

IN THE HOUSE

APRIL 7, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 364
 2 INTRODUCED BY Baader, Jacobson, Kelly, Kesteven, Pop
 3 BY REQUEST OF THE LEGISLATIVE Simon
 4 AUDIT COMMITTEE Kennedy

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT MERGING THE BOARD OF
 7 DENTURITRY AND THE BOARD OF DENTISTRY; PROVIDING FOR THE
 8 TRANSFER OF ASSETS AND PAYMENT OF CLAIMS; AMENDING SECTIONS
 9 2-15-1842 AND 37-29-102, MCA; REPEALING SECTION 2-15-1855,
 10 MCA; AND PROVIDING AN EFFECTIVE DATE."

11
 12 WHEREAS, Montana Initiative No. 97 created the Board of
 13 Denturitry; and

14 WHEREAS, Chapter 548, Laws of 1985, required the
 15 Legislative Audit Committee to conduct a review of the Board
 16 of Denturitry and to propose a bill to the 50th Legislature
 17 merging the Board of Denturitry and the Board of Dentistry
 18 if the Board of Denturitry has not licensed 30 denturists;
 19 and

20 WHEREAS, the Legislative Audit Committee has determined
 21 that the Board of Denturitry has not licensed 30 denturists.

22
 23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 24 Section 1. Section 2-15-1842, MCA, is amended to read:
 25 "2-15-1842. Board of dentistry. (1) There is a board

1 of dentistry.

2 (2) The board consists of five four dentists, one
 3 denturist, and one dental hygienist, and one public member;
 4 all and two lay persons, one of whom must be a senior
 5 citizen. All members are appointed by the governor with the
 6 consent of the senate. Each licensed member shall be
 7 licensed to practice as a dentist, denturist, or dental
 8 hygienist in this state, shall have actively practiced in
 9 this state for at least 5 continuous years immediately
 10 before his appointment, and shall be actively engaged in
 11 practice while serving on the board. Each member shall be a
 12 citizen--of--the-United-States--and a resident of this state.

13 (3) Each member shall serve for a term of 5 years. The
 14 governor may remove a member only for neglect or cause.

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

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

19 Section 2. Section 37-29-102, MCA, is amended to read:
 20 "37-29-102. Definitions. As used in this chapter,
 21 unless the context requires otherwise, the following
 22 definitions apply:

23 (1) "Board" means the state board of denturitry
 24 dentistry provided for in 2-15-1855 2-15-1842.

25 (2) "Denture" means any removable full or partial



1 upper or lower prosthetic dental appliance to be worn in the
2 mouth.

3 (3) "Denturist" means a person licensed under this
4 chapter to engage in the practice of denturistry.

5 (4) "Department" means department of commerce provided
6 for in Title 2, chapter 15, part 18.

7 (5) "Immediate denture" means a denture constructed
8 prior to and inserted immediately after extraction of teeth.

9 (6) "Practice of denturistry" means:

10 (a) the making, fitting, constructing, altering,
11 reproducing, or repairing of a denture and furnishing or
12 supplying of a denture directly to a person or advising the
13 use of a denture; or

14 (b) the taking or making or the giving of advice,
15 assistance, or facilities respecting the taking or making of
16 any impression, bite, cast, or design preparatory to or for
17 the purpose of making, constructing, fitting, furnishing,
18 supplying, altering, repairing, or reproducing a denture."

19 NEW SECTION. Section 3. Repealer. Section 2-15-1855,
20 MCA, is repealed.

21 NEW SECTION. Section 4. Transfer of assets and
22 payment of claims. All assets of the board of denturistry are
23 transferred to the board on [the effective date of this
24 act]. After [the effective date of this act], all valid
25 claims against the board of denturistry must be paid by the

1 board.

2 NEW SECTION. Section 5. Extension of authority. Any
3 existing authority of the board of dentistry to make rules
4 on the subject of the provisions of this act is extended to
5 the provisions of this act.

6 NEW SECTION. Section 6. Effective date. This act is
7 effective July 1, 1987.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 HOUSE BILL NO. 364
2 INTRODUCED BY BRADLEY, JACOBSON, COBB, KEATING,
3 GAGE, SIMON, KENNERLY
4 BY REQUEST OF THE LEGISLATIVE
5 AUDIT COMMITTEE
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4 denturist, and one dental hygienist, and one public--member,
5 and two lay persons, one of whom must be a senior
6 citizen. All members are appointed by the governor with the
7 consent of the senate. Each licensed member shall be
8 licensed to practice as a dentist, denturist, or dental
9 hygienist in this state, shall have actively practiced in
10 this state for at least 5 continuous years immediately
11 before his appointment, EXCEPT AS PROVIDED IN SUBSECTION
12 (2)(B), and shall be actively engaged in practice while
13 -serving on the board. Each member shall be a-citizen-of-the
14 United-States-and a resident of this state.

15 (B) THE PROVISION IN SUBSECTION (2)(A) REQUIRING A
16 LICENSED MEMBER TO HAVE ACTIVELY PRACTICED IN THIS STATE FOR
17 AT LEAST 5 CONTINUOUS YEARS IMMEDIATELY BEFORE HIS
18 APPOINTMENT DOES NOT APPLY TO THE FIRST DENTURIST APPOINTED
19 TO THE BOARD.

20 (3) Each member shall serve for a term of 5 years. The
21 governor may remove a member only for neglect or cause.

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

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



1 Section 2. Section 37-29-102, MCA, is amended to read:

2 "37-29-102. Definitions. As used in this chapter,
3 unless the context requires otherwise, the following
4 definitions apply:

5 (1) "Board" means the state board of denturistry
6 dentistry provided for in ~~2-15-1855~~ 2-15-1842.

7 (2) "Denture" means any removable full or partial
8 upper or lower prosthetic dental appliance to be worn in the
9 mouth.

10 (3) "Denturist" means a person licensed under this
11 chapter to engage in the practice of denturistry.

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15 prior to and inserted immediately after extraction of teeth.

16 (6) "Practice of denturistry" means:

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19 supplying of a denture directly to a person or advising the
20 use of a denture; or

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8 board.

9 NEW SECTION. Section 5. Extension of authority. Any
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11 on the subject of the provisions of this act is extended to
12 the provisions of this act.

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8 licensed to practice as a dentist, denturist, or dental
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16 LICENSED MEMBER TO HAVE ACTIVELY PRACTICED IN THIS STATE FOR
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8 upper or lower prosthetic dental appliance to be worn in the
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11 chapter to engage in the practice of denturistry.

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HOUSE BILL NO. 364

INTRODUCED BY BRADLEY, JACOBSON, COBB, KEATING,
GAGE, SIMON, KENNERLY

BY REQUEST OF THE LEGISLATIVE
AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT MERGING THE BOARD OF
DENTURITRY AND THE BOARD OF DENTISTRY; PROVIDING FOR THE
TRANSFER OF ASSETS AND PAYMENT OF CLAIMS; AMENDING SECTIONS
2-15-1842 AND, 37-4-202, 37-29-102, AND 37-29-404, MCA;
REPEALING ~~SECTION~~ SECTIONS 2-15-1855, 37-29-202, AND
37-29-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Montana Initiative No. 97 created the Board of
Denturitry; and

WHEREAS, Chapter 548, Laws of 1985, required the
Legislative Audit Committee to conduct a review of the Board
of Denturitry and to propose a bill to the 50th Legislature
merging the Board of Denturitry and the Board of Dentistry
if the Board of Denturitry has not licensed 30 denturists;
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(2) ~~(A)~~ The board consists of ~~five~~ four dentists, ~~one~~
~~denturist~~, and one dental hygienist, ~~and one public member~~
~~and two lay persons~~ PUBLIC MEMBERS, one of whom must be
a senior citizen. All members are appointed by the governor
with the consent of the senate. Each licensed member shall
be licensed to practice as a dentist, denturist, or dental
hygienist in this state, shall have actively practiced in
this state for at least 5 continuous years immediately
before his appointment, EXCEPT AS PROVIDED IN SUBSECTION
(2)(B), and shall be actively engaged in practice while
serving on the board. Each member shall be ~~a citizen of the~~
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(B) THE PROVISION IN SUBSECTION (2)(A) REQUIRING A
LICENSED MEMBER TO HAVE ACTIVELY PRACTICED IN THIS STATE FOR
AT LEAST 5 CONTINUOUS YEARS IMMEDIATELY BEFORE HIS
APPOINTMENT DOES NOT APPLY TO THE FIRST DENTURIST APPOINTED
TO THE BOARD.

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

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

(5) The board is allocated to the department for

1 administrative purposes only as prescribed in 2-15-121."

2 SECTION 2. SECTION 37-4-202, MCA, IS AMENDED TO READ:

3 "37-4-202. Meetings -- notice -- quorum -- records.

4 (1) The board shall meet at least once each year in this
5 state at the call of the president and secretary-treasurer.
6 Five days' notice must be given by the department to board
7 members of the time and place of the meeting of the board.

8 (2) Meetings held for the purpose of examining
9 candidates for a license to practice dentistry in this state
10 may not exceed 6 days.

11 (3) ~~Four~~ Five members of the board constitute a quorum
12 for the transaction of business. Its proceedings are open to
13 public inspection in cases of public interest.

14 (4) Money collected by the department under this
15 chapter shall be deposited in the state special revenue fund
16 for the use of the board, subject to 37-1-101(6).

17 (5) The department shall keep a complete record of
18 meetings and proceedings of the board and shall keep a
19 complete account of moneys received and disbursements made
20 by the department."

21 Section 3. Section 37-29-102, MCA, is amended to read:

22 "37-29-102. Definitions. As used in this chapter,
23 unless the context requires otherwise, the following
24 definitions apply:

25 (1) "Board" means the state board of denturistry

1 dentistry provided for in ~~2-15-1855~~ 2-15-1842.

2 (2) "Denture" means any removable full or partial
3 upper or lower prosthetic dental appliance to be worn in the
4 mouth.

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6 chapter to engage in the practice of denturistry.

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8 for in Title 2, chapter 15, part 18.

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10 prior to and inserted immediately after extraction of teeth.

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13 reproducing, or repairing of a denture and furnishing or
14 supplying of a denture directly to a person or advising the
15 use of a denture; or

16 (b) the taking or making or the giving of advice,
17 assistance, or facilities respecting the taking or making of
18 any impression, bite, cast, or design preparatory to or for
19 the purpose of making, constructing, fitting, furnishing,
20 supplying, altering, repairing, or reproducing a denture."

21 SECTION 4. SECTION 37-29-404, MCA, IS AMENDED TO READ:

22 "37-29-404. Notice of board address -- guarantee. (1)
23 A notice must be posted in a conspicuous area on any
24 premises where the practice of denturistry is conducted, with
25 lettering of a size easily read by the average person and in

1 substantially the following form:

2 ANY CONSUMER WHO HAS A COMPLAINT RELATING TO
3 PRACTICES OF THIS ESTABLISHMENT MAY CONTACT THE
4 MONTANA BOARD OF ~~DENTURISTRY~~ DENTISTRY,
5 DEPARTMENT OF COMMERCE, 1424 NINTH AVENUE,
6 HELENA, MONTANA 59620.

7 (2) All denturist services must be unconditionally
8 guaranteed for a period of not less than 90 days."

9 NEW SECTION. Section 5. Repealer. ~~Section~~ SECTIONS
10 2-15-1855, 37-29-202, AND 37-29-203, MCA, is ARE repealed.

11 NEW SECTION. Section 6. Transfer of assets and
12 payment of claims. All assets of the board of denturistry are
13 transferred to the board on [the effective date of this
14 act]. After [the effective date of this act], all valid
15 claims against the board of denturistry must be paid by the
16 board.

17 NEW SECTION. Section 7. Extension of authority. Any
18 existing authority of the board of dentistry to make rules
19 on the subject of the provisions of this act is extended to
20 the provisions of this act.

21 NEW SECTION. Section 8. Effective date. This act is
22 effective July 1, 1987.

-End-

STANDING COMMITTEE REPORT

SCRHB364

SCRHB364.SCR

Page 2 of 2 -
SCRHB364

SENATE

March 20, 1987

MR. PRESIDENT

Public Health, Welfare, and Safety

We, your committee on

House Bill 364

having had under consideration No.

third blue reading copy (color)

MERGING BOARD OF DENTURITY WITH BOARD OF DENTISTRY

BRADLEY (JACOBSON)

Respectfully report as follows: That House Bill No. 364

BE AMENDED AS FOLLOWS:

- 1. Title, line 10. Following: "2-15-1842" Strike: "AND" Insert: ", 37-4-202," Following: "37-29-102," Insert: "AND 37-29-404," Following: "REPEALING" Strike: "SECTION" Insert: "SECTIONS" Following: "2-15-1855," Insert: "37-29-202, AND 37-29-203,"

- 2. Page 2, line 5. Following: "two" Strike: "lay persons" Insert: "public members"

- 3. Page 2, following line 25. Insert: "Section 2. Section 37-4-202, MCA, is amended to read: "37-4-202. Meetings -- notice -- quorum -- records. (1) The board shall meet at least once each year in this state at the call of the president and secretary-treasurer. Five days' notice must be given by the department to board members of the time and place of the meeting of the board."

DO PASS

DO NOT PASS

Handwritten signature of Dorothy Eck

CONTINUED

Chairman

Handwritten notes: 3-21-87 9:50 AM

(2) Meetings held for the purpose of examining candidates for a license to practice dentistry in this state may not exceed 6 days.

(3) Four Five members of the board constitute a quorum for the transaction of business. Its proceedings are open to public inspection in cases of public interest.

(4) Money collected by the department under this chapter shall be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6).

(5) The department shall keep a complete record of meetings and proceedings of the board and shall keep a complete account of moneys received and disbursements made by the department."

Renumber: subsequent section

4. Page 3, following line 25.

Insert: "Section 4. Section 37-29-404, MCA, is amended to read:

"37-29-404. Notice of board address -- guarantee. (1) A notice must be posted in a conspicuous area on any premises where the practice of dentistry is conducted, with lettering of a size easily read by the average person and in substantially the following form:

ANY CONSUMER WHO HAS A COMPLAINT RELATING TO PRACTICES OF THIS ESTABLISHMENT MAY CONTACT THE MONTANA BOARD OF DENTURITY DENTISTRY, DEPARTMENT OF COMMERCE, 1424 NINTH AVENUE, HELENA, MONTANA 59620.

(2) All denturist services must be unconditionally guaranteed for a period of not less than 90 days." Renumber: subsequent sections

- 5. Page 4, line 1. Following: "Repealer." Strike: "Section" Insert: "Sections" Following: "2-15-1855," Insert: "37-29-202, and 37-29-203,"

- 6. Page 4, line 2. Following: "MCA," Strike: "is" Insert: "are"

AND AS AMENDED, BE CONCURRED IN

Handwritten signature of Senator Eck

Senator Eck

Handwritten notes: 3-21-87