HOUSE BILL NO. 699

INTRODUCED BY WINSLOW

BY REQUEST OF THE DEPARTMENT OF COMMERCE BOARD OF DENTISTRY

IN THE HOUSE

February 9, 1983	Introduced and referred to Committee on Human Services.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
February 18, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.
in the s	enate
March 1, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 18, 1983	Committee recommend bill be concurred in. Report adopted.
March 21, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 23, 1983

March 24, 1983

Returned to House.

Sent to enrolling.

Reported correctly enrolled.

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1 HOUSE BILL NO. 699
2 INTRODUCED BY MINDEL DEPARTMENT OF COMMERCE
4 BOARD OF DENTISTRY
5

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LICENSING LAWS FOR DENTISTS AND HYGTENISTS; ALLOWING MORE THAN ONE BOARD MEMBER TO ATTEND THE NATIONAL ASSOCIATION MEETINGS: PROVIDING A GENERAL RULEMAKING STATUTE FOR THE BOARD; REVISING LICENSE AND EXAMINATION QUALIFICATIONS AND PROVIDING FOR CONTINUED COMPETENCY FOR ANNUAL LICENSE RENEWAL; REVISING THE DEFINITION OF THE PRACTICE OF DENTAL HYGIENE; DELETING THE TEMPORARY LICENSE PROVISION FOR DENTAL HYGIENISTS: PROHIBITING A LICENSE FEE OR BUSINESS TAX ON DENTAL HYGIENISTS BY A LOCAL GOVERNMENT AND CLARIFYING THE SIMILAR PROHIBITION FOR DENTISTS: MAKING AND RULEMAKING DISCRETIONARY REGARDING AUXILIARY PERSONNEL: AMENDING SECTIONS 37-4-204, 37-4-301, 37-4-307, 37-4-401, 37-4-402, 37-4-404, 37-4-406, AND 37-4-408, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 37-4-204. MCA. is amended to read:

#37-4-204. Affiliation with national association

authorized -- delegate dalegates. The board may affiliate
with the national association as an active member, pay
regular annual dues to the association, and send a--delegate
delegates to the meetings of the association.

NEM_SECTIONs Section 2. Rulemaking. The board may adopt, amend, or repeal rules necessary for the implementation, continuation, and enforcement of this chapter in accordance with the Montana Administrative Procedure Act.

Section 3. Section 37-4-301, MCA, is amended to read: "37-4-301. Examination -- qualifications -- fees -- certification. (1) 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 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 jurisprudence. The board may accept, in satisfaction of the practical part, successful completion of an examination by a board-designated regional testing service.

24 (2) Acceptance by the board of such written and 25 practical examination shall be conditioned on evidence that

-2- INTRODUCED BILL
HD677

1	the examination is sufficiently thorough to test the fitness
2	of the applicant to practice dentistry. It shall include:
3	written in the English language, questions on anatomy
4	histology, physiology, chemistry, pharmacology and
5	therapeutics, metallurgy, pathology, bacteriology,
6	anesthesia, operative and surgical dentistry, prosthetic
7	dentistry, prophylaxis, orthodontics, periodontics and
8	endodontics, and any additional subjects pertaining to
9	dental service.

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

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- (4) Applicants for licensure shall submit an application, which shall include, when required:
- (a) certification of successful completion of the national board written examination;
- 19 (b) certification of successful completion of a20 regional board practical examination;
 - (c) three affidavits of good moral character;
- 22 (d) certificate of graduation from a board-approved
 23 dental school;
- 24 (e) an examination fee commensurate with costs and set
 25 by the board:

1	(f)	a	licensure	fee	Commensurate	with	costs	and	set	bу
2	the board	:								

3 (g) a recent photograph of the applicant: and

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- 6 (bl_copies_of_all_other_state_licenses_that_are_held 6 by_the_applicant.
 - (5) Applications must be submitted no less than 20 days prior to the board interview and jurisprudence examination.
 - (6) Applicants may not take the jurisprudence examination or the oral interview without first having completed and passed all other parts of the examination.
 - (7) 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.
- 17 (8) The board is authorized to adopt necessary and 18 reasonable rules governing application procedures.

shall--require--a-fee-commensurate-with-costs-and-set-by-the
board-for-this-examinationy-which-shall-apply-on--the--final
examination-taken-by-the-applicante*

1 2

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

"37-4-307. Annual renewal fee -- absent--registered

dentist---- default == active: igactive status == continuing

sducation == limit on local authority to license. (1) *

Exery licensed dentist practicing-within-this-state shall

annually pay to-the-department-before-March--ty--os--a mach

year a renewal fee for-the-yeary-a-sum-set-by to the board.

The renewal fee must be set by the board commansurate with

costs: Notice of the change in the amount of renewal fees

shall must be given to each dentist registered in this state

by the department.

state--for-a-period-of-t-or-more-years-or-does-not-engage-in active-practice-within--this--statev--he--may--continue--his ticense--in-good-standing-by-a-payment-set-by-the-board-each year-or-at-the-discretion-of-the-board-he-may-be-reinstated on-the-payment-of-a-fee-pfescribed-by--the--board--for--each year-s--absences--The Payment of the annual payments-shall renewal fee must be made prior to March 1 of each year, and a receipt--or--certificate--shall license renewal must be issued by the department. A reasonable late fee is required if the annual renewal fee is not paid before March 1.

1	[3]The_board_may_adopt_rules_governing_requirements
2	for_demonstrating_continued_competency_for_license_renewal.
3	(4)(a)_The_board_may_reclassify_an_active_status
4	license to inactive status for a licensee who furnishes
5	satisfactory evidence that the licensee has discontinued the
6	actual_practice_of_dentistry_because_of_physical_disability
7	or_retirement.

8 (b)_Ao_individual_who_wishes_to_maintain_a_Montana
9 license_but_does_not_maintain_a_resident_practice_must_be
10 licensed_io_the_inactive_status.

to_ao_active_status_license_must_be_made_in_accordance_with

rules_of_the_board._The_application_to_convert_to_active

status_must_accompany_the_submission_of_the_renewal_fee

prescribed_for_such_license._If_more_than_l_year_has_passed

since_the_license_was_inactivateds_satisfactory_evidence_of

competence_must_be_submitted_to_the_board_before_an_active

status_license_may_be_issueds

19 (3)(5) In case of default in payment of the annual
20 renewal fee by a dentist licensee, his license shall must be
21 revoked by the board.

131 on The board shall give the licensee 30 days*
notice given-to-the-definquent-of-the-time-and-place-of
considering-the-revocation of its proposed revocation
action. A-registered-or The notice must be sent by certified

LC 2072/01

1	letter addressed to the last-known address of the part y
2	failing-to-comply-withthisrequirementyastheaddress
3	appearsontherecordsofthedepartmentyconstitute:
4	sufficient-notice-of-revocation-of-license,-but-no license
5	and_must_contain_a_statement_of_the_time_and_place_of_the
6	eeeting_at_which_the_revocation_will_be_considered.
7	(b) If the licensee pays the renewal fee, plus a
В	reasonable late fee set by the board, prior to the time set
9	<u>for revocations the</u> license may not be revoked for
10	nonpayment-if-the-dentist-notified-pays-the-renewal-fee-plus
11	alate-payment-penalty-prescribed-by-the-board-before-ar-a
12	thetimefixedforconsiderationofrevocationThe
13	departmentmay-maintain-in-the-name-of-this-state-a-suit-to
14	collect-renewal-fees-and-penalties-applicable-and-to-recover
15	fromthedelinquentdentistthecostoftheaction
16	including-reasonable-attorneys*-feas.
17	(cl_A_license_revoked_for_nonpayment_of_the_renewal
18	fee_may_be_reinstated_within_5_years_of_revocation_if:
19	(il_renewal_fees_are_paid_for_each_year_they_were
20	unpaids_plus_a_late_penalty_fee_for_each_year:
21	[[]]_the_applicant_produces_evidencesatisfactory_to
22	the boards of good standing with the dentistry regulatory
23	agencies_of_anx_jurisdiction_in_which_the_applicant_has
24	engaged in the active practice of dentistry since the last
25	payment_of_a_renewal_fee_under_this_chapter:_and

	TITITIOS - 900 TITE DE DE DE DE DE DE DE DE LA FINE DE LA FORMA DEL FORMA DEL FORMA DE LA
2	the board of good character and competence.
3	[6]_Every_dectist_shall_give_the_board_notice_of_any
4	change_in_names_addresss_or_status_within_30_days_of_the
5	change.
6	<pre>####################################</pre>
7	exercising_self-government_powers.may_impose_a license fee
8	or business tax may-be-imposed on dentists-by-a-municipality
9	or-any-other-subdivision-of-thestate a dentist licensed
10	under_this_chapter."
11	Section 5. Section 37-4-401, MCA. is amended to read:
12	<pre>"37-4-401. Practice of dental hyglene. The practice of</pre>
13	dental hygiene is the doing by one person for -a - direct - or
14	indirect-considerationy-with-respect-to-the-teath-of-another
15	personyan-set-or-service services, performed by a licensed
16	preventive_oral_health_practitioner_known_as_a_dental
17	<pre>bxglepist*_tbat_are educational, therapeutic, prophylactic,</pre>
18	or preventive <u>procedures</u> in nature, as the board in writing
19	defines and authorizes. However, this section does not allow
20	the board or a licensed dentist to delegate any of the
21	following duties:
22	(1) diagnosis, treatment planning, and prescription
23	(2) surgical procedures on hard and soft tissues other

(3) restorative, prosthetic, orthodontic, and other

than root planing and subgingival curettage;

- procedures which require the knowledge and skill of a
 dentist;
- 3 (4) prescription for drugs, medications, or work
 4 authorizations.
- 5 Section 6. Section 37-4-402, MCA, is amended to read:
 6 **37-4-402. License -- examination. (1) The department
 7 may issue licenses for the practice of dental hygiene to
 8 qualified applicants to be known as dental hygienists.

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- (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.
- 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 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 jurisprudence. The board may accept, in satisfaction of the practical part, successful completion of an examination by a

board-designated regional testing service.

- 2 (4) The board has the right to administer its own
 3 examination in lieu of acceptance of the national board
 4 written examination and a regional testing service practical
 5 examination. The board is authorized to make rules
 6 governing any such examination procedures.
 - (5) Applicants for licensure shall submit an application, which shall include, when required:
- 9 (a) certification of successful completion of the
 10 national board written examination;
- (b) certification of successful completion of a regional board practical examination:
- 13 (c) two affidavits of good moral character;
- (d) certificate of graduation from a board-approved
 dental hygiene school;
- 16 (e) an examination fee commensurate with costs and set
 17 by the board;
- (f) a licensure fee commensurate with costs and set by the board:
- 20 (g) a recent photograph of the applicant:
- 21 (bl_copies_of_all_other_state_licenses_that_are_held
 22 by_the_applicant.
- 23 (6) Applications must be submitted no less than 20
 24 days prior to the board interview and jurisprudence
 25 examination. Applicants may not take the jurisprudence

examination or the oral interview without first having completed and passed all other parts of the examination.

- (7) 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 on payment of a fee commensurate with costs and set by the board.
- (8) The board is authorized to adopt necessary and reasonable rules governing application procedures.*
- Section 7. Section 37-4-404, MCA, is amended to read:
 #37-4-404. Admission of dental hygienists from other
 states -- reciprocity. (1) On the payment of a fee
 prescribed by the board and after satisfactory practical
 examination demonstrating his proficiency, a dental
 hygienist may be granted a license to practice dental
 hygiene in this state without being required to take an
 examination in theory if he:
- (a) has been lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dental hygiene which, in the opinion of the board, is equal to that at the time maintained in this state;
- (b) has been lawfully and continuously engaged in the practice of dental hygiene for a period of 1 year or more immediately before filing his application to practice in

this state; and

- (c) deposits in person with the department an attested certificate from the examining board of the state or territory in which he is registered or licensed, certifying to the fact of his registration and license and of his being a person of good moral character and of professional attainments.
 - (2) Except-as--provided--in--subsection--(3)--ef--this sectiony--no No license may be issued without an examination in theory to the applicant unless the state or territory from which the certificate has been granted extends a like privilege to engage in the practice of dental hygiene to dental hygienists licensed by this state who have moved to the other state.
 - (3)--A-dental-hygienist-who-has-been-lawfully--licensed to--practice--in-another--state--or--territory--not--having reciprocity-with-this-state-but-which-has--and--mointoins--a standard--for--the--practice-of-dental-hygiene-whichy-in-the opinion--of--the--boardy--is--equal--to--that--at--the--time maintained-in-this-state-and-who-deposits-in-person-with-the department--an-attested-certificate-from-the-examining-board of-the-state-or-territory--in--which--he--is--registered--or licensedy--certifying--to--the--fact-of-his-registration-and license-and-his-being-a-person-of-good-moral--character--and of--professional-attainmenty-mayy-on-the-payment-of-a-fee-as

1 prescribed-by-the-boardy--be--granted--a--temporary--ficense 2 authorizing-the-person-to-practice-dental-hygiene-from-the 3 time-of-the-granting-of-the-license-until-the--time--of--the next--regular--examination--for--dental--hygiene--set-by-the beardy-Ne-additional-fee-for-the-examination-may-be-charaeds f4)13) The board may enter into reciprocity agreements with other states or territories, the standards of which as to the practice of dental hygiene are, in the opinion of the board, equal to those of this state." Section 8. Section 37-4-406, MCA, is amended to read:

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"37-4-406. Annual renewal fee -- default -- active. inactive_status -- continuing_education -- revocation of license. (1) Before-Moreh-1-of-each-yeary-a Every licensed dental hygienist shall pay to-the-department gach year a renewal fee set-by to the board. Ine renewal fee must be set by the board commensurate with costs. The renewal must be for either active or inactive status. as defined by rules of the_board.

(2) Payment of the annual renewal fee must be made prior to March 1 of each year. and a license renewal sust be issued by the department. A reasonable late fee is required if the annual renewal fee is not paid before March 1.

23 (3) The board may adopt rules governing requirements 24 for demonstrating continued competency for license renewal.

25 (4)_(a) The board may reclassify an active status

1	license to inactive status for a licensee who furnishes
2	satisfactory exidence that the licensee has discontinued the
3	actual practice of dental hygiene because of physical
4	disability or retirement.

5 (b) An individual who wishes to maintain a Montana liceose_but_does_not_maintain_a_resident_practice_must_be licensed in the loactive status. 7

(c) Application to convert an inactive status license to__ap_active_status_license_must_be_made_in_accordance_with rules of the board. The application to convect to active 10 11 status must accompany the submission of the renewal fee 12 orescribed for such license. If more than 1 year has passed 13 since the license was inactivated, satisfactory evidence of 14 competence must be submitted to the board before an active 15 status_license_may_be_issued.

16 15] In case_of default of in payment of the renewal 17 fee_by_any_licensee, the board mayy--efter--meering--end--en 18 must_revoke_the_license.

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tal The board shall give the licensee 30 days' notice, revoke--the--ticense-of-the-hygienist-in-default;-but-the of its_proposed_revocation_action. The_notice_must_be_sent_by certified_mail_to_the_last_known_address_of_the_licensee_and 23 must contain a statement of the time and place of the 24 meeting at which the revocation will be considered.

25 1bl The payment of the renewal fee on or before the

1	time of-hearing <u>set for revocation</u> , with en-edditional-sum a
. 2	reasonable_late_fee set by the board, excuses the default.
3	The-department-may-collect-the-fee-by-suite
4	<pre>(c) A license revoked for nonpayment of the renewal</pre>
5	fee may be reinstated within 5 years of revocation if:
6	(i) renewal fees are paid for each year they were
7	unpaid: plus_a_late_penalty_for_each_year:
8	(ii)_the_applicant_produces_evidences_satisfactory_to
9	the board of good standing with the dental hygiene
10	regulatory agencies of any jurisdiction in which the
11	applicant has engaged in the active practice of dental
12	bygiene_since_the_last_payment_of_a_renewal_feeunder_this
13	chapter:_and
14	(iii) the applicant produces evidence satisfactory to
15	the board of good character and competence.
16	<pre>(61_Every_dental_bygienist_shall_give_the_board_notice</pre>
17	of any_change in names_address.or_status_within_30_days_of
18	ibe_change.
19	(2)(1) The board may tikewise, after a hearing, revoke
20	or suspend the license of a dental hygienist for violating
21	this chapter.
22	[8] No unit of local government: including those
23	exercising_self-government_powers. may impose a license fee
24	or business tax on a dental hygienist licensed under this

1 Section 9. Section 37-4-408, NCA, is amended to read: 2 *37-4-408. Auxiliary personnel -- employment, duties. 3 and limitations. The board shell may, within the limitations 4 of this chapter, adopt rules which define the qualifications 5 and outline the tasks of any unlicensed auxiliary personnel to be employed by any licensed dentist in his office, except that nothing herein shall be construed to allow the board by 7 rule to provide for delegation by a licensed dentist to any such auxiliary personnel any of the duties prohibited to 10 dental hygienists under 37-4-401 or a prophylaxis. The 11 performance of intraoral tasks by all dental auxiliaries, as 12 permitted by board rules, shall be under the direct 13 supervision of the licensed dentist employing 14 personnel." 15 NEW_SECTION. Section 10. Codification instruction. 16 Section 2 is intended to be codified as an integral part of

4, apply to section 2.

19 <u>NEW_SECTION</u> Section 11. Effective date. This act is
20 effective July 1, 1983.

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-End-

Title 37, chapter 4, and the provisions of Title 37, chapter

25

chapter."

STATE OF MONTANA

REQUEST NO. 375-83

FISCAL NOTE

Form BD-15

In	compliance	with a	written	request rec	ceived	February	11,	, 19 .	83	there is	hereby	submitted	a Fiscal No	te
for	House	Bill	699		pursuant to	Title 5, C	hapter 4, P	art 2	of the	Montana	Code A	nnotated (MCA).	
Ba	Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members													
of	the Legislati	are upo	n reques	t.										

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 699 generally revises and clarifies the licensing laws for dentists and dental hygienists; allows more than one board member to attend the national association meetings; provides a general rulemaking statute for the board; revises license and examination qualifications and provides for continued competency for annual license renewal; revises the definition of the practice of dental hygiene; deletes the temporary license provision for dental hygienists; prohibits a license fee or business tax on dental hygienists by a local government and clarifies the similar prohibition for dentists; makes rulemaking discretionary regarding auxiliary personnel; amends sections 37-4-204, 37-4-301, 37-4-307, 37-4-401, 37-4-402, 37-4-404, 37-4-406, and 37-4-408, MCA; and provides an effective date."

ASSUMPTIONS:

 More than one person has attended meetings in the past and currently. This bill just clarifies that they are now all called delegates.

FISCAL IMPACT:

It appears there is no fiscal impact.

LOCAL IMPACT:

House Bill 699 prohibits licensure by local governments. However, few if any, local governments now license dentists.

FISCAL IMPACT 13:N/1

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2 - 16 - 85

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successful

1	HOUSE BILL NO. 699
2	INTRODUCED BY WINSLOW
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE
4	BOARD OF DENTISTRY
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
7	CLARIFY THE LICENSING LAWS FOR DENTISTS AND DENTAL
8	HYGIENISTS; ALLOWING MORE THAN ONE BOARD MEMBER TO ATTEND
9	THE NATIONAL ASSOCIATION MEETINGS; PROVIDING A GENERAL
10	RULEMAKING STATUTE FOR THE BUARD; REVISING LICENSE AND
11	EXAMINATION QUALIFICATIONS AND PROVIDING FOR CONTINUES
12	COMPETENCY FOR ANNUAL LICENSE RENEWAL; REVISING THE
13	DEFINITION OF THE PRACTICE OF DENTAL HYGIENE; DELETING THE
14	TEMPORARY LICENSE PROVISION FOR DENTAL HYGIENISTS:
15	PROHIBITING A LICENSE FEE BRBUSINESSFAX ON DENTAL
16	HYGIENISTS BY A LOCAL GOVERNMENT AND CLARIFYING THE SIMILAR
17	PROHIBITION FOR DENTISTS; AND MAKING RULEMAKING
18	DISCRETIONARY REGARDING AUXILIARY PERSONNEL; AMENDING
19	SECTIONS 37-4-204, 37-4-301, 37-4-307, 37-4-401, 37-4-402,
20	37-4-404, 37-4-406, AND 37-4-408, MCA; AND PROVIDING AN
21	EFFECTIVE DATE."
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23	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
24	Section 1. Section 37-4-204, MCA, is amended to read:
25	*37-4-204. Affiliation with national association

authorized -- delegate delegates. The board may affiliate with the national association as an active member, pay regular annual dues to the association, and send e--delegate delegates to the meetings of the association." NEW SECTION. Section 2. Rulemaking. The board may adopt, amend, repeal rules necessary for implementation, continuation, and enforcement of this chapter in accordance with the Montana Administrative Procedure Act. Section 3. Section 37-4-301, MCA, is amended to read: *37-4-301. Examination -- qualifications -- fees -certification. (1) 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 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,

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•	the examination is sufficiently thorough to test the fitnes
2	of the applicant to practice dentistry. It shall include
3	written in the English language, questions on anatomy.
4	histology, physiology, chemistry, pharmacology and
5	therapeutics, metallurgy, pathology, bacteriology
6	anesthesia, operative and surgical dentistry, prosthetic
7	dentistry, prophylaxis, orthodontics, periodontics and
8	endodontics, and any additional subjects pertaining to
	dantal corvice.

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- (3) The board has the right to administer its own examination in lieu of acceptance of the national board written examination and a regional testing service practical examination. The board is authorized to make rules governing any such examination procedures.
- (4) Applicants for licensure shall submit application: which shall include: when required:
- (a) certification of successful completion of the national board written examination;
- (b) certification of successful completion of regional board practical examination:
 - (c) three affidavits of good moral character:
- (d) certificate of graduation from a board-approved dental school:

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24 (e) an examination fee commensurate with costs and set 25 by the board;

ì	(f)	a	licensure	fee	commensurate	with	costs	and	set	by
2	the board	:								

- 3 (q) a recent photograph of the applicant: and
- (h) copies of all other state licenses that are held 5 by the applicant.
- 6 (5) Applications must be submitted no less than 20 7 days prior to the board interview and jurisprudence R examination.
- 9 (6) Applicants may not take the jurisprudence 10 examination or the oral interview without first having completed and passed all other parts of the examination.
 - (7) 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.
- 17 (8) The board is authorized to adopt necessary and 18 reasonable rules governing application procedures.
 - ff}--The-board-may-in-its-discretion--permit--s--dental student--who-has-successfully-completed-his-junior-year-in-a recognized-dentel-school-and-who-files-proof-setisfactory-to the-board-that-he-has-the-preliminary-education-described-in this-section-to-take-a-written-examination-in--the--subjects he--hos--completed----Satisfactory--arades--secured-shall-be credited-on-the-final-examination-of-the-students-The--board

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shall--require--a-fea-commensurate-with-costs-and-sat-by-the
board-for-this-examinationy-which-shall-apply-on--the--final
examination-taken-by-the-applicanty*

Z

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

#37-4-307. Annual renewal fee — absent—registered

dentist—— default == active. inactive status == continuing

education == limit on local authority to license. (1) *

Every licensed dentist procticing—within—this—state shall

annually pay to—the—department—before—Moreh—iv—as—a gach

year—a renewal fee for—the—years—a-sum—set—by to the board.

Ibe_renewal_fee_must_be_set_by_the_board_commensurate_with

costs. Notice of the change in the amount of renewal fees

shall must be given to each dentist registered in this state

by the department.

(2) If-o-registered-dentist-absents-himself--from--the state--for-a-period-of-1-or-more-years-or-does-not-engage-in active-practice-within--this--statev--he--may--continue--his license--in-good-standing-by-a-payment-set-by-the-board-each year-or-at-the-discretion-of-the-boardy-he-may-be-reinstated on-the-payment-of-a-fee-prescribed-by--the--board--for--each year-s--absencev--The Payment_of the annual payments-shall renewal_fee_must be made prior to March 1 of each year, and a receipt--or--certificate--shall license_renewal_must be issued by the department. A_reasonable_late_fee_is_required if the annual renewal_fee_is_not_paid_before_March_la

-5-

1 (3) The board may adopt rules governing requirements
2 for demonstrating continued competency for license renewals
3 (4) (a) The board may reclassify an active status
4 license to inactive status for a licenses who furnishes
5 satisfactory evidence that the licenses has discontinued the
6 actual practice of deptistry because of physical disability
7 or retirements

9 license but does not maintain a resident practice must be
10 licensed in the inactive status.
11 (c) Application to convert an inactive status license

(c) Application to convert an inactive status license to an active status license must be made in accordance with rules of the board. The application to convert to active status must accompany the submission of the renewal fee prescribed for such license. If more than 1 year has passed since the license was inactivated, satisfactory evidence of competence must be submitted to the board before an active status license may be issued.

19 (3)(2) In case of default in payment of the annual
20 renewal fee by a dentist licenses, his license shall must be
21 revoked by the board.

22 <u>fal</u> on <u>The hoard shall give the licensee</u> 30 days*
23 notice given-to-the-delinquent-of-the-time-and-place-of
24 considering-the-revocation <u>of its proposed revocation</u>
25 <u>action</u>. A-registered-or <u>The notice must be sent by</u> certified

25

I.	letter addressed to the last-known address of the party
2	failing-to-comply-withthisrequirementyastheaddress
3	appearsontherecordsofthedepartmentyconstitutes
4	sufficient-notice-of-revocation-of-licenser-but-no licensee
5	and_must_contain_a_statement_of_the_time_and_place_of_the
6	meeting_at_which_the_revocation_will_be_considered.
7	(b) If the licensee pays the renewal fees plus a
8	reasonable_late_fee_set_by_the_board*_prior_to_the_time_set
9	for revocations the license may not be revoked for
10	nonpayment-if-the-dentist-notified-pays-the-renewal-fee-plus
11	afate-payment-penalty-preseribed-by-the-board-before-or-at
12	thetimefixedforconsiderationofrevocationThe
13	departmentmay-maintain-in-the-nome-of-this-state-e-suit-to
14	collect-renewal-fees-and-penalties-applicable-and-to-recover
15	fromthedefinquentdentistthecostoftheactiony
16	including-reasonable-attorneys*-fees.
17	(c) A license revoked for nonpayment of the renewal
18	fee_may_be_relostated_withio_5_years_of_rexocation_if:
19	fil renewal fees are paid for each year they were
20	unpaid*_plus_a_late_penalty_fee_for_each_year:
21	fill the applicant produces evidence satisfactory to
22	the board. of good standing with the dentistry regulatory
23	agencies of any jurisdiction in which the applicant has
24	engaged_in_the_active_practice_of_dentistry_since_the_last
25	payment_of_a_renewal_fee_under_this_chanter: and

2	the board of good character and competence.
3	<pre>16) Every dentist shall give the board notice of any</pre>
4	change_in_name:_address:_or_status_within_30_days_of_the
5	change.
6	<pre>++>111 No unit of local government.including those</pre>
7	exercising_self-government_powers.may_impose_a license fee
8	or <u>buginess</u> tox-may-be-imposed on dentists-by-a-municipality
9	or-any-other-subdivision-of-thestate a dentist licensed
10	under_this_chapter."
11	Section 5. Section 37-4-401, MCA, is amended to read:
12	#37-4-401. Practice of dental hygiene. The practice of
13	dental hygiene is the-doing-by-one-person-foradirector
14	indirect-considerationy-with-respect-to-the-teeth-of-another
15	personyon-oct-or-service services, performed by a licensed
16	preventive_oral_bealth_practitioner_known_as_a_dental
17	<u>hygieniste_that_are</u> educational, therapeutic, prophylactic,
18	or preventive <u>procedures</u> in nature, as the board in writing
19	defines and authorizes. However, this section does not allow
20	the board or a licensed dentist to delegate any of the
21	following duties:
22	(1) diagnosis, treatment planning, and prescription;
23	(2) surgical procedures on hard and soft tissues <u>other</u>
24	than root planing and subgingival curettage;

(iii) the applicant produces evidence satisfactory to

(3) restorative, prosthetic, orthodontic, and other

- procedures which require the knowledge and skill of a dentist:
- 3 (4) prescription for drugs, medications, or work
 4 authorizations.**

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- 5 Section 6. Section 37-4-402, MCA, is amended to read:
 6 #37-4-402. License -- examination. (1) The department
 7 may issue licenses for the practice of dental hygiene to
 8 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) 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 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 jurisprudence. The board may accept, in satisfaction of the practical part, successful completion of an examination by a

- 1 board-designated regional testing service.
- 2 (4) The board has the right to administer its own
 3 examination in lieu of acceptance of the national board
 4 written examination and a regional testing service practical
 5 examination. The board is authorized to make rules
 6 governing any such examination procedures.
- 7 (5) Applicants for licensure shall submit an application, which shall include, when required:
- (a) certification of successful completion of the
 national board written examination;
- (b) certification of successful completion of a regional board practical examination;
- 13 (c) two affidavits of good moral character;
- (d) certificate of graduation from a board-approved dental hygiene school;
- (e) an examination fee commensurate with costs and setby the board;
- (f) a licensure fee commensurate with costs and set by the board:
- 20 (q) a recent photograph of the applicant;
- 21 (bl_copies of all other state licenses that are held
 22 by the applicant.
- 23 (6) Applications must be submitted no less than 20
 24 days prior to the board interview and jurisprudence
 25 examination. Applicants may not take the jurisprudence

examination_or_the_oral_interview_without_first_having
completed_and_passed_all_other_parts_of_the_examination.

- (7) 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 on payment of a fee commensurate with costs and set by the board.
- (8) The board is authorized to adopt necessary and reasonable rules governing application procedures.
 - Section 7. Section 37-4-404, MCA, is amended to read:

 **37-4-404. Admission of dental hygienists from other

 states -- reciprocity. (1) On the payment of a fee

 prescribed by the board and after satisfactory practical

 examination demonstrating his proficiency, a dental

 hygienist may be granted a license to practice dental

 hygiene in this state without being required to take an

 examination in theory if he:
 - (a) has been lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dental hygiene which, in the opinion of the board, is equal to that at the time maintained in this state;
 - (b) has been lawfully and continuously engaged in the practice of dental hygiene for a period of 1 year or more immediately before filling his, application, to practice in

this state; and

- (c) deposits in person with the department an attested certificate from the examining board of the state or territory in which he is registered or licensed, certifying to the fact of his registration and license and of his being a person of good moral character and of professional attainments.
- (2) Except-as--provided--in--subsection--(3)--af--this section--no No license may be issued without an examination in theory to the applicant unless the state or territory from which the certificate has been granted extends a like privilege to engage in the practice of dental hygiene to dental hygienists licensed by this state who have moved to the other state.
- (3)--A-dental-hygienist-who-has-been-lawfally-licensed to-practice-in-another-state-or-territory-not-having reciprocity-with-this-state-but-which-has-and-maintains-a standard-for-the-practice-of-dental-hygiene-which-in-the opinion-of-the-boardy-is-equal-to-that-at-the-time maintained-in-this-state-and-who-deposits-in-person-with-the department-an-attested-certificate-from-the-examining-board of-the-state-or-territory-in-which-he-is-registered-or licensedy-certifying-to-the-fact-of-his-registration-and dicense-and-his-being-a-parson-of-good-moral-character-and of-professional-attainmenty-mayy-on-the-payment-of-a-fee-as

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1	prescribed-by-the-boordybegrantedotemporarylicense
2	authorizingtheperson-to-practice-dental-hygiene-from-the
3	time-of-the-granting-of-the-license-until-thetimeofthe
4	nextregularexaminationfordentalhygieneset-by-the
5	boardNo-additional-fee-for-the-examination-may-be-charged-
6	(4)(1) The board may enter into reciprocity agreements
7	with other states or territories, the standards of which as
В	to the practice of dental hygiene are, in the opinion of the
9	board, equal to those of this state."
10	Section 8. Section 37-4-406, MCA, is amended to read:
11	*37-4-406. Annual renewal fee <u>defaultactive</u> s
12	inactive_status_==_continuing_education_== revocation of
13	license. (1) Refore-March-1-of-each-yeary-a <u>Every</u> licensed
14	dental hygienist shall pay to the department <u>each year</u> a
15	renewal fee set-by to the board. The renewal fee must be set
16	by_the_board_commensurate_with_costsTherenewalmustbe
17	for_either_active_or_inactive_status*_as_defined_by_rules_of
18	ihe_board.
19	(2)Caymentoftheannualrenewal_fee_must_be_made
20	orior_to_March_l_of_each_yearand_a_license_renewal_must_be
21	issued by the department. A reasonable late fee is required

if the annual renewal fee is not paid before March la

(3) The board may adopt rules governing requirements

for demonstrating continued competency for license renewal. (4) (a) The board may reclassify an active status

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2	satisfactory_evidence_that_the_licensee_bas_discontinued_the									
3	actual_practice_of_dental_bygiene_because_of_physical									
4	disability_or_ceticement.									
5	(b) An individual who wishes to maintain a Montana									
6	license but does not maintain a resident practice must be									
7	licensed in the inactive status.									
8	(c)_Application_to_convert_an inactive_status_license									
9	to_ao_active_status_license_must_be_made_in_accordance_with									
10	rules of the board. The application to convert to active									
11	status must accompany the submission of the renewal fee									
12	prescribed for such license. If more than I year has passed									
13	since_tbe_license_was_inactivated.satisfactory_evidence_of									
14	competence must be submitted to the board before an active									
15	status_license_may_be_issued.									
16	[5] In case of default of in payment of the renewal									
17	fee by any licensee, the board mayafterhearingandon									
18	must_revoke_the_license.									
19	(a) The beard shall give the licensee 30 days' notice.									
20	revoketheficense-of-the-hygienist-in-default;-but-the Qf									
21	its proposed revocation action. The notice must be sent by									
22	certified_mail_to_the_last-known_address_of_the_licensee_and									
23	must_contain_a_statement_of_the_time_and_place_of_the									
24	meeting at which the revocation will be considered.									
25	(b)The payment of the renewal fee on or before the									

license to loactive status for a licensee who furnishes

ı	time of-hearing set tor revocation, with an-additional-sum a
2	reasonable_late_fee set by the boards excuses the default.
3	The-department-way-collect-the-fee-by-suit*
4	(cl_A_license_revoked_for_gonpayment_of_the_renewal
5	fee may be reinstated within 5 years of revocation if:
6	(i)_cenewal_fees_ars_paid_for_each_year_they_were
7	unpaid_plus_a_late_penalty_for_earb_year:
8	fill the applicant produces evidences satisfactory to
9	the hoard of good standing with the dental hygiene
10	regulatory_acencies_of_any_jurisdiction_in_whichthe
11	applicant_has_engaged_in_the_active_practice_of_dental
12	hygiene since the last payment of a receval fee under this
13	chapteri_and
14	<pre>fiiil_the_applicant_produces_evidence_satisfactory_to</pre>
15	the board of good character and competence.
16	161 Every dental bygienist shall give the board notice
17	of any change in names address, or status within 30 days of
8 1	the_change.
E 9	(2)(7) The board may likewise, after a hearing, revoke
50	or suspend the license of a dental hygienist for violating
21	this chapter.
22	181 No unit of local covernments including these
23	exercising self-government sowers, may impose a bicense fac
24	or business ton a dental beginnist licensed under this
25	chapter."

1	Section 9. Section 37-4-408, MCA, is amended to read:
2	#37-4-408. Auxillary personnel employment, duties.
3	and limitations. The board shall may, within the limitations
4	of this chapter, adopt rules which define the qualifications
5	and putline the tasks of any unlicensed auxillary personnel
6	to be employed by any licensed dentist in his office, except
7	that nothing herein shall be construed to allow the board by
8	rule to provide for delegation by a licensed dentist to an
9	such auxiliary personnel any of the duties prohibited to
10	dental hygienists under 37-4-401 or a prophylaxis. The
11	performance of intraoral tasks by all dental auxiliaries, as
12	permitted by board rules, shall be under the direct
13	supervision of the licensed dentist employing such
14	personnel."
15	NEW SECTION. Section 10. Codification instruction
16	Section 2 is intended to be codified as an integral part o
17	Title 37, chapter 4, and the provisions of Title 37, chapte
18	4, apply to section 2.

-End-

-16-

YEW SECTION. Section 11. Effective date. This act is

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effective July 1, 1983.

1	STATEMENT OF INTENT
2	HOUSE BILL 699

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A Statement of Intent is required because Section 2 delegates to the Board of Dentistry power to make rules for the implementation, continuation, and enforcement of all sections within Title 37, chapter 4. This provision is intended as a backup to the various provisions giving the Board rulemaking authority over portions of the chapter as are found in 37-4-301 (examination criteria for dental license), 37-4-307 (dentist license fees), 37-4-321 (defining unprofessional conduct) + 37-4-402 (examination criteria for dental hygienist license), 37-4-406 (hygienist license fees), and 37-4-408 (scope of duties of dental assistants). This is consistent with authority delegated to most other professional licensing boards. Section 2 grants the Board the authority to interpret or implement other parts of the chapter that are not covered by existing delegation. The Board shall be bound by statements of intent adopted in 1979 for these other sections and may not use Section 2 for rulemaking authority when a more specific delegation suffices.

House Human Services Committee

Sections 4 and 8 give the Goard authority to adopt rules imposing a demonstration of continued competency for

- 1 license renewal. The Board is not required to adopt such
- 2 rules. It is contemplated that a study will be conducted to
- 3 review other existing program designs in determining a
- 4 viable means of demonstrating continued competency.

STATEMENT OF INTENT ONLY PLEASE ATTACH TO HB 699 SECOND READING

-2-

STATEMENT OF INTENT

HOUSE BILL 699

House Human Services Committee

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A Statement of Intent is required because Section 2 delegates to the Board of Dentistry power to make rules for the implementation, continuation, and enforcement of all sections within Title 37, chapter 4. This provision is intended as a backup to the various provisions giving the Board rulemaking authority over portions of the chapter as are found in 37-4-301 (examination criteria for dental license), 37-4-307 (dentist license fees), 37-4-321 (defining unprofessional conduct), 37-4-402 (examination criteria for dental hygienist license), 37-4-406 (hygienist license fees), and 37-4-408 (scope of duties of dental assistants). This is consistent with authority delegated to most other professional licensing boards. Section 2 grants the Board the authority to interpret or implement other parts of the chapter that are not covered by existing delegation. The Board shall be bound by statements of intent adopted in 1979 for these other sections and may not use Section 2 for rulemaking authority when a more specific delegation suffices.

24 Sections 4 and 8 give the Board authority to adopt 25 rules imposing a demonstration of continued competency for

- 1 license renewal. The Board is not required to adopt such
- 2 rules. It is contemplated that a study will be conducted to
- 3 review other existing program designs in determining a
- 4 viable means of demonstrating continued competency.

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24 25 successful!

1	HOUSE BILL NO. 699
2	INTRODUCED BY WINSLOW
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE
4	BOARD OF DENTISTRY
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
7	CLARIFY THE LICENSING LAWS FOR DENTISTS AND DENTAL
8	HYGIENISTS; ALLOWING MORE THAN ONE BOARD HEMBER TO ATTEND
9	THE NATIONAL ASSOCIATION MEETINGS; PROVIDING A GENERAL
10	RULEMAKING STATUTE FOR THE BOARD; REVISING LICENSE AND
11	EXAMINATION QUALIFICATIONS AND PROVIDING FOR CONTINUED
12	COMPETENCY FOR ANNUAL LICENSE RENEWAL; REVISING THE
13	DEFINITION OF THE PRACTICE OF DENTAL HYGIENE; DELETING THE
14	TEMPORARY LICENSE PROVISION FOR DENTAL HYGIENISTS;
15	PROHIBITING A LICENSE FEE BRBUSENESSFAX ON DENTAL
16	HYGIENISTS BY A LOCAL GOVERNMENT AND CLARIFYING THE SIMILAR
17	PROHIBITION FOR DENTISTS; AND MAKING RULEMAKING
18	DISCRETIONARY REGARDING AUXILIARY PERSONNEL; AMENDING
19	SECTIONS 37-4-204, 37-4-301, 37-4-307, 37-4-401, 37-4-402,
20	37-4-404, 37-4-406, AND 37-4-408, MCA; AND PRUVIDING AN
21	EFFECTIVE DATE."
22	
23	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
24	Section 1. Section 37-4-204, MCA, is amended to read:
25	#37-4-204. Affiliation with national association

authorized delegate delegates. The board may affiliat
with the national association as an active member, pa
regular annual dues to the association, and send e-delegat
<u>delegates</u> to the meetings of the association.™
<u>NEW SECTION.</u> Section 2. Rulemaking. The board ma
adopt, amend, or repeal rules necessary for th
implementation, continuation, and enforcement of thi
chapter in accordance with the Montana Administrativ
Procedure Act.
Section 3. Section 37-4-301, MCA, is amended to read
*37-4-301. Examination qualifications fees -
certification. (1) Applicants for licensure shall take an
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 hoard which may include
questions pertaining to the practice of dentistry. The boar
may accept, in satisfaction of the written part, successfu

(2) Acceptance by the board of such written and practical examination shall be conditioned on evidence that

completion of an examination by the national board of dental

examiners and, whenever the board determines necessary,

jurisprudence. The board may accept. In satisfaction of the

practical part, successful completion of an examination by a

completion

board-designated regional testing service.

of a board examination in

4	THE EXPHINATION IS SUTTICIENTLY THOROUGH TO TEST THE TITLESS
Z	of the applicant to practice dentistry. It shall include.
3	written in the English language, questions on anatomy,
4	histology, physiology, chemistry, pharmacology and
5	therapeutics, metallurgy, pathology, bacteriology,
6	anesthesia, operative and surgical dentistry, prosthetic
7	dentistry, prophylaxis, orthodontics, periodontics and
8	endodontics, and any additional subjects pertaining to
9	dental service.

- (3) The board has the right to administer its. own examination in lieu of acceptance of the national board written examination and a regional testing service practical examination. The board is authorized to make rules governing any such examination procedures.
- 15 (4) Applicants for licensure shall submit an 16 application, which shall includes when required:

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- (a) certification of successful completion of the national board written examination;
- 19 (b) certification of successful completion of a 20 regional board practical examination;
 - (c) three offidavits of good moral character;
- 22 (d) certificate of graduation from a board-approved 23 dental school:
- 24 (e) an examination for commonsurate with costs and set

1	(f)	а	licensure	fee	commensurate	with	costs	and	set	by
,	the board	1:								

(u) a recent photograph of the applicant: and

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- (h) copies of all other state licenses that are held by the applicant.
- 6 (5) Applications must be submitted no less than 20
 7 days prior to the board interview and jurisprudence
 8 examination.
 - (6) Applicants may not take the jurisprudence examination or the oral interview without first having completed and passed all other parts of the examination.
- 12 (7) Examination results will be accepted for a period
 13 of time as set by board rule. An applicant failing to pass
 14 his first examination. If otherwise qualified, may take a
 15 subsequent examination upon payment of a fee commensurate
 16 with costs and set by the board.
 - (8) The board is authorized to adopt necessary and reasonable rules governing application procedures.
 - (??--The-board-may-in-its-discretion--permit--a--dental
 student--who-hap-successfully-completed-his-junior-year-hams
 recognized-dastel--school--and-who-files--proof-satisfestpry-to
 the-board-that-he-hos-the-proliminary-oducation-dasquibas--in
 this-section-to-bake-o-written-examination-in--chap--eubjacts
 :he--has--completed----Setisfactory--grades--sacured-ohall-be
 credited-on-the-final-cummination-of-the-students-Tha--baard

shall--require--a-fee-commensurate-with-costs-and-set-by-the
board-for-this-exeminationy-which-shall-apply-on--the--final
examination-taken-by-the-applicants*

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

"37-4-307. Annual renewal fee — absent—registered

dentist—— default — active inactive status == continuing
education == limit on local authority to license. (1) A

Exery licensed dentist practicing—within-this-state shall
annually pay to-the-department-before-March—ty—as—a each
year a renewal fee for-the-yeary—asum—set-by to the board.

The renewal fee must be set by the board commensurate with
costs. Notice of the change in the amount of renewal fees
shall must 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-i-or-more-years-or-does-not-engage-in active-proctice-within--this--statey--he--may--continua--his license--in-good-standing-by-a-payment-sat-by-the-board-coch year-or-at-the-discretion-of-the-boardy-he-may-be-reinstated on-the-payment-of-a-fee-prescribed-by--the--board--for--each year-s-absence---the Payment of the annual payments-sholt renewal figures must be made prior to March 1 of each year, and a receipt--or--certificate--shall license renewal must be issued by the department+ & reasonable late fee is required if the annual renewal fee is not paid before March 1.

1	(3) The board way adopt rules governing requirements
2	for demonstrating continued competency for license renewal.
3	(4)_(a)_Ibe_board_may_reclassify_an_active_status
4	license_to_inactive_statusfora_licensee_whofurnishes
5	satisfactory_evidence_that_the_licensee_bas_discontinued_the
6	actual_practice_of_dentistry_because_of_pbysical_disability
7	or_retirement*

license_but_does_not_maintain_a_resident_practice_must_be
licensed_in_the_inactive_status=

(cl_application_to_convert_an_inactive_status_license
to_an_active_status_license_must_be_made_in_accordance_with
rules_of_the_board=_The_application__to__convert__to__active

(b)_Ao_iodividual_wbo_wishes_to_maintain_a_Montana

- status must accompany the submission of the renewal fee prescribed for such license. If more than 1 year has passed since the license was inactivated, satisfactory evidence of competence must be submitted to the board before an active
- 18 status_license_may_be_issued.

- 19 (3)(2) In case of default in payment of the annual
 20 renewal fee by a dentist licensee, his license shall must be
 21 revoked by the boards
- 22 (a) on The hoard shall give the licensee 30 days*
 23 notice given-to-the-definquent-of-the-time-and-place-of
 24 considering-the-revocation of its_proposed_revocation
 25 action. A-registered-or The notice must be sent by certified

Tetter addressed to the Tast-known address of the party
foiling-to-comply-withthisrequirementyastheaddress
appaarsontherecordsofthedepartmentyconstitutes
sufficient-notice-of-revocation-of-licensey-but-no licenses
and_swet_contain_a_statement_of_the_time_and_place_of_the
meetian at which the revocation will be considered.
(b) If the licenses pays the renewal fees plus a
reasonable late fee set by the beards prior to the time set
for revocation, the license may not be revoked for
nonpayment-ff-the-dent/st-not/ffed-pays-the-renewal-fee-plus
afate-payment-penatty-preseribed-by-the-board-before-or-at
thetimefixedforconsiderationofrevocationThe
department=-may-maintain-in-the-name-of-this-siete-a-suit-to
collect-renewal-fees-and-penalties-applicable-and-to-recover
fromthedefinquentdentistthecostoftheoctiony
including-resonable-attorneysfoos.
icl a license revoked for poppayment of the repeval
fee_may_be_reinstated_within_5_years_of_revocation_if:
fil renewal fees are paid for each year they were
unpaids plus a late penalty fee for each year;
fill the applicant produces evidence satisfactory to
the boards of good standing with the dentistry togulatory
agencies of any judisdiction to which the applicant has
angaged in the active practice of dentistry since the last
payment.ef_a_renewal_fee_wader_tbls_rtwoter:_and

1	(iii) the applicant produces evidence satisfactory to
2	the board of good character and competence.
3	(6) Every dentist shall give the board motice of any
4	change in names addresss or status within 30 days of the
5	change.
6	ttt[] No unit_of_local_governmentincluding_thuse
7	exercising_self-government_powers.may_impose_a license fee
8	or business tex-may-be-imposed on dentists-by-a-municipality
9	or-any-other-subdivision-of-thestate a dentist licensed
10	under_this_chapter."
11	Section 5. Section 37-4-401, MCA, is amended to read:
12	*37-4-401. Practice of dental hygiens. The practice of
13	dental hygiene is the doing-by-ene-person-forodirector
14	indirect-considerations-with-respect-to-the-teeth-of-another
15	personyen-ect-or-service services, performed by a licensed
16	preventive oral health practitioner_known_as_a_dental
17	hygienist: that are educational, therapeutic, prophylactic,
18	or preventive <u>procedures</u> in nature, as the board in writing
19	defines and authorizes. However, this section does not allow
20	the board or a licensed dentist to delegate any of the
21	following duties:
22	(1) diagnosis, treatment planning, and prescription;
23	(2) surgical procedures on hard and soft tissues other

than root planing and subgingival curettage;

(3) restorative, prosthetic, orthodoxtic, and other

procedures which require the knowledge and skill of a dentist;

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- (4) prescription for drugs, medications, or work
- Section 6. Section 37-4-402, MCA, is amended to read:

 may issue licenses for the practice of dental hygiene to

 gualified 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.
 - 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 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 jurisprudence. The board may accept, in satisfaction of the practical part, successful completion of an examination by a

- 1 board-designated regional testing service.
- 2 (4) The board has the right to administer its own
 3 examination in lieu of acceptance of the national board
 4 written examination and a regional testing service practical
 5 examination. The board is authorized to make rules
 6 governing any such examination procedures.
- 7 (5) Applicants for licensure shall submit an 8 application, which shall include, when 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:
- (d) certificate of graduation from a board-approved 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 pard;
- 20 (g) a recent photograph of the applicant;
- 21 (h)_copies_of_all_other_state_licenses_that_are_held
 22 by_the_applicant.
- 23 (6) Applications must be submitted no less than 20
 24 days prior to the board interview and jurisprudence
 25 examination. Applicants may not take the jurisprudence

examination or the office luteralar without first having completed and passed all other parts of the examination.

- (7) 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 on payment of a fee commensurate with costs and set by the board.
- (8) The board is authorized to adopt necessary and reasonable rules governing application procedures.*
- Section 7. Section 37-4-404, MCA, is amended to read:
 #37-4-404. Admission of dental hygienists from other
 states -- reciprocity. (1) On the payment of a fee
 prescribed by the board and after satisfactory practical
 examination demonstrating his proficiency, a dental
 hygienist may be granted a license to practice dental
 hygiene in this state without being required to take an
 examination in theory if he:
- (a) has been lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dental hygiene which. In the opinion of the board, is equal to that at the time maintained in this state:
- (5) has been lawfully and continuously engaged in the practice of dental hygiene for a period of 1 year or more immediately before filling his application to practice in

this state; and

- (c) deposits in person with the department an attested certificate from the examining board of the state or territory in which he is registered or licensed, certifying to the fact of his registration and license and of his being a person of good moral character and of professional attainments.
- (2) Except-us--provided--in--subsection--(3)--of--this sections--no No license may be issued without an examination in theory to the applicant unless the state or territory from which the certificate has been granted extends a like privilege to engage in the practice of dental hygiene to dental hygienists licensed by this state who have moved to the other states
- (3)---A-dental-hygienist-who-has-been-lawfally--licensed to--practice--in-another--state--or--territory--not--Having reciprocity-state-this-state-but-which-has--and--maintenins--a standard--for--the--practice-of-dental-hygiene-whichy-in-the opinion--of--the--boardy--is--aqual--to--that--at--the--time maintal-ned-in-this-state-and-who-deposits-in-person-with-the department--an--uttastad-certificate--from-the--examining-board of-the-state-or--tarritory--in--which--he--is--registarion--by licensedy--certifying--to--the--fact-of-his-registarion-and ficense-and-his-buing-a-param-of-good-maral--character--and of--prafessional-attainmenty-mayy-on-the-paymant-of-sc-eas-

prescribed-by-the-boardybegrantedatemperarylicanse
authorizing-theperson-to-practice-dental-hygiene-from-the
time-of-the-granting-of-the-license-until-thetimeofthe
nextregularexaminationfordentalhygieneset-by-the
boardr-No-additional-fee-for-the-exemination-may-be-charged
†4†(3) The board may enter into reciprocity agreements
with other states or territories, the standards of which as
to the practice of dental hygiene are, in the opinion of the
board, equal to those of this state."
Section 8. Section 37-4-406, MCA, is amended to read:
*37-4-406. Annual renewal fee - default active
inactive status continuing education revocation of
license. (I) Refore-March-1-of-each-yeary-a Exerx licensed
dental hygienist shall pay to-the-department gach year a
renewal fee set-by to the board. The renewal fee must be set
by the board commensurate with costs. The renewal must be
for either active or inactive statuse as defined by rules of
the boarde
121 Payment of the annual renewal fee sust be made
orior to March l of each years and a license renewal must be
issued by the department. A reasonable late fee is required
if the annual renewal fee is not paid before March la
(3) The board may adopt rules governing requirements
for demonstrating continued competency for license renewals

2	satisfactory_evidence_that_the_licensee_has_discontinued_the
3	actual practice of dental hygiene because of physica
4	disability_or_ceticement.
5	(b) An Individual who wishes to maintain a Montag
6	license_but_does_coot_maintain_a_resident_practice_must_b
7	licensed_in_the_inactive_status.
8	<pre>£cl_Application_to_convert_an_inactive_status_licens</pre>
9	to_ao_active_status_license_must_be_made_io_accordance_vit
10	rules_of_the_boardThe_application_to_convert_to_active
11	status_must_accompany_the_submission_of_the_renewal_fe
12	prescribed for such license. If more than 1 year has passe
13	since_tbe_license_was_inactivated=_satisfactory_evidence_p
14	competence must be submitted to the board before an active
15	status_license_may_be_issued.
16	151 In case_of default of in payment of the renewal
17	fee_by_any_licensee, the board mayor-afterhearingandon
18	must_rewoke_the_license.
19	tal_Ibe_board_shall_give_the_licensee 30 days' notice
20	revokethelicense-of-the-hygienist-in-default;-but-the $oldsymbol{arphi}$
21	its_proposed_revocation_action. The notice_must_be_sent_b
22	certified_mail_to_the_last=known_address_of_the_licensee_and

license to inactive status for a licensee who furnishes

(b) The payment of the renewal fee on or before the

must contain a statement of the time and place of the

meeting at which the revocation will be considered.

(4) (a) The board may reclassify an active status

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4+ apply to section 2.

effective July 1, 1983.

1	time of-hearing <u>set for revocation</u> , with an-additional-aum
2	reasonable. late fee set by the boards excuses the default
3	The-department-may-coffact-the-fac-by-suite
4	(cl_a_licesse_revoked_for_doopsyment_of_the_renewa
5	fee may be reinstated within 5 years of revocation if:
6	(i) renewal fees are paid for each year they wer
7	uopaids plus a lata penalty for each year:
8	(li)_the applicant_produces_syldencessatisfactory_t
9	the heard of good standing with the dental hygien
10	regulatory agencies of any jurisdiction in which th
11	applicant has engaged in the active practice of denta
12	byglens since the last payment of a renewal fee under thi
13	chapter1_and
14	fill the applicant produces evidence satisfactory t
15	the beard of good character and competence.
16	[6] _Every_dental_bygienist_shall_give_the_board_notic
17	of any change in names addresss or status within 30 days or
18	the_change.
19	f2)111 The board may likewise, after a hearing, revoke
20	or suspend the license of a dental hygienist for violating
21	this chapter.
22	[81_No_unit_of_lotal_governments_including_thes
23	exercising_self-government_powers=_eav_impose_a_license_fea
24	or:hentoess:tox on a decial bagionist_licensed_under_thi
25	chaptera*

1	Section 9. Section 37-4-408, MCA, is amended to read
2	#37-4-408. Auxiliary personnel employment, duties
3	and limitations. The board shall may, within the limitation
4	of this chapter, adopt rules which define the qualification
5	and outline the tasks of any unlicensed auxiliary personne
6	to be employed by any licensed dentist in his office, excep
7	that nothing herein shall be construed to allow the board b
8	rule to provide for delegation by a licensed dentist to an
9	such auxiliary personnel any of the duties prohibited to
10	dental hygienists under 37-4-401 or a prophylaxis. The
11	performance of intraoral tasks by all dental auxiliaries, a
12	permitted by board rules, shall be under the direc
13	supervision of the licensed dentist employing suc
14	personnel. =
15	NEW SECTION. Section 10. Codification instruction

-End-

Section 2 is intended to be codified as an integral part of

Title 37, chapter 4, and the provisions of Title 37, chapter

YEW SECTION. Section 11. Effective date. This act is

14B ±/91

STATEMENT	OF	INTENT
HOUSE	BILL	699

House Human Services Committee

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A Statement of Intent is required because Section 2 delegates to the Board of Dentistry power to make rules for the implementation, continuation, and enforcement of all sections within Title 37: chapter 4. This provision is intended as a backup to the various provisions giving the Board rulemaking authority over portions of the chapter as are found in 37-4-301 (examination criteria for denta) license), 37-4-307 (dentist license fees), 37-4-321 (defining unprofessional conduct): 37-4-402 (examination criteria for dental hygienist license), 37-4-406 (hygienist license fees), and 37-4-408 (scope of duties of dental assistants). This is consistent with authority delegated to most other professional licensing boards. Section 2 grants the Board the authority to interpret or implement other parts of the chapter that are not covered by existing delegation. The Board shall be bound by statements of intent adopted in 1979 for these other sections and may not use Section 2 for rulemaking authority when a more specific delegation suffices.

Sections 4 and 8 give the Board authority to adopt rules imposing a demonstration of continued competency for

- 1 license renewal. The Board is not required to adopt such
- 2 rules. It is contemplated that a study will be conducted to
- 3 review other existing program designs in determining a
- 4 viable means of demonstrating continued competency.

association

ı	HOOSE BILL NO. 999
2	INTRODUCED BY WINSLOW
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE
4	BOARD OF DENTISTRY
5	_
6	A BIL. FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
7	CLARIFY THE LICENSING LAWS FOR DENTISTS AND DENTAL
8	HYGIENISTS: ALLOWING MORE THAN ONE BOARD HEMBER TO ATTEND
9	THE NATIONAL ASSOCIATION MEETINGS; PROVIDING A GENERAL
10	RULEMAKING STATUTE FOR THE BOARD; REVISING LICENSE AND
11	EXAMINATION QUALIFICATIONS AND PROVIDING FOR CONTINUED
12	COMPETENCY FOR ANNUAL LICENSE RENEWAL; REVISING THE
13	DEFINITION OF THE PRACTICE OF DENTAL HYGIENE; DELETING THE
14	TEMPORARY LICENSE PROVISION FOR DENTAL HYGIENISTS;
15	PROHIBITING A LICENSE FEE ORBUSINESSTAK ON DENTAL
16	HYGIEVISTS BY A LOCAL GOVERNMENT AND CLARIFYING THE SIMILAR
17	PROHIBITION FOR DENTISTS; AND MAKING RULEMAKING
18	DISCREFIONARY REGARDING AUXILIARY PERSONNEL; AMENDING
19	SECTIONS 37-4-204, 37-4-301, 37-4-307, 37-4-401, 37-4-402,
20	37-4-404. 37-4-406. AND 37-4-408. HCA; AND PROVIDING AN
21	EFFECTIVE DATE."
22	
23	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
24	Section 1. Section 37-4-204, MCA, is amended to read:

#37-4-204. Affiliation with national

1 authorized -- delegate delegates. The board may affiliate 2 with the national association as an active member, pay 3 regular annual dues to the association, and send e--detegate delegates to the meetings of the association." 5 NEW_SECTION. Section 2. Rulemaking. The board may adopt. amend. or repeal rules necessary for the 7 implementation, continuation, and enforcement of this chapter in accordance with the Montana Administrative 9 Procedure Act. 10 Section 3. Section 37-4-301, MCA, is amended to read: 11 *37-4-301. Examination -- qualifications -- fees --12 certification. (I) Applicants for licensure shall take and 13 pass an examination in order to be licensed. The examination 14 shall consist of a written part, a practical or clinical 15 part, and an oral interview with the board which may include 16 questions pertaining to the practice of dentistry. The board 17 may accept, in satisfaction of the written part, successful 18 completion of an examination by the national board of dental 19 examiners and, whenever the board determines necessary, 20 successful completion of a board examination in 21 jurisprudence. The board may accept, in satisfaction of the 22 practical part, successful completion of an examination by a 23 board-designated regional testing service.

practical examination shall be conditioned on evidence that

(2) Acceptance by the board of such written and

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ı	the examination is sufficiently thorough to test the fitness
Z	of the applicant to practice dentistry. It shall include
3	written in the English language, questions on anatomy
4	histology, physiology, chemistry, pharmacology and
5	therapeutics, metallurgy, pathology, bacteriology,
6	anesthesia, operative and surgical dentistry, prosthetic
7	dentistry, prophylaxis, orthodontics, periodontics and
8	endodontics, and any additional subjects pertaining to
9	dental service.

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- (3) The board has the right to administer its own examination in lieu of acceptance of the national board written examination and a regional testing service practical examination. The board is authorized to make rules governing any such examination procedures.
- 15 (4) Applicants for licensure shall submit 16 application+ which shall include, when required:
 - (a) certification of successful completion of the national board written examination:
- 19 (b) certification of successful completion of a 20 regional board practical examination;
 - (c) three affidavits of good moral character;
- 22 (d) certificate of graduation from a board-approved 23 dental school;
- (e) an examination fee commensurate with costs and set 24 by the board; 25

1	(f)	a	licensure	fee	commensurate	with	costs	and	set	by
,	the board:									

(q) a recent photograph of the applicant: and

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- (h) cooles of all other state licenses that are held by_the_applicant.
- (5) Applications must be submitted no less than 20 7 days prior to the board interview and jurisprudence examination.
 - may not take the jurisprudence (6) Applicants examination or the oral interview without first having completed and passed all other parts of the examination.
- [7] Examination results will be accepted for a period 12 13 of time as set by board rule. An applicant failing to pass his first examination, if otherwise qualified, may take a 14 15 subsequent examination upon payment of a fee commensurate 16 with costs and set by the board.
 - (8) The board is authorized to adopt necessary and reasonable rules governing application procedures.
- +9}--The-board-may-in-its-discretion--permit--e--dental 19 student--who-has-successfully-completed-his-junior-year-in-a recognized-dental-school-and-who-files-proof-satisfactory-to the-board-that-he-hos-the-preliminory-adocation-described-in this-section-to-take-a-written-examination-in-the--subjects he--has--completedw---Satisfactory--grades--secured-shall-be credited-on-the-final-examination-of-the-studentw-The--board

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

#37-4-307. Annual renewal fee -- obsent--registered

dentist--- default __actives_inactive_status_-_continuing

education __ limit_on_local_authority_to_liceose. (1) A

Every licensed dentist precticing-within-this-state shall

annually pay to-the-department-before-March--iv--as--a gach

year_a renewal fee for-the-yearv-a-sum-set-by to the board.

Incerewal fee must be set by the board commensurate_with

costs. Notice of the change in the amount of renewal fees

shall must be given to each dentist registered in this state

by the department.

(2) If-o-registered-dentist-obsents-himself--from--the seater-for-o-period-of-1-or-more-years-or-does-not-engage-in active-proctice-within--this--statev--he--may--continue--his ticense--in-good-standing-by-o-payment-set-by-the-board-each year-or-oc-the-discretion-of-the-board-he-may-be-reinstated on-the-payment-of-u-fee-prescribed-by--the--board--for--each year-s--obsences--The Payment_of_the annual payments-shall renewal_fee_must be made prior to March 1 of each year, and a receipt--or--certificate--shall license_renewal_must be issued by the department. A_reasonable_late_fee_is_required if the annual renewal_fee_is_not_paid_before_March_la

1	(3) The board may adopt rules governing requirement
2	for demonstrating continued competency for license renewal.
3	(4) [a] The board may reclassify an active status
4	license_to_inactive_statusfora_licenseewhofurnishe:
5	satisfactory_evidence_that_the_licensee_has_discontinued_the
6	actual_practice_of_dentistry_because_of_physical_disability
7	or_retirement.

8 (b) An individual who wishes to maintain a Montana
9 license but does not maintain a resident practice must be
10 licensed in the inactive status.
11 (c) Application to convert an inactive status. license

(cl_Application_to_convert_an_inactive_status_license
to_ao_active_status_license_must_be_made_in_accordance_with
rules_of_the_board._Ihe_application_to_convert_to_active
status_must_accompany_the_submission_of_the_renewal_fee
prescribed_for_such_license._If_more_than_l_vear_has_passed
since_the_license_was_inactivated._satisfactory_evidence_of
competence_must_be_submitted_to_the_board_before_an_active
status_license_may_be_issued.

t3f151 In case of default in payment of the annual renewal fee by a dentist <u>licenses</u>, his license shall must be revoked by the boards

(a) on Ibe_board_shall_give_the_licensee 30 days*

notice given-to-the-delinquent-of-the-time-and-place-of

considering-the-revocation of its proposed revocation

action. A-registered-or Ibe_potice_must_be_sent_by_certified

HB 699

1	letter addressed to the last-known address of the part
2	foiling-to-comply-with-thisrequirementyastheaddres
3	appearsontherecordsofthedeportmentyconstitute
4	sufficient-notice-of-revocation-of-licensey-but-no license
5	and must contain a statement of the time and place of the
6	meeting at which the revocation will be considered.
7	101 If the licensee pays the renewal feer plus
8	reasonable late fee set by the board, prior to the time se
9	for revocation: the license may not be revoked for
10	nonpayment-if-the-dentist-notified-pays-the-renewal-fee-plu
11	afate-payment-penalty-preser; bed-by-the-board-before-or-a
12	thetimefixedforconsiderationafrevocationTh
13	departmentmay-mointain-in-the-name-of-this-state-a-suit-t
14	collect-renewal-fecs-and-penalties-applicable-and-to-recove
15	fromthedelinquentdentistthecostofthedetion
16	including-reasonable-attorneys*-fees.
17	(cl_A_license_revoked_for_nonpayment_of_the_renewa
18	fee may be reinstated within 5 years of revocation if:
19	(il renewal fees are paid for each year they were
20	unpaid: plus a late penalty fee for each year:
21	(ii) the applicant produces evidence. satisfactory t
22	the boards of good standing with the dentistry regulator
23	agencies of any jurisdiction in which the applicant ha
24	engaged in the active practice of dentistry since the las
25	payment of a renewal fee under this chapter; and

1	(iii) the applicant produces evidence satisfactory to
2	the board of good character and competence.
3	161 Every dentist shall give the board notice of any
4	change in name: address: or status within 30 days of the
5	change.
6	t++171 No unit_of_local_goveroments_including_thase
7	exercising self-government powers, may impose a license fee
8	or <u>business</u> tax-may-be-imposed on dentists-by-a-municipality
9	or-any-other-subdivision-of-thestate <u>a_dentist_licensed</u>
10	under_this_chapter."
11	Section 5% Section 37-4-401, MCA, is amended to read:
12	#37-4-401% Practice of dental hygiene. The practice of
13	dental hygimme is the doing by one person for - a - direct - or
14	indirect-constderationy-with-respect to the teath-of-dwother
15	persony-en-met-or-service services, performed by a limensed
16	preventive oral health practitioner known as a dental
17	<u>hygienista_that_are</u> educational, therapeutic, prophylactic,
18	or preventive <u>procedures</u> in nature, as the board in writing
19	defines and authorizes. However, this section does not allow
20	the board or a licensed dentist to delegate any of the
21	following duties:
2.2	 diagnosis, treatment planning, and prescription;
23	(2) surgical procedures on hard and soft tissues <u>other</u>
24	than_root_clasing_and_subgingival_curettage;
25	(3) restorative, prosthetic, orthodontic, and other

HB 0699/02

- procedures which require the knowledge and skill of a
 dentist;
- 3 (4) prescription for drugs, medications, or work
 4 authorizations.**
- Section 6. Section 37-4-402, MCA, is amended to read:

 may issue licenses for the practice of dental hygiene to

 qualified applicants to be known as dental hygienists.

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- (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.
- 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 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 jurisprudence. The board may accept, in satisfaction of the practical part, successful completion of an examination by a

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- 1 board-designated regional testing service.
- 2 (4) The board has the right to administer its own
 3 examination in lieu of acceptance of the national board
 4 written examination and a regional testing service practical
 5 examination. The board is authorized to make rules
 6 governing any such examination procedures.
- 7 (5) Applicants for licensure shall submit an application, which shall include, when required:
- 9 (a) certification of successful completion of the 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;
- (d) certificate of graduation from a board-approved
 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 (g) a recent photograph of the applicant:
- 21 (h) copies of all other state licenses that are held
 22 by the applicant.
- 23 (6) Applications must be submitted no less than 20
 24 days prior to the board interview and jurisprudence
 25 examination. Applicants may not take the jurisprudence

examination or the oral interview without first having completed and passed all other parts of the examination.

- (7) 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 on payment of a fee commensurate with costs and set by the board.
- 8 (8) The board is authorized to adopt necessary and
 9 reasonable rules governing application procedures.**
 - Section 7. Section 37-4-404, MCA+ is amended to read:
 #37-4-404. Admission of dental hygienists from other
 states reciprocity. (1) On the payment of a fee
 prescribed by the board and after satisfactory practical
 examination demonstrating his proficiency, a dental
 hygienist may be granted a license to practice dental
 hygiene in this state without being required to take an
 examination in theory if he:
 - (a) has been lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dental hygiene which, in the opinion of the board, is equal to that at the time maintained in this state;
 - (b) has been lawfully and continuously engaged in the practice of dental hygiene for a period of 1 year or more immediately before filing his application to practice in

this state; and

- (c) deposits in person with the department an attested certificate from the examining board of the state or territory in which he is registered or licensed, certifying to the fact of his registration and license and of his being a person of good moral character and of professional attainments.
- (2) Except-os--provided--in--subsection--f3)--of--this sectiony--no No license may be issued without an examination in theory to the applicant unless the state or territory from which the certificate has been granted extends a like privilege to engage in the practice of dental hygiene to dental hygienists licensed by this state who have moved to the other state.
- (3)--A-dented-hygienist-who-has-been-lewfully-licensed to--proctice-in-swother-state-or--territory-not--having reciprocity-with-this-state-but-which-has--and--maintains--a standard--for--the--practice-of-dental-hygiene-which-rin-the opinion--of--the--boardy--is--equal--to--that--at--tho--time maintained-in-this-state-and-who-deposite-in-person-with-the department--an-attested-certificate-from-the-examining-board of-the-state-or-territory--in--which--ha--is--registered--or-ticensedy--certifying--to--the--fact-af-his-registration-and license-and-his-being-a-person-of-good-moral--character--and of--professional-atteinmenty-mayy-on-the-payment-of-a-fac-as

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1	prescribed-by-the-boardybegrantedatemporarylicense
2	authorizing-theperson-to-practice-dentol-hygiene-from-the
3	time-of-the-granting-of-the-license-until-thetimeofthe
4	nextregularexaminationfordentalhygieneset-by-the
5	boardy-No-additional-fee-for-the-examination-may-be-charged
6	(4)131 The board may enter into reciprocity agreements
7	with other states or territories, the standards of which as
8	to the practice of dental hygiene are, in the opinion of the
9	board, equal to those of this state.*
10	Section 8. Section 37-4-406, NCA, is amended to read
11	#37-4-406. Annual renewal fee default active
12	inactive_status_==_continuing_education_== revocation o
13	license. (1) Before-March-1-of-each-years-a Every license
14	dental hygienist shall pay to-the-department each year
15	renewal fee set-by to the board. The renewal fee must be se
16	by the board commensurate with costs. The renewal must b
17	for either active or loactive status. as defined by rules o
18	the_bpard.
19	(2) <u>Payment of the annual renewal fee must be mad</u>
20	prior to March l of each years and a license renewal must b
21	issued by the department. A reasonable late fee is require
22	if the annual renewal fee is not paid before March 1.
23	(3) The board may adopt rules governing requirement
24	for_demonstrating_continued_competency_for_licenserenewal
25	(4) (a) The board may reclassify an active statu

1	license_to_inactive_status_for_a_licensee_who_furnishes
2	satisfactory_evidence_that_the_licensee_bas_discontinued_the
3	actual practice of dental bygiene because of physical
4	disability_or_retirement.
5	(bl_Ao_individual_wbo_wisbes_to_maintain_a_Montana
6	license_but_does_oot_maintain_a_resident_practice_must_be
7	licensed_lo_the_inactive_status.
9	<pre>(cl_Application_to_convert_ao_inactive_status_license</pre>
9	to an active status license must be made in accordance with
10	rules_of_the_board. The application_to_convert_to_active
11	status_must_accompany_the_submission_of_the_renewal_fee
12	prescribed for such license. If more than 1 year has passed
13	since_the_license_was_inactivated.satisfactory_evidence_of
14	competence must be submitted to the board before an active
15	status_license_max_be_issued:
16	151 In case of default of in payment of the renewal
17	fee_by_any_licensee+ the board may+afterhearingandon
18	must_revoke_the_liceose.
19	(a) The board shall give the licensee 30 days ontice.
20	revokethelicense-of-the-hygienist-in-defaulty-but-the of
21	its_proposed_revocation_action. The notice_must_be_sent_by
55	certified mail to the last-known address of the licensee and
23	must_contaio_a_statement_of_the_time_and_place_of_the

meeting at which the revocation will be considered.

1b1_Ibe payment of the renewal fee on or before the

24

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20

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effective July 1, 1983.

1	time of-hearing <u>set_fot_revocation</u> , with en-additional-aum a
2	reasonable_late_fee set by the board, excuses the default.
3	The-department-may-collect-the-fee-by-sulty
4	fel_6_license_tayoked_for_nonpayment_of_the_renewal
5	fee_may_be_reiostated_within_5_years_of_revocation_if:
6	(i)_capewal_fees_are_paid_fec_each_year_they_were
7	umpaid: plus a late menalty for each wear;
8	fill the applicant produces evidences satisfactory to
9	the beard of good standing with the dental brgiene
10	regulatory agencies of any jurisdiction la which the
11	applicant_bas_engaged_in_tbe_active_practice_of_deptal
12	bygiame_since_the_last_payment_of_a_receval_fee_under_this
13	cbastes_and
14	[ilil_the_aprlicant_groduces_evidence_satisfactory_to
15	the board of good character and competence.
16	[6] Every destal brolenist shall give the board sotice
17	of any change in names addresss or status within 10 days of
18	ths_change.
19	f2fill The board may likewise, after a hearing, revoke
20	or suspend the license of a dental hygienist for violating
21	this chapter.
22	181 No unit of local governments including those
23	exercising_self=government_powerswav_impose_a_license_fee
24	or:business:tax on a dental byglenist_licensed_under_this
25	chapters*

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1 Section 9. Section 37-4-408, MCA, is amended to read: 2 "37-4-408. Apxiliary personnel -- employment, duties, 3 and limitations. The board shall may, within the limitations of this chapter, adopt rules which define the qualifications and outline the tasks of any unlicensed auxiliary personnel 5 to be employed by any licensed dentist in his office, except that nothing herein shall be construed to allow the board by 7 rule to provide for delegation by a licensed dentist to any 8 such auxiliary personnel any of the duties prohibited to 9 dental hygienists under 37-4-401 or a prophylaxis. The 10 performance of intraoral tasks by all dental auxiliaries, as 11 12 permitted by board rules, shall be under the direct 13 supervision of the licensed dentist employing such personnel." 14 NEW SECTION. Section 10. Codification instruction. 15 Section 2 is intended to be codified as an integral part of 16 Title 37, chapter 4, and the provisions of Title 37, chapter 17 18 4, apply to section 2. 19 YEW SECTION. Section 11. Effective date. This act is

-End-

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