

HOUSE BILL NO. 290

1/21 Introduced  
1/21 Referred to Business & Labor  
1/21 Rereferred to Human Services & Aging  
1/30 Hearing  
Died in Committee

1                                    HOUSE BILL NO. 290  
 2    INTRODUCED BY Jary  
 3                                    BY REQUEST OF THE BOARD OF DENTISTRY

4  
 5    A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE BOARD OF  
 6    DENTISTRY TO ADOPT RULES CONCERNING ADMINISTERING OF  
 7    ANESTHETICS AND ADVERTISING BY LICENSED DENTISTS; AMENDING  
 8    SECTIONS 37-4-101 AND 37-4-205, MCA."

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

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

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

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

19        (2) A person is "practicing dentistry" under this  
 20    chapter if he:

21        (a) performs, attempts, advertises to perform, causes  
 22    to be performed by the patient or any other person, or  
 23    instructs in the performance of dental operations, oral  
 24    surgery, or dental service of any kind gratuitously or for a  
 25    salary, fee, money, or other remuneration paid or to be

1    paid, directly or indirectly, to himself, any other person,  
 2    or agency;

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

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

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

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

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

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

23        (h) gives or professes to give interpretations or  
 24    readings of dental roentgenograms;

25        (i) administers an anesthetic of any nature in



1 connection with a dental or nondental operation in  
2 accordance with rules adopted by the board;

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

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

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

17 Section 2. Section 37-4-205, MCA, is amended to read:

18 "37-4-205. Rulemaking. The board may adopt, amend, or  
19 repeal rules necessary for the implementation, continuation,  
20 and enforcement of this chapter in accordance with the  
21 Montana Administrative Procedure Act. Rules adopted under  
22 this section may include but are not limited to the  
23 following subject areas:

24 (1) administering of anesthetics by a licensed  
25 dentist; and

1 (2) advertising by a licensed dentist including the  
2 use of false, deceptive, or misleading advertising and the  
3 use of information concerning fees, areas of practice  
4 specialization, personal background, quality of service,  
5 warnings, and disclaimers in advertising."

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