

HOUSE BILL NO. 51

INTRODUCED BY PECK, MENAHAN, KEENAN
BY REQUEST OF THE BOARD OF DENTISTRY

IN THE HOUSE

JANUARY 5, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & LABOR.

JANUARY 9, 1987 ON MOTION BY CHIEF SPONSOR,
REPRESENTATIVES MENEHAN AND KEENAN
ADDED AS SPONSORS.

JANUARY 14, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 15, 1987 PRINTING REPORT.

JANUARY 16, 1987 SECOND READING, DO PASS.

JANUARY 17, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE & SAFETY.

MARCH 2, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 4, 1987 SECOND READING, CONCURRED IN.

MARCH 6, 1987 THIRD READING, CONCURRED IN.
AYES, 47; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 7, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 HOUSE BILL NO. 51
 2 INTRODUCED BY PECK
 3 BY REQUEST OF THE BOARD OF DENTISTRY
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING ORAL INTERVIEWS
 6 OF APPLICANTS FOR LICENSURE TO PRACTICE DENTISTRY
 7 DISCRETIONARY WITH THE BOARD OF DENTISTRY; AUTHORIZING THE
 8 BOARD TO DESIGNATE THE TIME AND PLACE FOR ADMINISTERING
 9 JURISPRUDENCE EXAMINATIONS TO APPLICANTS FOR LICENSURE;
 10 MODIFYING ONE POSTLICENSING PRACTICE STANDARD FROM "GROSS
 11 MALPRACTICE OR REPEATED MALPRACTICE" TO "MALPRACTICE";
 12 AUTHORIZING THE BOARD OF DENTISTRY TO IMPOSE FINES NOT TO
 13 EXCEED \$5,000 PER INCIDENT AS A LICENSE DISCIPLINE SANCTION;
 14 AUTHORIZING THE BOARD OF DENTISTRY TO RECOVER REASONABLE
 15 COSTS OF PROCEEDINGS WHEN A LICENSEE HAS BEEN SUBJECTED TO
 16 DISCIPLINARY ACTION; AND AMENDING SECTIONS 37-4-301 AND
 17 37-4-321, MCA."
 18
 19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 20 Section 1. Section 37-4-301, MCA, is amended to read:
 21 "37-4-301. Examination -- qualifications -- fees --
 22 certification. (1) Applicants for licensure shall take and
 23 pass an examination in order to be licensed. The examination
 24 shall consist of a written part, and a practical or clinical
 25 part, and. It may also include, at the board's discretion,

1 an oral interview with the board which may include questions
 2 pertaining to the practice of dentistry. The board may
 3 accept, in satisfaction of the written part, successful
 4 completion of an examination by the national board of dental
 5 examiners and, whenever the board determines necessary,
 6 successful completion of a board examination in
 7 jurisprudence to be administered at times and places
 8 approved by the board. The board may accept, in satisfaction
 9 of the practical part, successful completion of an
 10 examination by a board-designated regional testing service.
 11 (2) Acceptance by the board of such written and
 12 practical examination shall be conditioned on evidence that
 13 the examination is sufficiently thorough to test the fitness
 14 of the applicant to practice dentistry. It shall include,
 15 written in the English language, questions on anatomy,
 16 histology, physiology, chemistry, pharmacology and
 17 therapeutics, metallurgy, pathology, bacteriology,
 18 anesthesia, operative and surgical dentistry, prosthetic
 19 dentistry, prophylaxis, orthodontics, periodontics and
 20 endodontics, and any additional subjects pertaining to
 21 dental service.
 22 (3) The board has the right to administer its own
 23 examination in lieu of acceptance of the national board
 24 written examination and a regional testing service practical
 25 examination. The board is authorized to make rules governing

1 any such examination procedures.

2 (4) Applicants for licensure shall submit an
3 application, which shall include, when required:

4 (a) certification of successful completion of the
5 national board written examination;

6 (b) certification of successful completion of a
7 regional board practical examination;

8 (c) three affidavits of good moral character;

9 (d) certificate of graduation from a board-approved
10 dental school;

11 (e) an examination fee commensurate with costs and set
12 by the board;

13 (f) a licensure fee commensurate with costs and set by
14 the board;

15 (g) a recent photograph of the applicant; and

16 (h) copies of all other state licenses that are held
17 by the applicant.

18 (5) Applications must be submitted no less than 20
19 days prior to the board interview and jurisprudence
20 examination.

21 (6) Applicants may not take the jurisprudence
22 examination or the oral interview without first having
23 completed and passed all other parts of the examination.

24 (7) Examination results will be accepted for a period
25 of time as set by board rule. An applicant failing to pass

1 his first examination, if otherwise qualified, may take a
2 subsequent examination upon payment of a fee commensurate
3 with costs and set by the board.

4 (8) The board is authorized to adopt necessary and
5 reasonable rules governing application procedures."

6 Section 2. Section 37-4-321, MCA, is amended to read:

7 "37-4-321. Grounds for disciplinary proceedings --
8 range of sanctions -- recovery of costs. (1) The board may
9 censure, prescribe probation, suspend, or revoke any license
10 issued under this chapter or fine the licensee not to exceed
11 \$5,000 per incident for any of the following causes:

12 (1)(a) physical or mental incompetence;

13 (1)(b) gross malpractice or-repeated-malpractice;

14 (1)(c) unprofessional conduct, as defined by rule of
15 the board; or

16 (1)(d) violation of any of the provisions of this
17 chapter or rules or orders of the board.

18 (2) The board may, following a final determination
19 resulting in any disciplinary action taken by the board
20 under subsection (1), recover from the disciplined party all
21 reasonable costs of any proceeding incurred for the purposes
22 of that disciplinary action. Fines and costs recovered must
23 be deposited in the board's earmarked revenue account."

24 NEW SECTION. Section 3. Extension of authority. Any
25 existing authority of the board of dentistry to make rules

LC 0513/01

- 1 on the subject of the provisions of this act is extended to
- 2 the provisions of this act.

-End-

APPROVED BY COMM. ON
BUSINESS AND LABOR

HOUSE BILL NO. 51

INTRODUCED BY PECK, MENAHAN, KEENAN
BY REQUEST OF THE BOARD OF DENTISTRY

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING ORAL INTERVIEWS
OF APPLICANTS FOR LICENSURE TO PRACTICE DENTISTRY
DISCRETIONARY WITH THE BOARD OF DENTISTRY; AUTHORIZING THE
BOARD TO DESIGNATE THE TIME AND PLACE FOR ADMINISTERING
JURISPRUDENCE EXAMINATIONS TO APPLICANTS FOR LICENSURE;
MODIFYING ONE POSTLICENSING PRACTICE STANDARD FROM "GROSS
MALPRACTICE OR REPEATED MALPRACTICE" TO "MALPRACTICE";
AUTHORIZING THE BOARD OF DENTISTRY TO IMPOSE FINES NOT TO
EXCEED \$5,000 PER INCIDENT AS A LICENSE DISCIPLINE SANCTION;
AUTHORIZING THE BOARD OF DENTISTRY TO RECOVER REASONABLE
COSTS OF PROCEEDINGS WHEN A LICENSEE HAS BEEN SUBJECTED TO
DISCIPLINARY ACTION; AND AMENDING SECTIONS 37-4-301 AND
37-4-321, MCA."

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

Section 1. 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, and a practical or clinical
part, and. It may also include, at the board's discretion,

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 to be administered at times and places
approved by the board. The board may accept, in satisfaction
of the practical part, successful completion of an
examination by a board-designated regional testing service.

(2) Acceptance by the board of such written and
practical examination shall be conditioned on evidence that
the examination is sufficiently thorough to test the fitness
of the applicant to practice dentistry. It shall include,
written in the English language, questions on anatomy,
histology, physiology, chemistry, pharmacology and
therapeutics, metallurgy, pathology, bacteriology,
anesthesia, operative and surgical dentistry, prosthetic
dentistry, prophylaxis, orthodontics, periodontics and
endodontics, and any additional subjects pertaining to
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



1 any such examination procedures.

2 (4) Applicants for licensure shall submit an
3 application, which shall include, when required:

4 (a) certification of successful completion of the
5 national board written examination;

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7 regional board practical examination;

8 (c) three affidavits of good moral character;

9 (d) certificate of graduation from a board-approved
10 dental school;

11 (e) an examination fee commensurate with costs and set
12 by the board;

13 (f) a licensure fee commensurate with costs and set by
14 the board;

15 (g) a recent photograph of the applicant; and

16 (h) copies of all other state licenses that are held
17 by the applicant.

18 (5) Applications must be submitted no less than 20
19 days prior to the board interview and jurisprudence
20 examination.

21 (6) Applicants may not take the jurisprudence
22 examination or the oral interview without first having
23 completed and passed all other parts of the examination.

24 (7) Examination results will be accepted for a period
25 of time as set by board rule. An applicant failing to pass

1 his first examination, if otherwise qualified, may take a
2 subsequent examination upon payment of a fee commensurate
3 with costs and set by the board.

4 (8) The board is authorized to adopt necessary and
5 reasonable rules governing application procedures."

6 Section 2. Section 37-4-321, MCA, is amended to read:

7 "37-4-321. Grounds for disciplinary proceedings --
8 range of sanctions -- recovery of costs. (1) The board may
9 censure, prescribe probation, suspend, or revoke any license
10 issued under this chapter or fine the licensee not to exceed
11 \$5,000 per incident for any of the following causes:

12 (1)(a) physical or mental incompetence;

13 (1)(b) gross malpractice ~~or repeated-malpractice~~;

14 (1)(c) unprofessional conduct, as defined by rule of
15 the board; or

16 (1)(d) violation of any of the provisions of this
17 chapter or rules or orders of the board.

18 (2) The board may, following a final determination
19 resulting in any disciplinary action taken by the board
20 under subsection (1), recover from the disciplined party all
21 reasonable costs of any proceeding incurred for the purposes
22 of that disciplinary action. Fines and costs recovered must
23 be deposited in the board's earmarked revenue account."

24 NEW SECTION. Section 3. Extension of authority. Any
25 existing authority of the board of dentistry to make rules

HB 0051/02

- 1 on the subject of the provisions of this act is extended to
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