--ofisonw--+ 14 certified-~copy--af--the-conviction-record-from-the-district court-imposing-the-sentence-is-conclusive-evidencet 15 16 f2f(1) physical or mental incompetence; 17 (3)(12) gross malpractice or repeated malpractice; 18 (4)(3) unprofessional conduct, as defined by rule of 19 the board; or 20 (5)(4) violation of any of the provisions of this 21 chapter or rules or orders of the board." 22 Section 9. Section 37-4-405, MCA, is amended to read: 23 "37-4-405. Cental hygienist to practice under supervision of licensed dentist. (1) A licensed dental 24 25 hypionist may practice in the office of a licensed and

actively practicing dentist, in a public or private 1 2 institution, under a board of health, or in a public clinic 3 authorized by the board but may not practice except under the direct personal supervision of a licensed dentist; 4 5 however, the dental hygienist may give instruction in oral 6 hygiene without the supervision of a licensed dentist in a 7 public or private institution or hospital or extended care 8 facility or under a board of health or in a public clinic 9 authorized by the bcard.

10 (2) The board may, in lieu of the direct supervision 11 requirement set forth in subsection (1), permit a licensed 12 dental hygienist to provide clinical dental hygiene services 13 to-o-public-or-private-institutiony-a-hospital--or--extended care--facilityy-or-a-school-or-public-health-program after a 14 15 review by the board of a request for such service and a 16 description of the type of supervision necessary is made by 17 the board. For the purposes of this section "supervision" is defined as follows: 18

(a) "direct supervision" means the supervision of
those tasks and procedures that do not require the dentist
in the room where performed but require his presence on the
promises and availability for prompt consultation and
treatment; and

(b) "general supervision" means those tasks and
procedures that do not require, the presence of a dentist on

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1 the premises but shall remain under the dentist's directive

2 order, control, responsibility, and evaluation."

3 Section 10. Effective date. This act is effective on

4 passage and approval.

-End-

Sense BILL NO. 391 1 STEVE BLOWN z INTRODUCED BY

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE 5 BOARD OF DENTISTRY UNDER EXISTING STATUTORY AUTHORITY AND 6 RULES; ADDING A PUBLIC MEMBER TO THE BOARD; DELETING THE 7 REQUIREMENT THAT BOARD APPOINTMENTS BE MADE FROM ASSOCIATION 8 LISTS; CORRECTING AN ERRONEOUS BOARD NAME; DELETING THE 9 RAILROAD RATE REINBURSEMENT FOR BOARD TRAVEL: DELETING THE 10 REQUIREMENT TO MAINTAIN AN EMERGENCY FUND; AUTHORIZING A 11 DENTAL HYGIENIST TO PROVIDE SERVICES WITHOUT A DENTIST ON 12 THE PREMISES WITH BOARD APPRGVAL; DELETING A FELONY 13 CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF LICENSE; 14 AMENDING SECTIONS 2-8-103, 2-15-1606, 37-4-101, 37-4-203, 15 37-4-204, 37-4-307, 37-4-321, AND 37-4-405, HCA; AND 16 17 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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19 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
20 MCA, terminates the Board of Dentistry and requires a
21 performance evaluation of the Board by the Legislative Audit
22 Committee; and

23 WHEREAS, as a result of the performance evaluation the 24 Legislative Audit Committee recommends that the Board of 25 Dentistry be reestablished under existing statutory

1 authority.

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3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NONTANA:

4 Section 1. Reestablishment. The board of dentistry is 5 reestablished for 6 years pursuant to 2-8-122 with its 6 existing statutory authority and rules.

7 Section 2. Section 2-8-103, MCA, is amended to read:
8 *2-8-103. Agencies to terminate. (1) The following
9 agencies shall terminate on July 1, 1979:

10 (a) board of abstracters, department of professional
 and occupational licensing, created by 2-15-1643;

12 (b) board of real estate, department of professional
13 and occupational licensing, created by 2-15-1642;

14 (c) state board of warm air heating, ventilation, and

15 air conditioning, department of professional and 16 occupational licensing, created by 2-15-1656;

17 (d) board of institutions, department of institutions,
18 created by 2-15-2303.

19 (2) The following agencies shall terminate on July 1,20 1981:

21 (a) commission for human rights, department of labor
22 and industry, created by 2-15-1706;

(b) board of athletics, department of professional and
occupational licensing, created by 2-15-1661;

25 (c) board of barbers, department of professional and

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occupational licensing, created by 2-15-1625; 1 (d) board of chiropractors, department of professional 2 3 and occupational licensing, created by 2-15-1613; 4 (e) board of cosmetologists, department of professional and occupational licensing, created 5 by 2-15-1626; 6 7 tfl--board--of-dentistsy-department-of-professional-and occupational-licensingy-created-by-2-15-1686; 8 tatifi board of hearing aid dispensers, department of 9 occupational licensing, created by professional and 10 2-15-1616; 11 th;[g] board of massage therapists, department of 12 professional and occupational licensing, created by 13 14 2-15-1627; titlb) Montana state board of medical examiners, 15 16 department of professional and occupational licensing, created by 2-15-1605; 17 +i)(i) board of morticians, department of professional 18 19 and occupational licensing, created by 2-15-1619; 20 tkl(i) board of nursing, department of professional 21 and occupational licensing, created by 2-15-1610; 22 (1) board of nursing home administrators, 23 department of professional and occupational licensing, created by 2-15-1611; 24

professional and occupational licensing+ created 1 by 2 2-15-1612; 3 tal board of osteopathic physicians, department of 4 professional and occupational licensing, created by 2-15-1607; -5 pharmacists, department of ó to) [n] board of 7 professional and occupational licensing, created bу 2-15-1609; 8 of podiatry examiners, department of q tp)(o) board 10 professional and occupational licensing, created by 11 2-15-1608: 12 of psychologists. department of tatio) board by 13 professional and occupational licensing, created 2-15-1617: 14 15 tr)(a) board of radiologic technologists, department 16 of professional and occupational licensing, created by 17 2-15-1614; 18 tet(r) board of speech pathologists and audiologists, department of professional and occupational licensing, 19 20 created by 2-15-1615; 21 ftils) board of veterinarians, department of professional and 22 occupational licensing, created by 23 2-15-1618; 24 fufil board of veterans' affairs, department of 25

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optometrists,

department of

of

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social and rehabilitation services, created by 2-15-2202;

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of sanitarians, department tv)(u) board of 1 occupational licensing, created by professional and 2 2-15-1631. 3 (3) The following units of state government shall 4 terminate on July 1, 1983: 5 (a) board of aeronautics, department of community 6 affairs, created by 2-15-1103; 7 (b) state board of hail insurance, department of 8 agriculture, created by 2-15-3003; 9 (c) board of horse racing, department of professional 10 and occupational licensing, created by 2-15-1662; 11 (d) board of livestock, department of livestock, 12 created by 2-15-3102; 13 (e) board of milk control, department of business 14 regulation, created by 2-15-1802; 15 (f) board of oil and gas conservation, department of 10 natural resources and conservation, created by 2-15-3303; 17 (q) Montana outfitters council, department of fish, 13 1 wildlife, and parks, created by 2-15-3403; 19 (h) public service commission, department of public 20 service regulation, created by 59-1-102; 21 (i) board of water and wastewater operators, 22 23 department of health and environmental sciences, created by 24 2-15-2105; 25 (i) board of water well contractors, department of

professional and occupational licensing, created by 1 2 2-15-1632. (4) The following agencies terminate on July 1, 1985: 3 4 (a) the board of public accountants, created by 2-15-1641; 5 (b) the board of architects, created by 2-15-1651; 6 7 (c) state banking board, department of business regulation, created by 2-15-1803; 8 (d) the state electrical board, created by 2-15-1654; 9 (c) the board of professional engineers and land 10 11 surveyors, created by 2-15-1653; 12 (f) office of commissioner of insurance and the insurance department, state auditor's office, created by 13 14 2-15-1902 and 2-15-1903; (q) office of the securities commissioner, 15 state auditor's office, created by 2-15-1901; 16 (h) the board of landscape architects, created by 17 18 2-15-1652; (i) the board of county printing, created 19 by 2-15-1102: 20 (i) the board of plumbers, created by 2-15-1655; 21 22 (k) board of physical therapy examiners, created by 23 2-15-1628. 24 (5) The following agency terminates on July 1, 1987: board of dentistry. department of professional and 25

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23 (3) Each member shall serve for a term of 5 years. The
24 governor may remove a member only for neglect or cause.
25 (4) The governor shall fill any vacancy within 30

days. (5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.* Section 4. Section 37-4-101, MCA, is amended to read: "37-4-101. Definitions -- practice of dentistry. (1) Unless the context requires otherwise, in this chapter the following definitions apply: (a) "Board" means the board of dentists dentistry provided for in 2-15-1606. (b) "Department" means the department of professional and occupational licensing provided for in Title 2, chapter 15. part 16. (2) A person is "practicing dentistry" under this chapter if he: (a) performs, attempts, advertises to perform, causes to be performed by the patient or any other person, or instructs in the performance of dental operations, oral surgery, or dental service of any kind oratuitously or for a salary, fee, money, or other remuneration paid or to be

20 paid, directly or indirectly, to himself, any other person,

21 or agency;

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(b) is a manager, proprietor, operator, or conductor
of a place where dental operations, oral surgery, or dental
services are performed;

25 (c) directly or indirectly, by any means or method,

furnishes, supplies, constructs, reproduces, or repairs a
 prosthetic denture, bridge, appliance, or other structure to
 be worn in the human mouth;

4 (d) places the appliance or structure in the human
5 mouth or attempts to adjust it;

6 (e) advertises to the public, by any method, to
7 furnish, supply, construct, reproduce, or repair a
8 prosthetic denture, bridge, appllance, or other structure to
9 be worn in the human mouth;

(f) diagnoses, professes to diagnose, prescribes for,
 professes to prescribe for, treats, or professes to treat
 disease, pain, deformity, deficiency, injury, or physical
 condition of human teeth, jaws, or adjacent structures;

14 (g) extracts or attempts to extract human teeth or
15 corrects, attempts, or professes to correct malpositions of
16 teeth or of the jaw;

17 (h) gives or professes to give interpretations or18 readings of dental roentgenograms;

19 (i) administers an anesthetic of any nature in20 connection with a dental operation;

(j) uses the words "dentist", "dental surgeon", "oral surgeon", the letters "D.D.S.", "D.M.D.", or any other words, letters, title, or descriptive matter which in any way represents him as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of human teeth,
 jaws, or adjacent structures;

3 (k) states, advertises, or permits to be stated or 4 advertised, by sign, card, circular, handhill, newspaper, 5 radio, or otherwise, that he can perform or will attempt to 6 perform dental operations or render a diagnosis in 7 connection therewith; or

8 (1) engages in any of the practices included in the
9 curricula of recognized dental colleges."

Section 5. Section 37-4-203, MCA, is amended to read:
"37-4-203. Compensation and expenses of board members
-- disbursement of excess funds. (1) Dut of the funds
derived from fees collected under this chapter, each member
of the board shall be reimbursed as follows:

15 (a) \$25 per day for each day in actual attendance at a
16 meeting of the board;

17 (b) expenses and travel authorized under 2-18-501
18 through 2-18-503.

19 (2) Money collected in excess of expenses and salaries 20 provided for shall be held by the department as a special 21 fund for meeting the expenses of the board, the proper 22 administration of this chapter, and educational purposes 23 considered wise by the board. The-departmenty-on-the-written 24 request-of-the-boardy-shall-set-aside-in-a-separate-account 25 in-the-cormarked-revenue-fund-the-emergency-moneys--provided

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under--37-4-307*--This-account-may-be-expended-only-when-the
 board-determines--that--an--emergency--exists--requiring--an
 expenditure-therefrom**
 Section 6. Section 37-4-204, MCA, is amended to read:

⁵ *37-4-204. Affiliation with national association authorized -- delegate -- expenses allowed. The board may affiliate with the national association as an active member. pay regular annual dues to the association. and send a delegate to the meetings of the association. The delegate shall be reimbursed as follows:

(1) \$15 per day for each day traveling to and from a
 meeting and while in actual attendance at a meeting; and

13 (2) expenses and travel authorized under 2-18-501 and
14 2-18-503t-enda

15 f3+--first-class-railroad-and--Pullman--fares--actually 16 incurred--to-and-from-his-place-of-residence-to-the-place-of 17 a-meetings"

18 Section 7. Section 37-4-307, MCA, is amended to read: 19 #37-4-307. Annual renewal fee -- absent registered 20 dentist --- default. (1) A licensed dentist practicing within 21 this state shall annually pay to the department before march 22 1, as a renewal fee for the year, a sum set by the board and 23 not to exceed \$50. The-board-may-increase--or--decrease--the 24 ennuel-renewal-fee-to-maintein-in-the-cormerked-revenue-fund 25 at--att--times-an-amounty-to-be-known-ag-the-emergeney-fundy to-be-used-for-the-purpose-of-administeringy--policingy--and enforcing---this---chaptery--The--emergency--fund--shall--be maintained-at-an-approximate-level-of-#2y590+ Notice of the change in the amount of renewal fees shall be given to each dentist registered in this state by the department.

(2) If a registered dentist absents himself from the 6 7 state for a period of 1 or more years or does not engage in active practice within this state, he may continue his 8 license in good standing by a payment set by the board each 9 year, not to exceed \$25, or at the discretion of the board, 10 11 he may be reinstated on the payment of a fee of \$25 for each year's absence. The annual payments shall be made prior to 12 13 Harch 1 of each year, and a receipt or certificate shall be 14 issued by the department.

15 (3) In case of default in payment of the annual 16 renewal fee by a dentist, his license shall be revoked by 17 the board on 30 days' notice given to the delinquent of the 18 time and place of considering the revocation. A registered 19 or certified letter addressed to the last-known address of 20 the party failing to comply with this requirement, as the 21 address appears on the records of the department, constitutes sufficient notice of revocation of license, but 22 23 no license may be revoked for nonpayment if the dentist 24 notified pays the renewal fee plus a late payment penalty of \$10 before or at the time fixed for consideration of 25

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1	revocation. The department may maintain in the name of this
2	state a suit to collect renewal fees and penalties
3	applicable and to recover from the delinquent dentist the
4	cost of the action, including reasonable attorneys" fees.
5	(4) No license fee or tax may be imposed on dentists
6	by a municipality or any other subdivision of the state."
7	Section 8. Section 37-4-321, MCA, is amended to read:
8	#37-4-321. Grounds for disciplinary proceedings
9	range of sanctions. The board may censure, prescribe
10	probation, suspend, or revoke any license issued under this
11	chapter for any of the following causes:
12	{}}convictionofafeionyof-misdemeanor-when-the
13	sentence-impos ed- is-imprisonmentinthe stateprisonA
14	certifiedcopyofthe-conviction-record-from-the-district
15	court-imposing-the-sentence-is-conclusive-evidence;
16	<pre>tatual physical or mental incompetence;</pre>
17	<pre>(3)(2) gross malpractice or repeated malpractice;</pre>
18	<pre>(4)(3) unprofessional conduct, as defined by rule of</pre>
19	the board; or
20	(5)[11] violation of any of the provisions of this
21	chapter or rules or orders of the board."
22	Section 9. Section 37-4-405, MCA, is amended to read:
23	"37-4-405. Dental hygienist to practice under
24	supervision of licensed dentist. (1) A licensed dental
25	hygienist may practice in the office of a licensed and

actively practicing dentist, in a public or private 1 2 institution, under a board of health, or in a public clinic authorized by the board but may not practice except under 3 the direct personal supervision of a licensed dentist; 4 5 however, the dental hygienist may give instruction in oral hygiene without the supervision of a licensed dentist in a 6 7 public or private institution or hospital or extended care 8 facility or under a board of health or in a public clinic 9 authorized by the board.

10 (2) The board may, in lieu of the direct supervision 11 requirement set forth in subsection (1), permit a licensed 12 dental hygienist to provide clinical dental hygiene services 13 to-a-public-or-private-institutions-a-hospital--or--extended 14 care--facilityy-or-a-school-or-public-health-program after a 15 review by the board of a request for such service and a 16 description of the type of supervision necessary is made by 17 the board. For the purposes of this section "supervision" 18 is defined as follows:

19 (a) "direct supervision" means the supervision of 20 those tasks and procedures that do not require the dentist 21 in the room where performed but require his presence on the 22 premises and availability for prompt consultation and 23 treatment; and

(b) "general supervision" means those tasks and
procedures that do not require the presence of a dentist on

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1 the premises but shall remain under the dentist's directive

2 order, control, responsibility, and evaluation."

3 Section 10. Effective date. This act is effective on

4 passage and approval.

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1	SENATE BILL NO. 391	1 Dentistry be reestablished under existing statutory
2	INTRODUCED BY HIMSL, S. BROWN	2 authority.
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE	3
4		4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE	5 Section 1. Reestablishment. The board of dentistry is
6	BOARD OF DENTISTRY UNDER EXISTING STATUTORY AUTHORITY AND	6 reestablished for 6 years pursuant to 2-8-122 with its
7	RULES; ADDING A PUBLIC MEMBER TO THE BOARD; DELETING THE	7 existing statutory authority and rules.
8	REQUIREMENT THAT BOARD APPOINTMENTS BE MADE FROM ASSOCIATION	8 Section 2. Section 2-8-103, NCA, is amended to read:
9	LISTS; CORRECTING AN ERRONEOUS BOARD NAME; DELETING THE	9 "2-8-103. Agencies to terminate. (1) The following
10	RAILROAD RATE REIMBURSEMENT FOR BOARD TRAVEL; DELETING THE	10 agencies shall terminate on July 1, 1979:
11	REQUIREMENT TO MAINTAIN AN EMERGENCY FUND; AUTHORIZING A	11 (a) board of abstracters, department of professional
12	DENTAL HYGIENIST TO PROVIDE <u>CERTAIN</u> SERVICES WITHOUT A	<pre>12 and occupational licensing, created by 2-15-1643;</pre>
13	DENTIST ON THE PREMISES WITH-BOARD-APPROVAL <u>DURING BRIEF</u>	13 (b) board of real estate, department of professional
14	EMERGENCIES; DELETING A FELONY CONVICTION AS GROUNDS FOR	14 and occupational licensing, created by 2-15-1642;
15	DENIAL OR REVOCATION OF LICENSE; AMENDING SECTIONS 2-8-103,	15 (c) state board of warm air heating, ventilation, and
16	2-15-1606, 37-4-101, 37-4-203, 37-4-204, 37-4-307, 37-4-321,	16 air conditioning, department of professional and
17	AND 37-4-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE	<pre>17 occupational licensing, created by 2-15-1656;</pre>
18	DATE ."	18 (d) board of institutions, department of institutions,
19		19 created by 2-15-2303.
20	WHEREAS, the sunset law, sections 2-8-103 and 2+8-112.	20 (2) The following agencies shall terminate on July 1,
21	MCA, terminates the Board of Dentistry and requires a	21 1981:
22	performance evaluation of the Board by the Legislative Audit	22 (a) commission for human rights, department of labor
23	Committee; and	23 and industry, created by 2-15+1706;
24	WHEREAS, as a result of the performance evaluation the	24 (b) board of athletics, department of professional and

Legislative Audit Committee recommends that the Board of

2	authority.
3	
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
5	Section 1. Reestablishment. The board of dentistry is
6	reestablished for 6 years pursuant to 2-8-122 with its
7	existing statutory authority and rules.
8	Section 2. Section 2-8-103, MCA, is amended to read:
9	¶2-8-103. Agencies to ter#inate. (1) The following
.0	agencies shall terminate on July 1, 1979:
LI	(a) board of abstracters, department of professional
2	and occupational licensing, created by 2-15-1643;
3	(b) board of real estate, department of professional
4	and occupational licensing, created by 2-15-1642;
15	(c) state board of warm air heating, ventilation, and
16	air conditioning, department of professional and
17	occupational licensing, created by 2-15-1656;
8	(d) board of institutions, department of institutions,
19	created by 2-15-2303.
20	(2) The following agencies shall terminate on July 1_{\pm}
21	1981:
22	(a) commission for human rights, department of labor
23	and industry, created by 2-15-1706;

24 (b) board of athletics, department of professional and 25 occupational licensing, created by 2-15-1661;

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REFERENCE BILL

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L (c) board of barbers, department of professional and 1 (m)(l) board of optometrists. department of Z occupational licensing, created by 2-15-1625; z professional and occupational licensing, created DY 3 (d) board of chiropractors, department of professional 3 2-15-1612: 4 and occupational licensing, created by 2-15-1613; tn) board of osteopathic physicians, department of 4 5 (e) board of casmetologists. department of 5 professional and occupational licensing, created υγ professional and occupational licensing, created 6 2-15-1607; by 6 7 2-15-1626: 7 pharmacists. department of tot(n) board of 8 fft--board--of-dentistsv-department-of-professional-and 8 professional and occupational licensing, created by 9 accupational-licensing+-created-by-2-15-1606+ 9 2-15-1609; 10 fai(f) board of hearing aid dispensers, department of 10 fp1(0) board of podiatry examiners, department of 11 professional and occupational licensing, created by professional and 11 occupational licensing, created by 12 2-15-1616; 12 2-15-1608; 13 th)(g) board of massage therapists, department of of psychologists. 13 tet(p) board of department 14 professional and occupational licensing, created by 14 professional and occupational licensing, created Эy 15 2-15-1627; 15 2-15-1617; 16 tit(h) Montana state board of medical 16 trt(q) board of radiologic technologists, department examiners. department of professional and occupational licensing. 17 17 of professional and occupational licensing, created by 18 2-15-1614; 18 created by 2-15-1605; 19 (r) board of speech pathologists and audiologists. 19 tit(i) board of morticians, department of professional 20 department of professional and occupational licensing. 20 and occupational licensing, created by 2-15-1619; created by 2-15-1615; 21 21 ##t(j) board of nursing, department of professional 22 of veterinarians, department эf 22 and occupational licensing, created by 2-15-1610; ttt(s) board 23 23 professional and occupational licensing, created by {++ (k) board of nursing home administrators, 2-15-1618; 24 department of professional and occupational licensing, 24 tu;(t) board of veterans' affairs, department of 25 created by 2-15-1611; 25

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1	social and rehabilitation services, created by 2-15-2202;	1 (j) board of water well contractors, department of
2	tv}(u) board of sanitarians, department of	2 professional and occupational licensing, created by
3	professional and occupational licensing, created by	3 2-15-1632.
4	2-15-1631.	4 (4) The following agencies terminate on July 1, 1985:
5	(3) The following units of state government shall	5 (a) the board of public accountants, created by
6	terminate on July 1+ 1983:	6 2-15-1641;
7	<pre>{a} board of aeronautics, department of community</pre>	7 (b) the board of architects+ created by 2-15-1651;
8	affairs, created by 2-15-1103;	8 (c) state banking board+ department of business
9	(b) state board of hail insurance, department of	<pre>9 regulation, created by 2-15-1803;</pre>
10	agriculture. created by 2-15-3003;	10 (d) the state electrical board, created by 2-15-1654;
11	(c) board of horse racing, department of professional	11 (e) the board of professional engineers and land
12	and occupational licensing, created by 2-15-1662;	<pre>12 surveyors+ created by 2-15-1653;</pre>
13	(d) board of livestock, department of livestock,	13 (f) office of commissioner of insurance and the
14	created by 2-15-3102;	<pre>14 insurance department, state auditor's office, created by</pre>
15	(e) board of milk control, department of business	15 2-15-1902 and 2-15-1903;
15	regulation, created by 2-15-1802;	16 (g) office of the securities commissioner, state
17	(f) board of oil and gas conservation, department of	17 auditor's office, created by 2-15-1901;
18	natural resources and conservation, created by 2-15-3303;	18 (h) the board of landscape architects, created by
19	(y) Montana outfitters council, department of fish,	19 2-15-1652;
20	wildlife, and parks, created by 2-15-3403;	20 (i) the board of county printing, created by
21	<pre>(h) public service commission, department of public</pre>	21 2-15-1102;
22	service regulation, created by 69-1-102;	22 (j) the board of plumbers, created by 2-15-1655;
23	(i) board of water and wastewater operators,	23 (k) board of physical therapy examiners, created by
24	department of health and environmental sciences, created by	24 2-15-1628.
25	2-15-2105;	25 (5) The following agency terminates on July 1+ 1987:

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1	board of dentistry, department of professional and
2	occupational licensing, created by 2-15-1606."
3	Section 3. Section 2-15-1606. MCA. is amended to read:
4	"2-15-1606. Board of dentistry. (1) There is a board
5	of dentistry.
6	(2) The board consists of five dentists, and one
7	dental hygienist, and one public member, all appointed by
8	the governor. The-Montana-dental-association-and-the-Montana
9	denta}hygienists*associationshall~-each-present-to-the
10	governory-within-15-days-after-its-regular-annual-meetingy-a
11	tistofnot les sthanfivecandidatesfromwhich
12	appointments-for-vacancies-on-the-board-occurring-during-the
13	ensuingyearmaybemade+Atalltimes-at-least-three
14	members-of-the-boord-shall-be-appointedfromthelistof
15	candidatessubmittedby-the-Montana-dentai-association-ond
16	one-member-shall-be-appointed-from-the-list-submitted-by-the
17	Nontana-dental-hygienists=-association= Each <u>licensed</u> member
18	shall be licensed to practice a dental profession in this
19	state, shall have actively practiced in this state for at
20	least 5 continuous years immediately before his appointment,
21	and shall be actively engaged in practice while serving on
22	the aboard. Each member shall be a citizen of the United
23	States and a resident of this state.

24 (3) Each member shall serve for a term of 5 years. The 25 quvernor may remove a member only for neglect or cause.

1 (4) The governor shall fill any vacancy within 30 days.

3 (5) The board is allocated to the department for 4 administrative purposes only as prescribed in 2-15-121."

5 Section 4. Section 37-4-101, MCA, is amended to read:

"37-4-101. Definitions -- practice of dentistry. [1] 6 7 Unless the context requires otherwise, in this chapter the 8 following definitions apply:

9 (a) "Board" means the board of dentists dentistry 10 provided for in 2-15-1606.

11 (b) "Department" means the department of professional and occupational licensing provided for in Title 2, chapter 12 15, part 16. 13 14 [2] A person is "practicing dentistry" under this 15 chapter if he: (a) performs, attempts, advertises to perform, causes 16 17 to be performed by the patient or any other person, or 18 instructs in the performance of dental operations, oral 19 surgery, or dental service of any kind gratuitously or for a 20 salary, fee, money, or other remuneration paid or to be

21 paid, directly or indirectly, to himself, any other person. 22 or agency:

23 (b) is a manager, proprietor, operator, or conductor 24 of a place where dental operations, oral surgery, or dental 25 services are performed;

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(c) directly or indirectly, by any means or method,
 furnishes, supplies, constructs, reproduces, or repairs a
 prosthetic denture, bridge, appliance, or other structure to
 be worn in the human mouth;

5 (d) places the appliance or structure in the human
6 mouth or attempts to adjust it;

7 (e) advertises to the public, by any method, to
8 furnish, supply, construct, reproduce, or repair a
9 prosthetic denture, bridge, appliance, or other structure to
10 be worn in the human mouth;

(f) diagnoses, professes to diagnose, prescribes for,
 professes to prescribe for, treats, or professes to treat
 disease, pain, deformity, deficiency, injury, or physical
 condition of human teeth, jaws, or adjacent structures;

(g) extracts or attempts to extract human teeth or
corrects, attempts, or professes to correct malpositions of
teeth or of the jaw;

18 (h) gives or professes to give interpretations or19 readings of dental roentgenograms;

20 (i) administers an anesthetic of any nature in 21 connection with a dental operation;

22 (j) uses the words "dentist", "dental surgeon", "oral 23 surgeon", the letters "D.D.S.", "D.M.D.", or any other 24 words, letters, title, or descriptive matter which in any 25 way represents him as being able to diagnose, treat,

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1 prescribe, or operate for any disease, pain, deformity, 2 deficiency, injury, or physical condition of human teeth, 3 jaws, or adjacent structures;

(k) states, advertises, or permits to be stated or
advertised, by sign, card, circular, handbill, newspaper,
radio, or otherwise, that he can perform or will attempt to
perform dental operations or render a diagnosis in
connection therewith; or

9 (1) engages in any of the practices included in the
 10 curricula of recognized dental colleges."

Section 5. Section 37-4-203, MCA, is amended to read: "37-4-203. Compensation and expenses of board members -- disbursement of excess funds. (1) Dut of the funds derived from fees collected under this chapter. each member of the board shall be reimbursed as follows:

16 (a) \$25 per day for each day in actual attendance at a 17 meeting of the board;

18 (b) expenses and travel authorized under 2+18-501 19 through 2-18-503.

20 (2) Money collected in excess of expenses and salaries 21 provided for shall be held by the department as a special 22 fund for meeting the expenses of the board, the proper 23 administration of this chapter, and educational purposes 24 considered wise by the board. The-department, on-the-written 25 request--of-the-board, shall-set-aside-in-a-separate-account

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1 in-the-earmarked-revenue-fund-the-emergency-moneys--provided Z under--37-4-307---This-account-may-be-expended-only-when-the 3 board-determines--that--an--emergency--exists--requiring--an 4 expenditure-therefrom*" 5 Section 6. Section 37-4-204, MCA, is amended to read: 6 "37-4-204. Affiliation with national association 7 authorized -- delegate -- expenses allowed. The board may 8 affiliate with the national association as an active member, pay regular annual dues to the association, and send a 9 10 delegate to the meetings of the association. The delegate 11 shall be reimbursed as follows: 12 (1) \$15 per day for each day traveling to and from a 13 meeting and while in actual attendance at a meeting; and 14 (2) expenses and travel authorized under 2+18-501 and 15 2-18-503+-and. 16 t3)--first-class-railroad-and--Pullmon--fores--actually 17 incurred--to-and-from-his-place-of-residence-to-the-place-of 18 o-meetingy"

Section 7. Section 37-4-307. MCA, is amended to read: "37-4-307. Annual 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 renewal fee for the year, a sum set by the board and not to exceed \$50. The-board-may-increase--or--decrease--the annual-renewal-fee-to-maintain-in-the-earmarked-revenue-fund

at--all--times-an-amounty-to-be-known-as-the-emergency-fundy 1 2 to-be-used-for-the-purpose-of-administeringy--poficingy--and 3 enforcing---this---chapters--The--emergency--fund--shall--be 4 maintained-at-an-approximate-level-of-s2v500v Notice of the change in the amount of renewal fees shall be given to each 5 dentist registered in this state by the department. 6 7 (2) If a registered dentist absents himself from the 8 state for a period of 1 or more years or does not engage in 9 active practice within this state, he may continue his 10 license in good standing by a payment set by the board each year. not to exceed \$25. or at the discretion of the board, 11 12 he may be reinstated on the payment of a fee of \$25 for each year's absence. The annual payments shall be made prior to 13 March 1 of each year, and a receipt or certificate shall be 14 15 issued by the department. (3) In case of default in payment of the annual 16

renewal fee by a dentist, his license shall be revoked by 17 the board on 30 days' notice given to the delinquent of the 18 19 time and place of considering the revocation. A registered or certified letter addressed to the last-known address of 20 the party failing to comply with this requirement, as the 21 address appears on the records of the department, 22 constitutes sufficient notice of revocation of license, but 23 no license may be revoked for nonpayment if the dentist 24 notified pays the renewal fee plus a late payment penalty of 25

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\$10 before or at the time fixed for consideration of 1 2 revocation. The department may maintain in the name of this 3 state a suit to collect renewal fees and penalties 4 applicable and to recover from the delinquent dentist the cost of the action, including reasonable attorneys* fees. 5 (4) No license fee or tax may be imposed on dentists 6 by a municipality or any other subdivision of the state." 7 Section 8. Section 37-4-321, MCA, is amended to read: 8 9 #37-4-321. Grounds for disciplinary proceedings --10 range of sanctions. The board may censure, prescribe 11 probation, suspend, or revoke any license issued under this chapter for any of the following causes: 12 (1)--conviction--of--a--felony--or-misdemeanor-when-the 13 sentence-imposed-is-imprisonment--in--the--state--prison+--A 14 15 certified--copy--of--the-conviction-record-from-the-district 16 court-imposing-the-sentence-is-conclusive-evidencet 17 +2+(1) physical or mental incompetence; 18 +3+(2) gross malpractice or repeated malpractice; (4)(3) unprofessional conduct, as defined by rule of 19 20 the board; or (5)(4) violation of any of the provisions of this 21 22 chapter or rules or orders of the board." 23 Section 9. Section 37-4-405, MCA, is amended to read: 24 "37-4-405. Dental hygienist to practice under 25 supervision of licensed dentist. [1] A licensed dental

1 hygienist may practice in the office of a licensed and 2 actively practicing dentist, in a public or private 3 institution, under a board of health, or in a public clinic authorized by the board but may not practice except under 4 5 the direct personal supervision of a licensed dentist; 6 however, the dental hygienist may give instruction in oral 7 hygiene without the supervision of a licensed dentist in a 8 public or private institution or hospital or extended care facility or under a board of health or in a public clinic 9 10 authorized by the board.

11 (2) The board may, in lieu of the direct supervision 12 requirement set forth in subsection (1), permit a licensed dental hygienist to provide clinical dental hygiene services 13 to-a-aubitc-or-private-institutiony-a-hospital--or--extended 14 15 core--facilityy--or--a--school-or-public-health-program TD A 16 PUBLIC OR PRIVATE INSTITUTION, A HOSPITAL OR EXTENDED CARE 17 FACILITY: OR A SCHOOL OR PUBLIC HEALTH PROGRAM after a review by the board of a request for such service and a 18 19 description of the type of supervision necessary is made by 20 the board. For the purposes of this section "supervision" 21 is defined as follows:

(a) "direct supervision" means the supervision of
those tasks and procedures that do not require the dentist
in the room where performed but require his presence on the
premises and availability for prompt consultation and

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1	treatment; and
2	(b) "general supervision" means those tasks and
3	procedures that do not require the presence of a dentist on
4	the premises but shall remain under the dentist's directive
5	order, control, responsibility, and evaluation.
6	(3) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS
7	SECTION, A DENTAL HYGIENIST MAY CONTINUE PERFORMING TASKS
8	AND PROCEDURES REQUIRING DIRECT SUPERVISION IF:
9	(A) THE SUPERVISING DENTIST REQUIRED TO BE ON THE
10	PREMISES HAS BEEN CALLED DUT OF THE OFFICE BRIEFLY FOR AN
11	EMERGENCY; AND
12	(B) BOTH THE HYGIENIST AND THE PATIENT CONSENT."
13	Section 10. Effective date. This act is effective on

14 passage and approval.

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HUMAN SERVICES COMMITTEE OF THE HOUSE Amendments to SB 391

1. Title, line 12. Following: "PROVIDE" Insert: "CERTAIN"

2. Title, line 13. Following: "PREMISES" Strike: "WITH BOARD APPROVAL" "DURING BRIEF EMERGENCIES" Insert:

3. Page 14, lines 13 and 14. Reinsert: all stricken language

4. Page 15, line 2. Following: "evaluation."

- Insert: "(3) Notwithstanding any other provisions of this section, a dental hygienist may continue performing tasks and procedures requiring direct supervision if:
 - the supervising dentist required to be on the premises has (a) been called out of the office briefly for an emergency; and
 - both the hygienist and the patient consent. (b)