

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.138.508 dental anesthetic) PROPOSED AMENDMENT
certification, 24.138.509 dental)
permits, and 24.138.2106)
exemptions - continuing education)

TO: All Concerned Persons

1. On August 11, 2009, at 1:30 p.m., a public hearing will be held in room 439, 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 August 6, 2009, 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:

24.138.508 DENTAL HYGIENE LOCAL ANESTHETIC AGENT CERTIFICATION (1) through (3)(d) remain the same.

~~(e) verification of successful completion of a local anesthetic agent course given by a Commission on Dental Accreditation (CODA) accredited dental or CODA accredited dental hygiene school. The only verification that will be accepted is one of the following:~~

~~(i) a letter from the school with the school seal affixed (photocopies will not be accepted);~~

~~(ii) a notarized copy of the certification of local anesthetic agent course completion; or~~

~~(iii) a notarized copy of the dental or dental hygiene transcript with the local anesthetic agent course recorded.~~

(f) remains the same but is renumbered (e).

~~(g)~~ (f) written verification from a supervising dentist that the applicant has practiced administering local anesthetic agents within the last five years.

(4) through (c) remain the same.

~~(d) verify successful completion of a local anesthetic agent course given by a CODA accredited dental or CODA accredited dental hygiene school. The only verification that will be accepted is one of the following:~~

~~(i) a letter from the school with the school seal affixed (photocopies will not be accepted);~~

~~(ii) a notarized copy of the certification of local anesthetic agent course completion; or~~

~~(iii) a notarized copy of the dental or dental hygiene transcript with the local anesthetic agent course recorded.~~

(e) remains the same but is renumbered (d).

(f) (e) written verification from a supervising dentist that the applicant has practiced administering local anesthetic agents within the last five years.

(5) The application remains valid for six months from the time it is received in the office. If not completed within six months, the application will be considered incomplete and a new application and fee must be submitted.

AUTH: 37-1-131, 37-4-205, 37-4-402, MCA

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

REASON: The board determined it is reasonably necessary to strike the specific requirement of successful completion of a local anesthetic course by a Commission on Dental Accreditation (CODA) school to qualify for dental hygienist local anesthetic certification. This course is a prerequisite for applicants to qualify to take the Western Regional Examining Board (WREB) exam, which is already required in this rule. The board is also amending this rule to address applicant questions by specifying that a supervising dentist must provide the written verification of an applicant's experience. The board is adding (5) to clarify that application materials are valid and will be kept for six months after receipt in the board office. The board concluded that tracking applications indefinitely is not practical and that after six months some materials become stale and require resubmission.

24.138.509 DENTAL HYGIENE LIMITED ACCESS PERMIT (1) through (5)(b) remain the same.

(c) Harlem Elementary School; ~~and~~

(d) Harlem Junior/Senior High School; and

(e) Paris Gibson Education Center.

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

IMP: 37-4-405, 37-4-406, MCA

REASON: Following a licensee's request to provide dental hygiene services under a limited access permit (LAP) in an alternative setting, the board is amending this rule to designate the Paris Gibson Education Center as an additional public health facility or program at which services can be provided under a LAP. Implementation cites are being amended to accurately reflect all statutes implemented through this rule.

24.138.2106 EXEMPTIONS AND EXCEPTIONS (1) through (3) remain the same.

(4) Volunteer licensees shall be exempt from the continuing education requirements.

AUTH: 37-1-319, 37-4-205, 37-29-201, MCA

IMP: 37-1-306, 37-4-205, 37-29-306, MCA

REASON: The board determined it is reasonably necessary to add (4) to this rule and clarify that volunteer licensees are exempt from continuing education (CE) requirements. The board concluded that it is not necessary for volunteer licensees to obtain CE for the limited scope of their license and is amending the rule accordingly.

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., August 19, 2009.

5. An electronic copy of this Notice of Public Hearing is available through the department and the 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 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 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 contact 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
PAUL SIMS, DDS, PRESIDENT

/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 July 6, 2009