

HOUSE BILL NO. 235

INTRODUCED BY PECK, H. HAMMOND, BERGENE, MILES, STEPHENS

IN THE HOUSE

January 17, 1985	Introduced and referred to Committee on Human Services and Aging.
February 15, 1985	Committee recommend bill do pass as amended. Report adopted.  Statement of Intent attached.  Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass as amended.
February 18, 1985	Correctly engrossed.
February 19, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

February 21, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 28, 1985	Committee recommend bill be concurred in as amended. Report adopted.  Statement of Intent amended.
March 30, 1985	Second reading, concurred in as amended.  Second reading, Statement of Intent amended.

April 1, 1985

Third reading, concurred in.  
Ayes, 46; Noes, 1.

Returned to House with amendments  
and amended Statement of Intent.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 4, 1985

Second reading, amendments and  
amendments to Statement of Intent  
concurred in.

April 5, 1985

Third reading, amendments and  
amendments to Statement of Intent  
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 235  
 2 INTRODUCED BY Rep. H. W. Hammond Bergne  
 3 Miles Stearns

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE AN  
 5 ANESTHESIOLOGIST OR ANESTHETIST TO ADMINISTER AND MONITOR  
 6 GENERAL ANESTHETICS DURING DENTAL PROCEDURES; AMENDING  
 7 SECTION 37-4-101, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 37-4-101, MCA, is amended to read:  
 11 "37-4-101. Definitions -- practice of dentistry. (1)  
 12 Unless the context requires otherwise, in this chapter the  
 13 following definitions apply:

14 (a) "Board" means the board of dentistry provided for  
 15 in 2-15-1842.

16 (b) "Department" means the department of commerce  
 17 provided for in Title 2, chapter 15, part 18.

18 (c) "General anesthesia" means a state of  
 19 unconsciousness produced by anesthetic agents, with absence  
 20 of pain sensation over the entire body and a greater or  
 21 lesser degree of muscular relaxation. The drugs producing  
 22 this state can be administered by inhalation, intravenously,  
 23 intramuscularly, or via the gastrointestinal tract. Drugs  
 24 inducing general anesthesia include all recognized  
 25 anesthetic agents, sedatives, hypnotics, tranquilizers, or

1 narcotics. The term "general anesthetic" does not include a  
 2 nitrous oxide/oxygen mixture used for the purpose of  
 3 achieving analgesia during dental procedures or other oral  
 4 surgical procedures if the nitrous oxide concentration is no  
 5 greater than 50%.

6 (2) A person is "practicing dentistry" under this  
 7 chapter if he:

8 (a) performs, attempts, advertises to perform, causes  
 9 to be performed by the patient or any other person, or  
 10 instructs in the performance of dental operations, oral  
 11 surgery, or dental service of any kind gratuitously or for a  
 12 salary, fee, money, or other remuneration paid or to be  
 13 paid, directly or indirectly, to himself, any other person,  
 14 or agency;

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

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

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

24 (e) advertises to the public, by any method, to  
 25 furnish, supply, construct, reproduce, or repair a



1 prosthetic denture, bridge, appliance, or other structure to  
2 be worn in the human mouth;

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

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

10 (h) gives or professes to give interpretations or  
11 readings of dental roentgenograms;

12 (i) administers an anesthetic, of--any-nature other  
13 than a general anesthetic, in connection with a dental  
14 operation;

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

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

1 connection therewith; or

2 (l) engages in any of the practices included in the  
3 curricula of recognized dental colleges."

4 NEW SECTION. Section 2. Limitation on general  
5 anesthesia. No person engaged in the practice of dentistry  
6 or oral surgery may perform any dental or surgical procedure  
7 upon another person involving a general anesthetic unless  
8 such anesthetic is administered and monitored by an  
9 anesthesiologist licensed to practice medicine by the state  
10 board of medical examiners or by a nurse anesthetist  
11 recognized in that specialty by the board of nursing.

12 NEW SECTION. Section 3. Codification instruction.  
13 Section 2 is intended to be codified as an integral part of  
14 Title 37, chapter 4, and the provisions of Title 37, chapter  
15 4, apply to section 2.

16 NEW SECTION. Section 4. Extension of authority. Any  
17 existing authority of the board of dentistry to make rules  
18 on the subject of the provisions of this act is extended to  
19 the provisions of this act.

-End-

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

STATEMENT OF INTENT

HOUSE BILL 235

House Human Services and Aging Committee

A statement of intent is required for this bill because it contains a delegation of authority to allow the board of dentistry to adopt rules to regulate dental advertising and dental procedures involving the administration of anesthetics.

The legislature finds that no person who engages in the practice of dentistry or oral surgery should perform a dental or surgical procedure upon another person if a general anesthetic or general anesthesia is administered unless there is another qualified health professional available to monitor the patient. The legislature intends that any rule regulating dental anesthetics adopted by the board should be consistent with this finding.

The legislature intends that the board impose additional, necessary requirements for the training and skill of individuals who administer and monitor general anesthesia, deep conscious sedation, or any anesthetic agent used in pain control. In preparing its rules, the board should be guided by the principles stated in the "American academy of oral and maxillofacial surgeons' Model State Rules for General Anesthesia" and any other guide pertinent

to the subject.

Lastly, it is contemplated that the board will develop and implement appropriate rules regulating advertising practices by licensed dentists. The scope of such rules should extend to the content and purpose of such advertising as indicated in section 3. Such rules should have as a purpose the protection of the public from unprofessional advertising and the maintenance of professional standards in advertising by persons engaged in the practice of dentistry.



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5 ~~ANESTHESIOLOGIST OR ANESTHETIST TO ADMINISTER AND MONITOR~~  
6 ~~GENERAL ANESTHETICS DURING DENTAL PROCEDURES; AMENDING~~  
7 ~~SECTION 37-4-101, MCA. TO REQUIRE AN ANESTHESIOLOGIST,~~  
8 ~~ANESTHETIST, OR OTHER TRAINED PROFESSIONAL TO ADMINISTER AND~~  
9 ~~MONITOR GENERAL ANESTHETICS DURING DENTAL PROCEDURES; TO~~  
10 ~~GRANT THE BOARD OF DENTISTRY AUTHORITY TO ADOPT RULES~~  
11 ~~REGULATING DENTAL ANESTHETICS AND DENTAL ADVERTISING;~~  
12 ~~AMENDING SECTIONS 37-4-101 AND 37-4-205, MCA."~~

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

15 (Refer to Introduced Bill)

16 Strike everything after the enacting clause and insert:

17 Section 1. Section 37-4-101, MCA, is amended to read:

18 "37-4-101. Definitions -- practice of dentistry. (1)

19 Unless the context requires otherwise, in this chapter the  
20 following definitions apply:21 (a) "Board" means the board of dentistry provided for  
22 in 2-15-1842.23 (b) "Department" means the department of commerce  
24 provided for in Title 2, chapter 15, part 18.25 (c) "General anesthesia" means a state of

1 unconsciousness intentionally produced by anesthetic agents,  
2 with absence of pain sensation over the entire body and a  
3 greater or lesser degree of muscular relaxation. The drugs  
4 producing this state can be administered by inhalation,  
5 intravenously, intramuscularly, or via the gastrointestinal  
6 tract.

7 (d) "General anesthetic" means any recognized  
8 anesthetic agent, sedative, hypnotic, tranquilizer, or  
9 narcotic used in sufficient prescribed dosages for the  
10 purpose of inducing general anesthesia. The term general  
11 anesthetic does not include a nitrous oxide/oxygen mixture  
12 used for the purpose of achieving analgesia during dental  
13 procedures or other oral surgical procedures.

14 (2) A person is "practicing dentistry" under this  
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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;

1 (c) directly or indirectly, by any means or method,  
2 furnishes, supplies, constructs, reproduces, or repairs a  
3 prosthetic denture, bridge, appliance, or other structure to  
4 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;

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

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

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

20 (i) administers an anesthetic of any nature, subject  
21 to the limitations provided in [section 2], in connection  
22 with a dental operation;

23 (j) uses the words "dentist", "dental surgeon", "oral  
24 surgeon", the letters "D.D.S.", "D.M.D.", or any other  
25 words, letters, title, or descriptive matter which in any

1 way represents him as being able to diagnose, treat,  
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12 NEW SECTION. Section 2. Limitations on the  
13 administration of general anesthetics and practices  
14 involving general anesthesia. (1) No person engaged in the  
15 practice of dentistry or oral surgery may perform any dental  
16 or surgical procedure upon another person if a general  
17 anesthetic is administered unless such anesthetic is  
18 administered and monitored by:

19 (a) an anesthesiologist licensed to practice medicine  
20 by the state board of medical examiners;

21 (b) a nurse anesthetist recognized in that specialty  
22 by the state board of nursing; or

23 (c) another health professional who has received at  
24 least 1 year of postgraduate training in the administration  
25 of general anesthesia.

1 (2) No person engaged in the practice of dentistry or  
 2 oral surgery may conduct any dental or surgical procedure  
 3 upon another person under general anesthesia unless the  
 4 vital signs of the patient are continually monitored by  
 5 another health professional who meets the qualifications for  
 6 an anesthesiologist, nurse anesthetist, or other trained  
 7 health professional as provided for in subsection (1)(a).

8 (3) No person engaged in the practice of dentistry or  
 9 oral surgery may administer a general anesthetic to any  
 10 other person unless he satisfies the requirements for a  
 11 person qualified to administer a general anesthetic, as  
 12 provided in subsection (1)(a), and meets any additional  
 13 standards established by the board of dentistry for training  
 14 in the administration of general anesthesia and in the  
 15 treatment of the complications thereof. This subsection does  
 16 not affect the requirements for monitoring of vital signs by  
 17 another health professional under subsection (1)(b).

18 (4) The facility in which general anesthesia is to be  
 19 administered as part of a dental or surgical procedure must  
 20 be equipped with proper drugs and equipment to safely  
 21 administer anesthetic agents, to monitor the well-being of  
 22 the patient under general anesthesia, and to treat the  
 23 complications that may arise from general anesthesia.

24 Section 3. Section 37-4-205, MCA, is amended to read:

25 "37-4-205. Rulemaking. The board may adopt, amend, or

1 repeal rules necessary for the implementation, continuation,  
 2 and enforcement of this chapter in accordance with the  
 3 Montana Administrative Procedure Act. Rules adopted under  
 4 this section may include but are not limited to the  
 5 following subjects:

6 (1) the practice of dentistry or oral surgery  
 7 involving the administration of anesthetics; and

8 (2) advertising by a licensed dentist including:  
 9 (a) the use of false, deceptive, or misleading  
 10 advertising;

11 (b) the use of information concerning fees, areas of  
 12 practice, specialization, personal background, and quality  
 13 of service in advertising; and

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16 NEW SECTION. Section 4. Codification instruction.  
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17 teeth or of the jaw;

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19 readings of dental roentgenograms;

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21 to the limitations provided in [section 2], in connection  
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23 (j) uses the words "dentist", "dental surgeon", "oral  
24 surgeon", the letters "D.D.S.", "D.M.D.", or any other  
25 words, letters, title, or descriptive matter which in any

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17 anesthetic is administered unless such anesthetic is  
18 administered and monitored by:

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20 by the state board of medical examiners;

21 (b) a nurse anesthetist recognized in that specialty  
22 by the state board of nursing; or

23 (c) another health professional who has received at  
24 least 1 year of postgraduate training in the administration  
25 of general anesthesia.

1 (2) No person engaged in the practice of dentistry or  
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 4 vital signs of the patient are continually monitored by  
 5 another health professional who meets the qualifications for  
 6 an anesthesiologist, nurse anesthetist, or other trained  
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 12 provided in subsection (1)(a), and meets any additional  
 13 standards established by the board of dentistry for training  
 14 in the administration of general anesthesia and in the  
 15 treatment of the complications thereof. This subsection does  
 16 not affect the requirements for monitoring of vital signs by  
 17 another health professional under subsection (1)(b) (2).

18 (4) The facility in which general anesthesia is to be  
 19 administered as part of a dental or surgical procedure must  
 20 be equipped with proper drugs and equipment to safely  
 21 administer anesthetic agents, to monitor the well-being of  
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8 (2) advertising by a licensed dentist including:

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 12 practice, specialization, personal background, and quality  
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 18 Title 37, chapter 4, and the provisions of Title 37, chapter  
 19 4, apply to section 2.

-End-

# SENATE COMMITTEE OF THE WHOLE AMENDMENT

Mar 30, 1985

DATE

8:00

TIME

SENATE PUBLIC HEALTH, WELFARE, AND SAFETY

MR. CHAIRMAN: I MOVE TO AMEND COMMITTEE REPORT OF 3/27/85 ON HOUSE BILL No. 235

~~XXXXXXXXXX~~ ( ~~XXXX~~ ) as follows:

## STATEMENT OF INTENT

1. Amendment No. 1.

Following: "Insert:"

Insert: (new paragraph) "The examination and qualification of monitoring assistants under section 2(3) should require a level of proficiency higher than that required for basic life support but need not encompass all the requirements for advanced cardiac life support certification."

Following: inserted material

Insert: (new paragraph) "The board may delegate authority to examine monitoring assistants to inspection teams and may authorize such teams to adapt the practical aspect of examinations to the equipment in a particular facility."

2. Amendment No. 7.

Line 5 of inserted material

Following: "who"

Strike: remainder of inserted material

Insert: "has been examined by the board or its agent in life support skills and demonstrated a satisfactory level of proficiency as established by the board."

PC3HB235.691

KB  
 ADOPT

REJECT

(Statement of Intent Amended)

  
STEPHENS

SENATE

STANDING COMMITTEE REPORT

Page 1 of 3

Page 2 of 3

MARCH 27, 1985

MARCH 27, 1985

HB 235

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 235

THIRD reading copy (BLUE color)

REQUIRE ANESTHESIOLOGIST TO ADMINISTER GENERAL ANESTHESIA DURING DENTAL ACTS

PECK (STEPHENS)

Respectfully report as follows: That HOUSE BILL No. 235

1. Page 2, line 2, STATEMENT OF INTENT
Following: line 1
Insert: "The legislature also intends that the board adopt rules for approving dental practice facilities in which general anesthesia is induced. The board may also adopt rules for approving dental practice facilities in which conscious sedation or nitrous oxide analgesia is used. In formulating any such rules, the board may look to similar rules developed by dental boards in California, Arizona, Texas, and other states. The board may appoint teams to inspect dental practice facilities. Initially these teams may include a majority of anesthesiologists. When a sufficient number of approved facilities exists, oral surgeons may constitute a majority of each inspection team. Rules for approving facilities should also establish the duration of permits, provide for periodic reinspection, and establish application and inspection fees. Compensation should be provided for service on inspection teams."

2. Title, line 12.
Following: "MCA"
Insert: "; AND PROVIDING IMMEDIATE AND DELAYED EFFECTIVE DATES"

(continued)

XXXXXX

XXXXXXXXXX

[Signature]

Chairman.

3. Page 1, line 25.
Following: line 24
Insert: "(c) "Conscious sedation" means a minimally depressed level of consciousness in which the patient breathes normally without assistance, retains protective reflexes, and responds to physical stimulation or verbal command in a manner appropriate to the patient's cognitive level. Conscious sedation is not a form of general anesthesia, and brief interludes of unconsciousness during conscious sedation do not bring conscious sedation within the scope of general anesthesia."

Renumber: subsequent subsections

4. Page 2, line 6.
Following: "tract."
Insert: "General anesthesia is divided into:
(i) full general anesthesia, which means a level of consciousness in which the patient is without intact protective reflexes, is unable to maintain an airway, and is incapable of rational response to query or command; and
(ii) light general anesthesia, which means a level of consciousness in which the patient breathes normally without assistance and retains protective reflexes throughout most of the procedure."

5. Page 2, lines 12 and 13.
Strike: line 12 through "surgical procedures" on line 13
Insert: "or any other anesthetic administered to produce conscious sedation."

6. Page 5, line 3.
Following: "under"
Insert: "full"

(continued)

[Signature]

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HB 235

7. Page 5, line 8.

Following: line 7

Insert: "(3) No person engaged in the practice of dentistry or oral surgery may conduct any dental or surgical procedure upon another person under light general anesthesia unless the vital signs of the patient are continually monitored by another person who is qualified in basic life support procedures and currently certified in cardiopulmonary resuscitation, and who meets such additional standards as the board may prescribe."

Renumber: subsequent subsections

8. Page 5, line 17.

Following: "under"

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

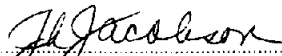
Insert: "or (3)"

9. Page 6.

Following: line 19

Insert: "NEW SECTION. Section 5. Effective dates. This act is effective January 1, 1986, except for this section and section 3, which are effective on passage and approval."

AND AS AMENDED  
BE CONCURRED IN

  
SENATOR JUDY JACOBSON

## STATEMENT OF INTENT

## HOUSE BILL 235

House Human Services and Aging Committee

A statement of intent is required for this bill because it contains a delegation of authority to allow the board of dentistry to adopt rules to regulate dental advertising and dental procedures involving the administration of anesthetics.

The legislature finds that no person who engages in the practice of dentistry or oral surgery should perform a dental or surgical procedure upon another person if a general anesthetic or general anesthesia is administered unless there is another qualified health professional available to monitor the patient. The legislature intends that any rule regulating dental anesthetics adopted by the board should be consistent with this finding.

The legislature intends that the board impose additional, necessary requirements for the training and skill of individuals who administer and monitor general anesthesia, deep conscious sedation, or any anesthetic agent used in pain control. In preparing its rules, the board should be guided by the principles stated in the "American academy of oral and maxillofacial surgeons' Model State Rules for General Anesthesia" and any other guide pertinent

to the subject.

THE EXAMINATION AND QUALIFICATION OF MONITORING ASSISTANTS UNDER SECTION 2(3) SHOULD REQUIRE A LEVEL OF PROFICIENCY HIGHER THAN THAT REQUIRED FOR BASIC LIFE SUPPORT BUT NEED NOT ENCOMPASS ALL THE REQUIREMENTS FOR ADVANCED CARDIAC LIFE SUPPORT CERTIFICATION.

THE LEGISLATURE ALSO INTENDS THAT THE BOARD ADOPT RULES FOR APPROVING DENTAL PRACTICE FACILITIES IN WHICH GENERAL ANESTHESIA IS INDUCED. THE BOARD MAY ALSO ADOPT RULES FOR APPROVING DENTAL PRACTICE FACILITIES IN WHICH CONSCIOUS SEDATION OR NITROUS OXIDE ANALGESIA IS USED. IN FORMULATING ANY SUCH RULES, THE BOARD MAY LOOK TO SIMILAR RULES DEVELOPED BY DENTAL BOARDS IN CALIFORNIA, ARIZONA, TEXAS, AND OTHER STATES. THE BOARD MAY APPOINT TEAMS TO INSPECT DENTAL PRACTICE FACILITIES. INITIALLY THESE TEAMS MAY INCLUDE A MAJORITY OF ANESTHESIOLOGISTS. WHEN A SUFFICIENT NUMBER OF APPROVED FACILITIES EXISTS, ORAL SURGEONS MAY CONSTITUTE A MAJORITY OF EACH INSPECTION TEAM. RULES FOR APPROVING FACILITIES SHOULD ALSO ESTABLISH THE DURATION OF PERMITS, PROVIDE FOR PERIODIC REINSPECTION, AND ESTABLISH APPLICATION AND INSPECTION FEES. COMPENSATION SHOULD BE PROVIDED FOR SERVICE ON INSPECTION TEAMS.

THE BOARD MAY DELEGATE AUTHORITY TO EXAMINE MONITORING ASSISTANTS TO INSPECTION TEAMS AND MAY AUTHORIZE SUCH TEAMS TO ADAPT THE PRACTICAL ASPECT OF EXAMINATIONS TO THE



1 EQUIPMENT IN A PARTICULAR FACILITY.

2       Lastly, it is contemplated that the board will develop  
3 and implement appropriate rules regulating advertising  
4 practices by licensed dentists. The scope of such rules  
5 should extend to the content and purpose of such advertising  
6 as indicated in section 3. Such rules should have as a  
7 purpose the protection of the public from unprofessional  
8 advertising and the maintenance of professional standards in  
9 advertising by persons engaged in the practice of dentistry.

HOUSE BILL NO. 235

INTRODUCED BY PECK, H. HAMMOND, BERGENE, MILES, STEPHENS

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO REQUIRE AN ANESTHESIOLOGIST OR ANESTHETIST TO ADMINISTER AND MONITOR GENERAL ANESTHETICS DURING DENTAL PROCEDURES,~~ AMENDING ~~SECTION 37-4-101, MCA,~~ TO REQUIRE AN ANESTHESIOLOGIST, ANESTHETIST, OR OTHER TRAINED PROFESSIONAL TO ADMINISTER AND MONITOR GENERAL ANESTHETICS DURING DENTAL PROCEDURES; TO GRANT THE BOARD OF DENTISTRY AUTHORITY TO ADOPT RULES REGULATING DENTAL ANESTHETICS AND DENTAL ADVERTISING; AMENDING SECTIONS 37-4-101 AND 37-4-205, MCA; AND PROVIDING IMMEDIATE AND DELAYED EFFECTIVE DATES."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. 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 dentistry provided for in 2-15-1842.

(b) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(C) "CONSCIOUS SEDATION" MEANS A MINIMALLY DEPRESSED LEVEL OF CONSCIOUSNESS IN WHICH THE PATIENT BREATHES NORMALLY WITHOUT ASSISTANCE, RETAINS PROTECTIVE REFLEXES, AND RESPONDS TO PHYSICAL STIMULATION OR VERBAL COMMAND IN A MANNER APPROPRIATE TO THE PATIENT'S COGNITIVE LEVEL. CONSCIOUS SEDATION IS NOT A FORM OF GENERAL ANESTHESIA, AND BRIEF INTERLUDES OF UNCONSCIOUSNESS DURING CONSCIOUS SEDATION DO NOT BRING CONSCIOUS SEDATION WITHIN THE SCOPE OF GENERAL ANESTHESIA.

(d)(D) "General anesthesia" means a state of unconsciousness intentionally produced by anesthetic agents, with absence of pain sensation over the entire body and a greater or lesser degree of muscular relaxation. The drugs producing this state can be administered by inhalation, intravenously, intramuscularly, or via the gastrointestinal tract. GENERAL ANESTHESIA IS DIVIDED INTO:

(I) FULL GENERAL ANESTHESIA, WHICH MEANS A LEVEL OF CONSCIOUSNESS IN WHICH THE PATIENT IS WITHOUT INTACT PROTECTIVE REFLEXES, IS UNABLE TO MAINTAIN AN AIRWAY, AND IS INCAPABLE OF RATIONAL RESPONSE TO QUERY OR COMMAND; AND

(II) LIGHT GENERAL ANESTHESIA, WHICH MEANS A LEVEL OF CONSCIOUSNESS IN WHICH THE PATIENT BREATHES NORMALLY WITHOUT ASSISTANCE AND RETAINS PROTECTIVE REFLEXES THROUGHOUT MOST OF THE PROCEDURE.

(E) "General anesthetic" means any recognized

1 anesthetic agent, sedative, hypnotic, tranquilizer, or  
 2 narcotic used in sufficient prescribed dosages for the  
 3 purpose of inducing general anesthesia. The term general  
 4 anesthetic does not include a nitrous oxide/oxygen mixture  
 5 used-for-the-purpose-of-achieving--anaesthesia--during--dental  
 6 procedures--or--other--oral-surgical-procedures OR ANY OTHER  
 7 ANESTHETIC ADMINISTERED TO PRODUCE CONSCIOUS SEDATION.

8 (2) A person is "practicing dentistry" under this  
 9 chapter if he:

10 (a) performs, attempts, advertises to perform, causes  
 11 to be performed by the patient or any other person, or  
 12 instructs in the performance of dental operations, oral  
 13 surgery, or dental service of any kind gratuitously or for a  
 14 salary, fee, money, or other remuneration paid or to be  
 15 paid, directly or indirectly, to himself, any other person,  
 16 or agency;

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

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

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

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

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

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

12 (h) gives or professes to give interpretations or  
 13 readings of dental roentgenograms;

14 (i) administers an anesthetic of any nature, subject  
 15 to the limitations provided in [section 2], in connection  
 16 with a dental operation;

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

24 (k) states, advertises, or permits to be stated or  
 25 advertised, by sign, card, circular, handbill, newspaper,

1 radio, or otherwise, that he can perform or will attempt to  
 2 perform dental operations or render a diagnosis in  
 3 connection therewith; or

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

6 NEW SECTION. Section 2. Limitations on the  
 7 administration of general anesthetics and practices  
 8 involving general anesthesia. (1) No person engaged in the  
 9 practice of dentistry or oral surgery may perform any dental  
 10 or surgical procedure upon another person if a general  
 11 anesthetic is administered unless such anesthetic is  
 12 administered and monitored by:

13 (a) an anesthesiologist licensed to practice medicine  
 14 by the state board of medical examiners;

15 (b) a nurse anesthetist recognized in that specialty  
 16 by the state board of nursing; or

17 (c) another health professional who has received at  
 18 least 1 year of postgraduate training in the administration  
 19 of general anesthesia.

20 (2) No person engaged in the practice of dentistry or  
 21 oral surgery may conduct any dental or surgical procedure  
 22 upon another person under FULL general anesthesia unless the  
 23 vital signs of the patient are continually monitored by  
 24 another health professional who meets the qualifications for  
 25 an anesthesiologist, nurse anesthetist, or other trained

1 health professional as provided for in subsection (1)(a).

2 (3) NO PERSON ENGAGED IN THE PRACTICE OF DENTISTRY OR  
 3 ORAL SURGERY MAY CONDUCT ANY DENTAL OR SURGICAL PROCEDURE  
 4 UPON ANOTHER PERSON UNDER LIGHT GENERAL ANESTHESIA UNLESS  
 5 THE VITAL SIGNS OF THE PATIENT ARE CONTINUALLY MONITORED BY  
 6 ANOTHER PERSON WHO IS--QUALIFIED--IN--BASIC--LIFE-SUPPORT  
 7 PROCEDURES--AND--CURRENTLY--CERTIFIED--IN--CARDIOPULMONARY  
 8 RESUSCITATION-AND-WHO-MEETS-SUCH-ADDITIONAL-STANDARDS-AS-THE  
 9 BOARD--MAY--PRESCRIBE. HAS BEEN EXAMINED BY THE BOARD OR ITS  
 10 AGENT IN LIFE SUPPORT SKILLS AND DEMONSTRATED A SATISFACTORY  
 11 LEVEL OF PROFICIENCY AS ESTABLISHED BY THE BOARD.

12 ~~(3)~~(4) No person engaged in the practice of dentistry  
 13 or oral surgery may administer a general anesthetic to any  
 14 other person unless he satisfies the requirements for a  
 15 person qualified to administer a general anesthetic, as  
 16 provided in subsection (1)(a), and meets any additional  
 17 standards established by the board of dentistry for training  
 18 in the administration of general anesthesia and in the  
 19 treatment of the complications thereof. This subsection does  
 20 not affect the requirements for monitoring of vital signs by  
 21 another health professional under subsection SUBSECTIONS  
 22 ~~(1)~~(b) (2) OR (3).

23 ~~(4)~~(5) The facility in which general anesthesia is to  
 24 be administered as part of a dental or surgical procedure  
 25 must be equipped with proper drugs and equipment to safely

1 administer anesthetic agents, to monitor the well-being of  
 2 the patient under general anesthesia, and to treat the  
 3 complications that may arise from general anesthesia.

4 Section 3. Section 37-4-205, MCA, is amended to read:

5 "37-4-205. Rulemaking. The board may adopt, amend, or  
 6 repeal rules necessary for the implementation, continuation,  
 7 and enforcement of this chapter in accordance with the  
 8 Montana Administrative Procedure Act. Rules adopted under  
 9 this section may include but are not limited to the  
 10 following subjects:

11 (1) the practice of dentistry or oral surgery  
 12 involving the administration of anesthetics; and

13 (2) advertising by a licensed dentist including:

14 (a) the use of false, deceptive, or misleading  
 15 advertising;

16 (b) the use of information concerning fees, areas of  
 17 practice, specialization, personal background, and quality  
 18 of service in advertising; and

19 (c) the use of warnings and disclaimers in  
 20 advertising."

21 NEW SECTION. Section 4. Codification instruction.

22 Section 2 is intended to be codified as an integral part of  
 23 Title 37, chapter 4, and the provisions of Title 37, chapter  
 24 4, apply to section 2.

25 NEW SECTION. SECTION 5. EFFECTIVE DATES. THIS ACT IS

1 EFFECTIVE JANUARY 1, 1986, EXCEPT FOR THIS SECTION AND  
 2 SECTION 3, WHICH ARE EFFECTIVE ON PASSAGE AND APPROVAL.

-End-