

BEFORE THE BOARD OF DENTISTRY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.138.502, 24.138.503,) ON PROPOSED AMENDMENT
24.138.505, 24.138.506, 24.138.507,)
24.138.509, 24.138.511, and 24.138.530)
pertaining to licensure)

TO: All Concerned Persons

1. On April 21, 2008, at 9:00 a.m., a public hearing will be held in room 471, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Dentistry (board) no later than 5:00 p.m., on April 16, 2008, to advise us of the nature of the accommodation that you need. Please contact Traci Collett, Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2390; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdden@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.138.502 INITIAL LICENSURE OF DENTISTS BY EXAMINATION

(1) through (1)(e) remain the same.

(f) a copy of a self-query of the National Practitioners Data Bank and the Healthcare Integrity Data Bank;

(g) through (4) remain the same.

AUTH: 37-1-131, 37-4-205, MCA

IMP: 37-1-131, 37-4-301, MCA

REASON: The board determined it is reasonably necessary to amend ARM 24.138.502, 24.138.503, 24.138.505, 24.138.506, 24.138.507, and 24.138.511 to include submission of the applicant's self-query of the Healthcare Integrity Data Bank. Upon self-query of the National Practitioner Data Bank, the inquirer also receives information from the Healthcare Integrity Data Bank at no additional charge. The board is amending the rules throughout for consistency and to clarify that all licensure applicants must submit both data bank queries.

24.138.503 INITIAL LICENSURE OF DENTAL HYGIENISTS BY EXAMINATION (1) through (1)(e) remain the same.

(f) a copy of a self-query of the National Practitioner Data Bank and the Healthcare Integrity Data Bank;

(g) through (4) remain the same.

AUTH: 37-1-131, 37-4-205, MCA

IMP: 37-1-131, 37-4-401, 37-4-402, MCA

24.138.505 DENTIST LICENSURE BY CREDENTIALS (1) through (1)(h) remain the same.

(i) submits a copy of a self-query of the National Practitioner Data Bank and the Healthcare Integrity Data Bank;

(i) and (j) remain the same but are renumbered (j) and (k).

(2) remains the same.

AUTH: 37-1-131, 37-4-205, MCA

IMP: 37-1-131, 37-1-304, MCA

24.138.506 DENTAL HYGIENIST LICENSURE BY CREDENTIALS

(1) through (1)(c) remain the same.

(d) ~~evidence of current licensure in another state or territory of the United States and license verification from the licensing board(s) of the state(s) under whose jurisdiction the applicant is licensed or has been licensed~~ license verifications from all jurisdictions where the applicant is licensed or has held a license. If employed by the federal government, the applicant shall submit a letter of explanation for any discipline with the employing federal agency;

(e) through (g) remain the same.

(h) a copy of a self-query of the National Practitioner Data Bank and the Healthcare Integrity Data Bank; and

(i) through (4) remain the same.

AUTH: 37-1-131, 37-4-205, MCA

IMP: 37-1-131, 37-1-304, MCA

REASON: The board determined it is reasonably necessary to amend this rule to expand the acceptable license verifications for applicants by credentials. During board review of a Canadian applicant, the board concluded that there is no reason to prohibit dental hygienists licensed in Canada or other acceptable jurisdictions from applying for Montana licensure. The board previously amended the other credentialing rules in this manner but had inadvertently omitted amending this rule.

24.138.507 DENTIST LICENSURE BY CREDENTIALS FOR SPECIALISTS

(1) through (1)(i) remain the same.

(j) submits a current CPR, ACLS, or PALS card; ~~and~~

(k) submits a copy of a self-query of the National Practitioner Data Bank and the Healthcare Integrity Data Bank; and

- (k) remains the same but is renumbered (l).
- (2) remains the same.

AUTH: 37-1-131, 37-4-205, MCA
IMP: 37-1-131, 37-1-304, MCA

24.138.509 DENTAL HYGIENE LIMITED ACCESS PERMIT (1) through (1)(c) remain the same.

(d) provides the name and address of the public health facility or facilities where the applicant intends to provide services under a LAP;

(d) and (e) remain the same but are renumbered (e) and (f).

(2) Application material remains valid for six months from receipt in the board office. If the application is not completed within six months a new application and fees must be submitted.

(2) through (4)(a) remain the same but are renumbered (3) through (5)(a).

(b) Great Falls Rescue Mission;

(b) and (c) remain the same but are renumbered (c) and (d).

AUTH: 37-1-131, 37-4-205, 37-4-405, MCA
IMP: 37-4-405, MCA

REASON: It is reasonable and necessary to amend this rule and specify that a LAP applicant must give the location(s) where the applicant intends to provide LAP dental hygiene services. The board is amending this rule to align with the statutory requirement at 37-4-405, MCA, that licensed dental hygienists may provide dental hygiene preventative services under a LAP only in a public health facility.

The board is adding (2) to this rule to specify that LAP application materials remain valid for six months. The board previously determined that materials become outdated and need to be resubmitted after six months and is amending this rule to achieve consistency among the board's initial licensure rules.

Following a licensee's request to provide dental hygiene services under a LAP in an alternative setting, the board is amending this rule to specifically delineate the Great Falls Rescue Mission as an additional public health facility or program at which services can be provided under a LAP.

24.138.511 DENTURIST APPLICATION REQUIREMENTS (1) through (2)(l) remain the same.

(m) a copy of a self-query of the National Practitioner Data Bank and the Healthcare Integrity Data Bank;

(n) through (5) remain the same.

AUTH: 37-1-131, 37-29-201, MCA
IMP: 37-1-131, 37-29-303, 37-29-306, MCA

24.138.530 LICENSURE OF RETIRED OR NONPRACTICING DENTIST OR DENTAL HYGIENIST FOR VOLUNTEER SERVICE (1) through (1)(e) remain the same.

(f) provides the name and address of the location(s) where the applicant intends to provide services under a volunteer license to indigent or uninsured patients in underserved or critical need areas;

(f) and (g) remain the same but are renumbered (g) and (h).

(2) remains the same.

(3) Application material remains valid for six months from receipt in the board office. If the application is not completed within six months a new application and fees must be submitted.

(3) and (4) remain the same but are renumbered (4) and (5).

AUTH: 37-1-131, 37-1-141, 37-4-340, MCA

IMP: 37-1-131, 37-1-141, 37-4-340, MCA

REASON: It is reasonable and necessary to amend this rule and specify that an applicant must give the location(s) where the applicant intends to provide volunteer dental or dental hygiene services. The board is amending this rule to align with the statutory requirement at 37-4-340, MCA, that dentists and dental hygienists may provide services under a volunteer license only to indigent or uninsured patients in underserved or critical need areas.

The board is adding (3) to this rule to specify that volunteer application materials remain valid for six months. The board previously determined that materials become outdated and need to be resubmitted after six months and is amending this rule to achieve consistency among the board's initial licensure rules.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdden@mt.gov, and must be received no later than 5:00 p.m., April 29, 2008.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.dentistry.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Dentistry maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all Board of Dentistry administrative

rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdden@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

BOARD OF DENTISTRY
DR. PAUL SIMMS, DDS

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2008