

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

In the matter of the amendment of )  
ARM 24.138.402 fee schedule, )  
24.138.406 dental auxiliaries, )  
24.138.2104 requirements and )  
restrictions, 24.138.3207 continuing )  
education, and the adoption of NEW )  
RULES I through III pertaining to )  
restricted volunteer licensure )

NOTICE OF AMENDMENT AND  
ADOPTION

TO: All Concerned Persons

1. On October 15, 2009, the Board of Dentistry (board) published MAR Notice No. 24-138-67 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1743 of the 2009 Montana Administrative Register, issue no. 19.

2. On November 5, 2009, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Two comments were received by the November 13, 2009, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: One commenter supported the amendment and new rules regarding the temporary volunteer licensure of nonresident dentists and dental hygienists and the clarification of teeth whitening as the practice of dentistry.

RESPONSE 1: The board appreciates all comments received during the board's rulemaking projects.

COMMENT 2: A commenter suggested that ARM 24.138.406(10) should be amended to include (8)(a) through (d), instead of (a) through (c).

RESPONSE 2: The board intended to accept documentation of (8)(a) through (d) and acknowledges the unintentional misprint in the original notice. The board is amending the rule accordingly.

4. The board has amended ARM 24.138.402, 24.138.2104, and 24.138.3207 exactly as proposed.

5. The board has adopted NEW RULE I (24.138.601), NEW RULE II (24.138.603), and NEW RULE III (24.138.306) exactly as proposed.

6. The board has amended ARM 24.138.406 with the following changes, stricken matter interlined, new matter underlined:

24.138.406 FUNCTIONS FOR DENTAL AUXILIARIES (1) through (9) remain as proposed.

(10) The board will accept documentation of (8)(a) through ~~(e)~~ (d) as certification for radiographic exposure.

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 February 1, 2010