

HOUSE BILL 155

Introduced by Pavlovich, et al.

1/13	Introduced
1/13	Referred to Business & Economic Development
1/13	First Reading
1/13	Fiscal Note Requested
1/19	Fiscal Note Received
1/19	Fiscal Note Printed
2/04	Hearing
2/10	Tabled in Committee

1 *House* BILL NO. *155*
 2 INTRODUCED BY *Carlvin Christensen*
 3 *Dwight Brady*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A BOARD OF
 5 DENTURITRY; AMENDING SECTIONS 2-15-1842, 37-29-102,
 6 37-29-304, AND 37-29-404, MCA; AND PROVIDING AN IMMEDIATE
 7 EFFECTIVE DATE."
 8

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

10 **Section 1.** Section 2-15-1842, MCA, is amended to read:

11 "2-15-1842. Board of dentistry. (1) There is a board of
 12 dentistry.

13 (2) (a) The board consists of five dentists, one of
 14 whom shall serve as a nonvoting member, ~~one--denturist,~~ one
 15 dental hygienist, and two public members, one of whom must
 16 be a senior citizen. All members are appointed by the
 17 governor with the consent of the senate. Each licensed
 18 member ~~shall must~~ be licensed to practice as a dentist,
 19 ~~denturist,~~ or dental hygienist in this state, ~~shall must~~
 20 have actively practiced in this state for at least 5
 21 continuous years immediately before his ~~appointment being~~
 22 ~~appointed, except-as--provided--in--subsection--(2)(b),~~ and
 23 ~~shall must~~ be actively engaged in practice while serving on
 24 the board. Each member ~~shall must~~ be a resident of this
 25 state.

1 (b) ~~The--provision--in--subsection--(2)(a)--requiring-a~~
 2 ~~licensed-member-to-have-actively-practiced-in-this-state-for~~
 3 ~~at--least--5--continuous--years---immediately---before---his~~
 4 ~~appointment--does-not-apply-to-the-first-denturist-appointed~~
 5 ~~to-the-board.~~

6 (3) Each member shall serve for a term of 5 years. Each
 7 dentist appointed to the board for a statutory 5-year term
 8 shall serve the first year of the term as a nonvoting member
 9 of the board. The governor may remove a member only for
 10 neglect or cause.

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

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

14 **NEW SECTION. Section 2.** Board of denturistry. (1) There
 15 is a board of denturistry. The board consists of four members
 16 appointed by the governor. The board must be appointed as
 17 prescribed in 2-15-124, except that one member does not have
 18 to be an attorney. Two members must be denturists who have
 19 had, immediately prior to their appointment, at least 3
 20 years' experience in the practice of denturistry and who are
 21 not dentists. One member must be a dentist licensed under
 22 37-4-301. One member must represent the general public.

23 (2) A member shall hold office for a term of 4 years
 24 and until a successor is appointed by the governor.

25 (3) The board is allocated to the department of

commerce for administrative purposes as prescribed in 2-15-121.

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

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

(1) "Board" means the state board of dentistry denturistry provided for in 2-15-1842 [section 2].

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

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

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

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

(6) "Practice of denturistry" means:

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

(b) the taking or making or the giving of advice, assistance, or facilities respecting the taking or making of any impression, bite, cast, or design preparatory to or for

the purpose of making, constructing, fitting, furnishing, supplying, altering, repairing, or reproducing a denture."

NEW SECTION. Section 4. Officers -- meetings -- voting

-- records. (1) The board shall elect a president, secretary, and treasurer. The offices of secretary and treasurer may be held by one person. The officers must be elected for 1-year terms at the annual meeting of the board. A person serving as president may not serve consecutive terms.

(2) The board shall meet at least twice a year and may meet at other times as designated by the president or at the request of two or more board members. Meeting dates and sites must be set by the board.

(3) A majority of the board constitutes a quorum for all purposes, and a majority vote of the members voting constitutes the action of the board.

(4) The department shall keep a complete record of all the meetings and proceedings of the board and shall keep a complete account of money received and disbursed by the department for the board.

NEW SECTION. Section 5. Compensation and expenses of

board members -- deposit of funds. (1) Each member of the board is entitled to receive compensation and travel expenses as provided in 37-1-133, to be paid from money collected pursuant to 37-29-304.

(2) Money collected under 37-29-304 must be deposited in a state special revenue account for use by the board to pay for the expenses of the board, the cost of administering this chapter, and educational purposes considered necessary by the board.

Section 6. Section 37-29-304, MCA, is amended to read:

"37-29-304. ~~Applications--and--fees~~ Fees. ~~{1}~~ The board is ~~initially~~ entitled to charge and collect the--following fees:

~~{a}--\$200-application-for-licensing;~~

~~{b}--\$200-for-original-license;~~

~~{c}--\$200-annual-license-renewal-fee;~~

~~{d}--\$200--for--examination--or--reexamination,--provided that-if-on-reexamination-only--the--written--examination--is required,--the-fee-is-\$100;--and~~

~~{e}--\$50--for--a--duplicate--or--replacement-license--or--a license-for-a-second-address,--provided-that-no-denturist-may hold-licenses-bearing-more-than-two-different-addresses;~~

~~{2}--The-board-may-set-other-fees-and-modify-the-initial fees in accordance with the provisions of 37-1-134."~~

Section 7. 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 denturistry 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 DENTISTRY DENTURITRY, DEPARTMENT OF COMMERCE, 1424-NINTH-AVENUE 111 NORTH JACKSON, HELENA, MONTANA 59620-0513.

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

NEW SECTION. **Section 8.** Codification instruction. (1) [Section 2] is intended to be codified as an integral part of Title 2, chapter 15, part 18, and the provisions of Title 2, chapter 15, part 18, apply to [section 2].

(2) [Sections 4 and 5] are intended to be codified as an integral part of Title 37, chapter 29, and the provisions of Title 37, chapter 29, apply to [sections 4 and 5].

NEW SECTION. **Section 9.** Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0155, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill creates a Board of Denturistry.

ASSUMPTIONS:

1. There will be four board members attending two one-day meetings per year.
2. There will be 13 licensees and 15 complaints per year.
5. The fiscal note has two parts: One part for the Board of Dentistry and one part for the proposed Board of Denturists.
6. The Board of Dentistry will lose one board member and the related expenses. The existing work load of the board will demand use of the remaining appropriation.

FISCAL IMPACT:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
BOARD OF DENTISTRY:						
<u>Expenditures:</u>						
Personal Services	8,165	7,765	(400)	8,165	7,765	(400)
Operating Expenses	129,972	129,472	(500)	130,124	129,624	(500)
Capital Outlay	<u>274</u>	<u>274</u>	<u>0</u>	<u>274</u>	<u>274</u>	<u>0</u>
Total	138,411	137,511	(900)	138,563	137,663	(900)
<u>Revenues:</u>	89,080	88,430	(650)	89,080	88,430	(650)
<u>Net Impact:</u>	(49,331)	(49,081)	250	(49,483)	(49,233)	250

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
BOARD OF DENTURISTS:						
<u>Expenditures:</u>						
Personal Services	0	800	800	0	800	800
Operating Expenses	<u>0</u>	<u>4,500</u>	<u>4,500</u>	<u>0</u>	<u>4,500</u>	<u>4,500</u>
Total	0	5,300	5,300	0	5,300	5,300
<u>Revenues:</u>	0	5,300	5,300	0	5,300	5,300

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: There is no change from the current situation except that the licensees will probably be paying higher license fees.

David Lewis 1-19-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Bob Pavlovich 1-19-93
 BOB PAVLOVICH, PRIMARY SPONSOR DATE

Fiscal Note for HB0155, as introduced

NR 155