

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

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 24.138.402 fee schedule,)	ADOPTION
24.138.403 mandatory certification,)	
24.138.406 dental auxiliary functions,)	
24.138.425 limited access permits,)	
24.138.502 dentist licensure by)	
exam, 24.138.503 dental hygienist)	
licensure by exam, 24.138.506 dental)	
hygienist licensure by credentials,)	
24.138.2101 continuing education)	
definition, 24.138.2104 continuing)	
education requirements, and the)	
adoption of NEW RULE I military)	
training or experience, II dental)	
hygienist committee, and III denturist)	
committee)	

TO: All Concerned Persons

1. On March 13, 2014, the Board of Dentistry (board) published MAR Notice No. 24-138-69 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 458 of the 2014 Montana Administrative Register, Issue No. 5.

2. On April 4, 2014, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the April 11, 2014, 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: Numerous commenters supported the amendments to ARM 24.138.425 to include nurse practitioners and physician assistants as primary care providers with whom LAP dental hygienists may consult.

RESPONSE 1: The board appreciates all comments received during the rulemaking process.

COMMENT 2: Multiple commenters said it is common practice in public health facilities for health care providers other than physicians or dentists to oversee the patient's care in residence. The commenters supported the amendments to ARM 24.138.425 to allow LAP dental hygienists to consult with nurse practitioners or physician assistants when patients have severe systemic diseases and then

determine the treatment and appropriateness of dental hygiene preventative services under these circumstances.

RESPONSE 2: The board appreciates all comments received during the rulemaking process.

COMMENT 3: Numerous commenters supported the establishment of the dental hygienist committee in NEW RULE II.

RESPONSE 3: The board appreciates all comments received during the rulemaking process.

COMMENT 4: Numerous commenters supported the establishment of the denturist committee in NEW RULE III.

RESPONSE 4: The board appreciates all comments received during the rulemaking process.

4. The board received numerous comments on the proposed amendments to ARM 24.138.406, both in support and in opposition. Following consideration of all the comments, and lengthy board discussion, the board is not proceeding with the amendments to ARM 24.138.406 at this time. The board anticipates considering the wording of this rule in future board meetings.

5. The board has amended ARM 24.138.402, 24.138.403, 24.138.425, 24.138.502, 24.138.503, 24.138.506, 24.138.2101, and 24.138.2104 exactly as proposed.

6. The board has adopted NEW RULE I (24.138.540), II (24.138.206), and III (24.138.208) exactly as proposed.

BOARD OF DENTISTRY
TERRY KLISE, D.D.S., PRESIDENT

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 28, 2014