

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

In the matter of the amendment of	)	NOTICE OF AMENDMENT,
ARM 24.138.509 dental hygiene	)	AMENDMENT AND TRANSFER,
limited access permit, 24.138.2719	)	AND ADOPTION
medical assistance program relapse,	)	
amendment and transfer of	)	
24.138.3201 through 24.138.3209	)	
regarding dentist administration of	)	
anesthesia, and the adoption of NEW	)	
RULES I through III anesthesia	)	
definitions, committee, and permits	)	

TO: All Concerned Persons

1. On September 8, 2011, the Board of Dentistry (board) published MAR notice no. 24-138-68 regarding the public hearing on the proposed amendment, amendment and transfer, and adoption of the above-stated rules, at page 1791 of the 2011 Montana Administrative Register, issue no. 17.

2. On October 3, 2011, a public hearing was held on the proposed amendment, amendment and transfer, and adoption of the above-stated rules in Helena. Several comments were received by the October 11, 2011, deadline.

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

ARM 24.138.3203 (24.138.3221)

COMMENT 1: One commenter suggested that the word "education," in (1)(a) should be changed to "accreditation" to reflect the correct name of the Commission on Dental Accreditation.

RESPONSE 1: The board agrees with the comment and is amending this rule accordingly.

COMMENT 2: One commenter suggested that the connector between (1)(a)(i) and (1)(a)(ii) should be changed from "and" to "or", because a dentist may administer deep sedation/general anesthesia after completing either an oral and maxillofacial surgery residency or an advanced general dentistry education program in dental anesthesiology, but both are not required.

RESPONSE 2: The board agrees with the comment and is amending this rule accordingly.

## NEW RULE I

COMMENT 3: One commenter suggested that the title of New Rule I should be changed to DEFINITIONS RELATED TO ANESTHESIA, since the definitions specifically pertain to the anesthesia rules.

RESPONSE 3: The board agrees with the comment and is amending the title accordingly.

COMMENT 4: One commenter suggested that (1) should be changed to read "administration is as follows," to remove redundancy in this subsection.

RESPONSE 4: The board agrees with the comment and is amending the rule accordingly.

4. The board has amended ARM 24.138.509 and 24.138.2719 exactly as proposed.

5. The board has amended and transferred ARM 24.138.3201 (24.138.3217), 24.138.3202 (24.138.3219), 24.138.3204 (24.138.3223), 24.138.3205 (24.138.3225), 24.138.3206 (24.138.3227), 24.138.3207 (24.138.3229), 24.138.3208 (24.138.3231), and 24.138.3209 (24.138.3215) exactly as proposed.

6. The board has adopted New Rule II (24.138.3233) and New Rule III (24.138.3213) exactly as proposed.

7. The board has amended ARM 24.138.3203 and transferred the rule to ARM 24.138.3221 with the following changes, stricken matter interlined, new matter underlined:

24.138.3203 (24.138.3221) MINIMUM QUALIFYING STANDARDS (1) remains as proposed.

(a) No dentist shall be permitted to administer deep sedation/general anesthesia until he or she has satisfactorily completed residencies accredited by the Commission on Dental ~~Education~~ Accreditation in the following areas:

- (i) a minimum of four years in an oral and maxillofacial surgery residency; ~~and~~ or
- (ii) through (6) remain as proposed.

8. The board has adopted New Rule I (24.138.3211) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I DEFINITIONS RELATED TO ANESTHESIA (1)  
~~"Administration of anesthesia" is the route by which an agent is administered to a patient~~ as follows:

- (a) through (11) remain as proposed.

BOARD OF DENTISTRY  
DALE CHAMBERLAIN, 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 November 28, 2011