

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 24.138.406 dental auxiliaries)	REPEAL
functions, 24.138.505 dentist)	
licensure by credentials, 24.138.507)	
dentist licensure by credentials for)	
specialists, 24.138.509 dental)	
hygiene limited access permit,)	
24.138.512 denturist intern,)	
24.138.514 converting inactive)	
license to active, 24.138.525)	
reactivation of an expired license,)	
24.138.540 military training or)	
experience, 24.138.2101,)	
24.138.2102, 24.138.2104,)	
24.138.2105, and 24.138.2106)	
continuing education, 24.138.2402)	
screening panel, 24.138.3229)	
continuing education in anesthesia,)	
and the repeal of ARM 24.138.401)	
introduction)	

TO: All Concerned Persons

1. On August 13, 2015, the Board of Dentistry (board) published MAR Notice No. 24-138-71 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 1099 of the 2015 Montana Administrative Register, Issue No. 15.

2. On September 3, 2015, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. Several comments were received by the September 11, 2015, deadline.

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

COMMENT 1: Multiple commenters supported continuing education requirements for licensees, including verification of attendance. However, the commenters opposed the amendments to ARM 24.138.505, 24.138.507, 24.138.509, 24.138.514, 24.138.525, 24.138.2105, and 24.138.3229 to accept only certificates to verify attendance. The commenters suggested allowing certificates or other documented evidence of attendance, because at times it is difficult to obtain an actual certificate.

RESPONSE 1: The board agrees with the commenters and is amending ARM 24.138.2105(2) to allow other forms of verifying CE attendance. The board concluded that it is not necessary to amend the other rules, since they reference ARM 24.138.2105(2) to ensure compliance with the board's reporting procedures.

COMMENT 2: Several commenters supported the amendment to ARM 24.138.406(8)(b), to no longer accept other states' dental radiology certification to qualify assistants in Montana. The commenters stated that Montana dentists should not be liable for determining the equivalency of other states' radiology qualifications.

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

COMMENT 3: Several commenters opposed the striking of ARM 24.138.406(8)(b), stating that it is relatively simple for a Montana dentist to determine the basis for another state's radiography certification, as the information is readily available on the Dental Assistant National Board web site. The commenters asserted that the proposed change will make it more difficult for dentists to employ qualified assistants, and will create a barrier to accessing healthcare, particularly in hard-to-serve rural areas.

RESPONSE 3: The board concluded that requiring out-of-state assistants to pass a board-approved written radiography exam, because they can no longer utilize another state's certification, is not overly burdensome. The board also believes this change will help safeguard the public's protection by ensuring that assistants are qualified by Montana standards to expose radiographs in Montana.

4. The board has amended ARM 24.138.406, 24.138.505, 24.138.507, 24.138.509, 24.138.512, 24.138.514, 24.138.525, 24.138.540, 24.138.2101, 24.138.2102, 24.138.2104, 24.138.2106, 24.138.2402, and 24.138.3229 exactly as proposed.

5. The board has repealed ARM 24.138.401 exactly as proposed.

6. The board has amended ARM 24.138.2105 with the following changes, stricken matter interlined, new matter underlined:

24.138.2105 REPORTING PROCEDURES (1) remains as proposed.

(2) Licensees are required to keep a certificate or other documentation of attendance of continuing education completed and make this available to the board if so requested. The certificate or document of attendance shall include at a minimum:

(a) through (5) remain as proposed.

AUTH: 37-1-131, 37-1-319, 37-4-205, MCA

IMP: 37-1-131, 37-1-306, MCA

BOARD OF DENTISTRY
DR. AIMEE AMELINE, 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 October 19, 2015