

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

In the matter of the proposed)
amendment and transfer and repeal)
of existing rules and the proposed)
adoption of new rules I through)
IV, all pertaining to dentistry,)
dental hygiene and denturistry)

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT
AND TRANSFER, ADOPTION
AND REPEAL

TO: All Concerned Persons

1. On September 4, 2003, at 10:00 a.m., a public hearing will be held in room 438 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment and transfer, adoption, and repeal of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or who need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Dentistry no later than 5:00 p.m., August 28, 2003, to advise us of the nature of the accommodation you need. Please contact Sharon McCullough, 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@state.mt.us.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: As part of its periodic review of its rules, and in conjunction with, and in response to the 2001 legislation transferring the Board of Dentistry from the Department of Commerce to the Department of Labor and Industry, the Board is proposing a substantial number of revisions to its rules. Some of the proposed amendments are technical in nature, such as the proposed re-numbering of the rules to designate where in ARM Title 24 (rules of the Department of Labor and Industry) the rule is to be placed when it is transferred from ARM Title 8 (Commerce) to ARM Title 24. Similar technical changes update addresses, substitute modern language for archaic phrasing, and update obsolete or inappropriate statutory references. Other rule changes reflect a decision by the Board to attempt to streamline its rules. Currently, there are completely separate rules that apply to persons licensed as dentists, to persons licensed as denturists, and to persons licensed as dental hygienists. There are a number of historical reasons why completely separate rules existed, but the Board now believes that wherever feasible it is simpler to have a single rule that applies to all license classifications under the Board's jurisdiction. In addition, merging common matters into a single rule applicable to the three license types will

allow the Board to repeal the other two existing rules. Repeal of existing rules will also make the transfer of the remaining rules to ARM Title 24 simpler and more efficient. In some cases, the simplest solution is to draft one new rule to replace the three existing rules. In other cases, new language is being proposed in order to clarify matters that apparently currently are confusing to licensees and members of the public. Accordingly, the Board believes that there is reasonable necessity to generally amend certain existing rules, repeal certain existing rules, and adopt new rules at this time. Where there are additional specific bases for a proposed action the Board will identify those reasons immediately following that rule.

4. The rules proposed to be amended and transferred provide as follows: (deleted matter stricken, new matter underlined)

8.16.401 (24.138.501) APPROVED DENTAL AND DENTAL HYGIENE SCHOOLS (1) The state of Montana will accept all candidates who are graduates of dental schools that have been accredited by the commission on dental accreditation (CODA), or dental hygiene schools pursuant to 37-4-302, MCA.

AUTH: ~~37-1-103,~~ 37-1-131, 37-4-205, MCA
IMP: 37-4-302, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. Language to add dental hygiene to this rule clarifies the CODA statutory requirement. A repealed authority cite is being deleted.

8.16.408 (24.138.514) APPLICATION TO CONVERT AN INACTIVE STATUS LICENSE TO AN ACTIVE STATUS LICENSE (1) remains the same.

(2) An inactive status license does not entitle the holder to practice dentistry, dental hygiene or denturistry in the state of Montana. ~~Upon application and payment of the appropriate fee, the board may reactivate an inactive license if the applicant does each of the following:~~

(3) The board may consider a licensee request for reactivation upon written request to the board if the applicant provides, but is not limited to, the following:

(a) presents satisfactory evidence of operative competency, which may include, but not be limited to: a completed form approved by the board;

(i) (b) evidence that the applicant has actively and competently practiced in another jurisdiction during the year immediately prior to the application for reactivation; or within the last five years;

(ii) if the applicant has been out of practice for longer than five years, the applicant shall provide evidence of one of the following:

~~(A) completion of clinical competency course(s) submitted to and approved by the board; or~~

~~(B) that within the last year the applicant has successfully passed the board's regional licensure examination.~~

~~(b) (c) submits license verification from all jurisdictions where the applicant is licensed or has held a license;~~

~~(c) (d) submits 20 hours of continuing education for each year the license has been inactive, for a maximum of 60 hours each three year cycle; evidence of continuing education as follows:~~

~~(i) 60 hours of continuing education for a dentist, for the three most current renewal years;~~

~~(ii) 36 hours of continuing education for a dental hygienist, for the three most current renewal years; or~~

~~(iii) 36 hours of continuing education for a denturist, for the three most current renewal years;~~

~~(d) (e) submits a current CPR or ACLS card; and~~

~~(e) (f) applicant must take and pass the jurisprudence examination if the applicant has been inactive for five years or longer any other information the board may require for evidence of operative competency.~~

~~(4) If the applicant has been out of practice for longer than five years, the applicant shall provide evidence of, but not limited to, the following:~~

~~(a) completion of:~~

~~(i) a clinical competency course(s) or skills assessment analysis approved by the board; or~~

~~(ii) a board approved regional or state examination within the most recent five years;~~

~~(b) a license verification from all jurisdictions where the applicant is licensed or has held a license;~~

~~(c) evidence of continuing education as follows:~~

~~(i) 60 hours of continuing education for a dentist for the three most current years;~~

~~(ii) 36 hours of continuing education for a dental hygienist for the three most current years; or~~

~~(iii) 36 hours of continuing education for a denturist for the three most current years;~~

~~(d) a current CPR or ACLS card; and~~

~~(e) any other information the board may require for evidence of operative competency.~~

~~(5) Applicants shall take the jurisprudence examination if the applicant has not practiced in Montana within the most recent five years.~~

AUTH: 37-1-319, 37-4-205, ~~37-4-307~~, MCA

IMP: 37-1-319, 37-4-307, ~~37-4-406~~, ~~37-29-201~~, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. It is reasonable and necessary to clarify the procedure for changing from inactive to active licensure to

lessen confusion for applicants requesting to return to active practice. Authority and implementation cites are being amended to incorporate the applicability to all licensees and to correct an erroneous cite.

8.16.409 (24.138.403) DENTIST MANDATORY CPR (1) All licensed active status dentists, dental hygienists and denturists shall possess a current CPR certificate, a copy of which shall be submitted each year with the annual renewal application or advanced cardiac life support (ACLS) card.

~~(2) A dentist who has a current advanced cardiac life support (ACLS) card may submit proof of such as a valid substitute for a current CPR certificate.~~

~~(3) This rule will be effective January 1, 1991.~~

(2) Licensees shall maintain a current CPR or ACLS card on the premises and provide a copy to the board upon request.

(3) Licensees shall affirm the expiration date of the CPR or ACLS card on the annual renewal. The board may audit a licensee for compliance of a current CPR or ACLS card. An active licensee who practices without a current CPR or ACLS card may be subject to disciplinary action by the board.

AUTH: 37-1-131, 37-4-205, 37-29-201, MCA

IMP: ~~37-4-511~~, 37-4-307, 37-4-406, 37-29-401, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board also believes that clarification is needed as to Board procedures affected by online renewals and the shift toward a paperless renewal process. Language is being added to clarify acceptable CPR and ACLS cards, who must maintain the current cards and where, and the consequences that may result if licensees do not comply with this requirement. The rule amendment should help eliminate confusion on these issues. Authority and implementation cites are being amended to incorporate the applicability to all licensees and to correct an erroneous cite.

8.16.410 (24.138.2401) COMPLAINT PROCEDURE (1) through (4) remain the same.

~~(5) The screening panel shall review anonymous complaints to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter may be dismissed for lack of sufficient information board will not consider anonymous complaints.~~

~~(6) The screening panel may review anonymous unsanitary office complaints without a written complaint form.~~

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

IMP: 37-1-308, 37-1-309, MCA

REASON: The Board believes it is reasonable and necessary to discontinue Board consideration of anonymous complaints. The Board concludes that this change is necessary to better

protect the public and to facilitate both the investigation and prosecution of complaints to the Board. An authority cite is being added to incorporate the applicability to all licensees.

8.16.411 (24.138.2402) SCREENING PANEL (1) The board screening panel shall consist of three dentists, one dental hygienist, one public member and one denturist. The ~~chairman~~ presiding officer of the screening panel may reappoint screening panel members, or replace screening panel members as necessary at the ~~chairman's~~ presiding officer's discretion.

AUTH: 37-4-205, 37-29-201, MCA
IMP: 37-1-307, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board believes it is reasonable and necessary to clarify that reappointment of screening panel members is done at the discretion of the screening panel chairman or chairwoman. Gender specific language is also eliminated in favor of gender-neutral language. An authority cite is being added to incorporate the applicability to all licensees.

8.16.412 (24.138.505) DENTIST LICENSURE BY CREDENTIALS

(1) through (1)(c)(v) remain the same.

(vi) ~~is not the subject of an~~ submits documentation of all unresolved or adverse decisions based on ~~a~~ complaints, investigations, review procedures or other disciplinary proceedings undertaken by a state, territorial, local or federal dental licensing jurisdiction, dental society or law enforcement agency ~~that relates~~ relating to criminal or fraudulent activity, dental malpractice or negligent dental care;

(1)(c)(vii) through (2) remain the same.

AUTH: 37-1-131, 37-4-205, MCA
IMP: 37-1-304, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board believes that it is reasonable and necessary to amend this rule to clarify that applicants for licensure by credentials must submit documentation on unresolved and adverse disciplinary actions against them and that the Board will review such information on a case by case basis.

8.16.511 (24.138.301) DEFINITIONS ~~The~~ For the purposes of this chapter, the following definitions apply ~~for purposes of these regulations governing the practice of advertising as well as regarding the rules of professional conduct:~~

(1) remains the same.

~~(2) "Licensee" is any person holding a license to practice dentistry in the state of Montana;~~

(3) remains the same but is renumbered (5).

(4) remains the same but is renumbered (2).

(5) remains the same but is renumbered (4).

(3) "Coronal polishing" is a dental procedure limited to the utilization of abrasive agents on the coronal surfaces of natural and restored teeth for the purpose of plaque and extrinsic stain removal;

(6) "Prophylaxis" is a preventative and therapeutic dental health treatment process by which gingival irritants, including any existing combination of calculus deposits, plaque, material alba, accretions and stains are removed supragingivally and/or subgingivally from the natural and restored surfaces of teeth by a method or methods, which may include scaling, root planing and subgingival curettage, that are most suitable for the patient, by an appropriately licensed dentist or licensed dental hygienist.

AUTH: 37-4-205, MCA

IMP: 37-4-101, 37-4-205, 37-29-201, MCA

REASON: The Board determined it is reasonable and necessary to combine definitions into one section and one rule. The language content of the definitions is not amended, but is reorganized and renumbered into one rule, and repealed in another rule. The Board determined that this will facilitate licensees finding information more quickly and will make the rules more user friendly. Implementation cites are being amended to incorporate the applicability to all licensees.

8.16.513 (24.138.3002) ADVERTISING CONTENT (1) The following acts or omissions in the context of advertisement by any licensee dentist shall constitute unethical and unprofessional conduct and shall subject the licensee to disciplinary action pursuant to ~~section 37-4-321~~ 37-1-136, MCA, and ~~ARM 8.16.701, et seq.~~

~~(1)~~ (a) Claims that the services performed, personnel employed, materials or office equipment used are professionally superior to that which is ordinarily performed or used, or that convey the message that one licensee dentist is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.

(2) remains the same but is renumbered (b).

~~(3)~~ (c) Promotion of a professional service that the licensee dentist knows or should know is beyond the licensee's dentist's ability to perform.

(4) and (5) remain the same but are renumbered (d) and (e).

~~(6)~~ (f) Use of personal testimonials attesting to a licensee's dentist's competence in service or treatment that is not reasonably verifiable.

~~(7)~~ (g) Use of statistical data or other information based on past performances or other prediction of future

services that creates an unjustified expectation about results that the licensee dentist can achieve.

(8) through (13) remain the same but are renumbered (h) through (m).

~~(14)~~ (n) The use of "bait and switch" advertisements. In investigating complaints of "bait and switch" advertising, the board may require the licensee dentist to furnish to the board or its representative data or other evidence pertaining to sales made at the advertised fee as well as other sales.

~~(15)~~ (o) Misrepresentation of a licensee's dentist's credentials, training, experience or ability.

~~(16)~~ (p) Failure to include the corporation, partnership or individual licensee's dentist's name and address and telephone number in any advertisement. Any dental corporation, partnership or association that advertises by use of a trade name or otherwise fails to list all licensees dentists practicing at a particular location shall provide a list of all licensees dentists practicing at that location upon request and conspicuously display in the licensee's dentist's office a directory listing all licensees dentists practicing at that location.

(17) remains the same but is renumbered (q).

~~(18)~~ (r) Use of the name of any licensee dentist formerly practicing at or associated with any advertised location more than 30 days after that licensee dentist has left the practice. This rule shall not apply to a retired or deceased former associate who practiced dentistry in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.

~~(19)~~ (s) Stating or implying that a certain licensee dentist provides all services when any such services are performed by another licensee dentist.

(20) remains the same but is renumbered (t).

AUTH: 37-4-205, MCA

IMP: 37-4-205, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. This rule is being moved within the Board rules and licensees may incorrectly interpret that it applies to all licensees. The Board determined it is reasonable and necessary to amend an internal reference to a rule that is to be renumbered when these administrative rules are transferred from ARM Title 8, Department of Commerce, to ARM Title 24, Department of Labor and Industry. The Board determined it is reasonable and necessary to amend the language to clarify that this rule applies only to dentists.

8.16.514 (24.138.3102) SPECIALTY ADVERTISING (1) through (1) (d) remain the same.

(e) ~~orthodontics~~ orthodontic dentofacial orthopedics;

(f) remains the same.

- (g) periodontics; ~~and~~
- (h) prosthodontics- ;
- (i) oral and maxillofacial radiology; and
- (j) other board approved specialties.

(2) A licensee ~~may~~ shall not advertise using the terms "specialist", "specializing" or "practice limited to" unless the licensee has met the board standards for specialization as set forth in ARM ~~8-16-719~~ 24.138.3101 and ~~8-16-720~~ 24.138.3103 and the branch of dentistry advertised as a specialty branch of dentistry is sanctioned as a specialty branch of dentistry by (1) ~~above~~.

(3) remains the same.

AUTH: 37-4-205, MCA
IMP: 37-4-205, MCA

REASON: The Board determined that it is reasonable and necessary to clarify changes made by the American Dental Association (ADA) to existing approved specialties and to add specialties that are newly recognized by the ADA to those approved for specialty advertising. It is reasonable and necessary to amend internal references to rules being renumbered when these administrative rules are transferred from ARM Title 8, Department of Commerce, to ARM Title 24, Department of Labor and Industry.

8.16.515 (24.138.3003) ADVERTISING RECORDS AND RESPONSIBILITY (1) Each licensee dentist who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision also shall include any licensed professional employees acting as an agent of such firm or entity.

(2) All advertisements are presumed to have been approved by the licensee dentist named therein.

(3) A recording of every advertisement communicated by electronic media and a copy of every advertisement communicated by print media, as well as a copy of any other form of advertisement, indicating the date, place and duration of the advertisement shall be retained by the licensee dentist for a period of two years from the last date of broadcast or publication and shall be made available to the board or its representative upon request.

(4) When placing advertising, the licensee dentist must possess such information which, when produced, would substantiate the truthfulness of any assertion or representation of material fact made in the advertisement.

AUTH: 37-4-205, MCA
IMP: 37-4-205, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board is combining rules that apply to all

licensees under the Board's jurisdiction for clarity and simplicity. In light of this combination, the Board determined it is reasonable and necessary to amend the language to clarify that this rule applies only to dentists and not to all licensees.

8.16.601 (24.138.401) INTRODUCTION (1) remains the same.

AUTH: 37-1-131, 37-4-205, 37-29-201, MCA
IMP: 37-4-101, 37-4-401, 37-29-102, MCA

REASON: Authority and implementation cites are being amended to incorporate the applicability of the rule to all licensees.

8.16.605A (24.138.506) DENTAL HYGIENIST LICENSURE BY CREDENTIALS (1) through (1)(a) remain the same.

(b) ~~on~~ an original score card from the joint commission on national dental examinations showing the applicant's score on and passage of the written dental hygiene examination administered by the joint commission on national dental examinations;

(1)(c) through (h) remain the same.

(2) remains the same.

AUTH: 37-1-131, 37-4-205, 37-4-402, MCA
IMP: ~~37-4-404~~, 37-1-304, MCA

REASON: The Board determined that it is reasonable and necessary to correct an existing grammatical error. An implementation cite is being amended to delete reference to a repealed statute and to more accurately reflect the appropriate implementing statutes.

8.16.701 (24.138.408) SERVICE TO THE PUBLIC AND QUALITY OF CARE (1) The ~~dentists'~~ licensees' primary obligation of service to the public shall include the delivery of quality care, competently and timely, within the bounds of the clinical circumstances presented by the patient. Quality of care shall be a primary consideration of the ~~dental~~ professional practitioner.

AUTH: ~~37-4-321~~, 37-1-131, 37-4-205, 37-29-201, MCA
IMP: ~~37-4-321~~, 37-1-131, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board is combining rules that apply to all three licensee types under the Board's jurisdiction. The Board determined that it is reasonable and necessary to clarify that the delivery of quality of care is required by all licensees. Authority and implementation cites are being amended to incorporate the applicability to all licensees and to delete a reference to a repealed statute.

8.16.702 (24.138.409) PATIENT SELECTION (1) While ~~dentists~~ licensees, in serving the public, may exercise reasonable discretion in selecting patients for their practices, ~~dentists~~ licensees shall not refuse to accept patients into their practice or deny ~~dental~~ services to patients because of the patient's race, creed, color, sex, or national origin.

AUTH: ~~37-4-321,~~ 37-1-131, 37-4-205, 37-29-201, MCA
IMP: ~~37-4-321,~~ 37-1-131, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board is combining rules that apply to all licensees under the Board's jurisdiction. The Board determined that it is reasonable and necessary to clarify that patient selection, as part of the delivery of quality of care, is applicable to all licensees. Authority and implementation cites are being amended to incorporate the applicability to all licensees and to delete reference to a repealed statute.

8.16.703 (24.138.410) PATIENT RECORDS (1) ~~Dentists~~ Licensees are obliged to safeguard the confidentiality of patient records. ~~Dentists~~ Licensees shall maintain patient records in a manner consistent with the protection of the welfare of the patient. Upon request of a patient ~~or another dental practitioner,~~ dentists licensees shall provide any information that will be beneficial for the future treatment of that patient.

AUTH: ~~37-4-321,~~ 37-1-131, 37-4-205, 37-29-201, MCA
IMP: ~~37-4-321,~~ 37-1-131, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board is combining rules that apply to all licensees under the Board's jurisdiction. The Board determined that it is reasonable and necessary to clarify that patient record maintenance, as part of the delivery of quality of care, is required by all licensees. Authority and implementation cites are being amended to incorporate the applicability to all licensees and to delete reference to a repealed statute.

8.16.705 (24.138.411) EMERGENCY SERVICE (1) and (2) remain the same.

AUTH: ~~37-4-321,~~ 37-1-131, 37-4-205, MCA
IMP: ~~37-4-321,~~ 37-1-131, 37-4-101, MCA

REASON: The authority and implementation cites are amended to delete reference to a repealed statute and to accurately reflect the appropriate authorizing and implementing statutes.

8.16.706 (24.138.412) CONSULTATION AND REFERRAL (1) and (2) remain the same.

AUTH: 37-1-131, 37-4-205, ~~37-4-321~~, MCA
IMP: 37-1-131, 37-4-101, ~~37-4-321~~, MCA

REASON: The authority and implementation cites are amended to delete reference to a repealed statute and to accurately reflect the appropriate authorizing and implementing statutes.

8.16.707A (24.138.406) FUNCTIONS FOR DENTAL AUXILIARIES
(1) through (3)(k) remain the same.

(1) prophylaxis as per ARM ~~8.16.609(2)~~ 24.138.301.
(4) remains the same.

AUTH: 37-4-205, 37-4-408, MCA
IMP: 37-4-408, MCA

REASON: The Board determined it is reasonable and necessary to amend an internal reference to a rule that is to be renumbered when these administrative rules are transferred from ARM Title 8, Department of Commerce, to ARM Title 24, Department of Labor and Industry.

8.16.708 (24.138.404) JUSTIFIABLE CRITICISM AND EXPERT TESTIMONY (1) remains the same.

AUTH: 37-1-131, 37-4-205, ~~37-4-321~~, 37-29-201, MCA
IMP: 37-1-131, 37-1-308, ~~37-4-321~~, MCA

REASON: The authority and implementation cites are amended to delete reference to a repealed statute and to accurately reflect the appropriate authorizing and implementing statutes.

8.16.709 (24.138.413) REBATE AND SPLIT FEES (1) remains the same.

AUTH: 37-1-131, 37-4-205, ~~37-4-321~~, MCA
IMP: 37-1-131, ~~37-4-321~~, MCA

REASON: The authority and implementation cites are amended to delete reference to a repealed statute and to accurately reflect the appropriate authorizing and implementing statutes.

8.16.719 (24.138.3101) GENERAL STANDARDS FOR SPECIALTIES
(1) remains the same.

~~(2) Dental health screenings do not constitute the practice of dentistry or dental hygiene.~~

AUTH: 37-4-205, MCA
IMP: ~~37-4-103~~, 37-4-205, 37-4-301, MCA

REASON: The Board determined it is reasonable and necessary to amend the title of this rule for more clarity to licensees.

The language in (2) was deleted and is proposed as new rule I. Licensees had difficulty locating this rule in its previous location. The implementation cites are being amended to correct an erroneous cite.

8.16.720 (24.138.3103) STANDARDS FOR MULTIPLE-SPECIALITY ANNOUNCEMENTS (1) remains the same.

AUTH: 37-4-205, ~~37-4-321~~, MCA
IMP: 37-1-131, 37-4-205, ~~37-4-321~~, MCA

REASON: The authority and implementation cites are amended to delete reference to a repealed statute and to accurately reflect the appropriate authorizing and implementing statutes.

8.16.722 (24.138.2301) UNPROFESSIONAL CONDUCT FOR DENTISTS AND DENTAL HYGIENISTS (1) The board defines "unprofessional conduct" for dentists and dental hygienists as follows:

(1) through (3) remain the same, but are renumbered (a) through (c).

~~(4) Failing to report the prescription of drugs to a habitual user or a drug addict within 48 hours to the county attorney, as required by the provisions of 37-2-111, MCA.~~

~~(5) (d) A dentist's failure Failure to maintain his/her an office(s) in sanitary conditions consistent with current accepted sterilization and disinfection protocols for treatment rooms, sterilization and laboratory areas, or operating under unsanitary conditions after a warning from the board.~~

~~(6) Consistently maintaining an unsanitary office or operating under unsanitary conditions after warning from the board.~~

(7) through (11) remain the same, but are renumbered (e) through (i).

(j) Failure to respond to correspondence from the board, or to comply with final orders of the board.

(k) Representing or recording as an oral prophylaxis, coronal polishing by itself, without an appropriately licensed dentist or licensed dental hygienist inspecting for and removing any supragingival and subgingival calculus and gingival irritants deemed necessary for removal by an appropriately licensed dentist or licensed dental hygienist.

AUTH: 37-1-319, 37-4-205, ~~37-4-405~~, 37-4-408, MCA
IMP: 37-1-316, 37-4-405, 37-4-408, ~~37-4-511~~, MCA

REASON: It is reasonable and necessary to amend the title to clarify that the rule applies to both dentists and dental hygienists. Section (4) was deleted as it related to a repealed statute. Redundant language was deleted and additional language was added to clarify to licensees that failure to comply with final Board orders is considered unprofessional conduct. The new language provides an avenue

for the Board to require compliance from licensees in this area and the amendment should facilitate the complaint and investigative processes. Subsection (k) was moved from its previous location under the "Definitions" rule as the Board determined this to be a more clear and accurate placement of the subsection. Authority and implementation cites are being amended to correct erroneous cites.

8.16.723 (24.138.405) MANAGEMENT OF INFECTIOUS WASTES

(1) Each ~~dentist~~ licensee licensed by the board shall store, transport off the premises and dispose of infectious wastes, as defined in 75-10-1003, MCA, in accordance with the requirements set forth in 75-10-1005, MCA.

(2) Used sharps are properly packaged and labeled within the meaning of 75-10-1005(1)(a), MCA, when this is done as required by the occupational safety and health administration (OSHA) regulation contained in 29 CFR 1910.1030, ~~adopted as amended~~ and published in the Federal Register, volume ~~56 No. 235 66~~, on ~~December 6, 1991~~ January 18, 2001 beginning at page ~~64175 5325~~, which is hereby incorporated by reference. Copies of the federal regulation referenced above ~~as well as the adoption notice supporting it~~ are available for public inspection in the offices of the Board of Dentistry, ~~Lower Level, Arcade Building, 111 North Jackson, 301 South Park, 4th Floor,~~ Helena, Montana 59620-0513, or via the internet at <http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1>.

~~(3) This rule will be effective as of March 6, 1992.~~

AUTH: 37-1-131, 37-4-205, 37-29-201, 75-10-1006, MCA
IMP: 75-10-1006, MCA

REASON: The Board determined that it is reasonable and necessary to amend language in this rule to correct the Board's address and to clarify that this rule applies to all licensees. All health care professionals are required to follow the infectious waste guidelines. The Board is combining the rules applicable to all its licensees for clarity and simplicity. This rule is being amended to clarify that denturists and dental hygienists are also responsible for infectious waste. The rule is also being amended to refer to the current version of the applicable federal regulation, and makes the Board's rule consistent with federal law. The authority cites are amended to incorporate the applicability to denturists and the title is amended for correctness in grammar.

8.16.807 (24.138.515) CONSIDERATION OF REAPPLICATION FOR A LICENSE AFTER PREVIOUS DENIAL OR REVOCATION (1) remains the same.

(2) Evaluation of reapplication for a license denied ~~under 37-4-323, MCA,~~ will be based upon, but not limited to:

(a) through (f) remain the same.

AUTH: 37-1-136, 37-4-301, 37-4-402, 37-29-201, MCA

IMP: 37-1-136, ~~37-4-323~~, 37-1-137, MCA

REASON: The Board determined it is reasonable and necessary to delete a reference to a repealed statute. The authority and implementation cites are amended to incorporate the applicability of the rule to all types of licensee regulated by the board and to delete reference to a repealed statute.

8.16.901 (24.138.3201) PROHIBITION PRACTICE OF ANESTHESIA

(1) Dentists licensed in this state ~~may~~ shall not apply general anesthesia or conscious sedation techniques, unless and until they have met all of the requirements set forth in these anesthesia rules. To "apply" general anesthesia or conscious sedation means to administer the agent to the patient and does not include performing dental procedures upon a patient to whom another person, qualified under 37-4-511, MCA, has given the agent.

(2) Violation of these rules shall constitute grounds for disciplinary actions as provided in 2-4-631(3), and 37-1-136, ~~and 37-4-321~~, MCA.

(3) Performing anesthetic procedures after the effective date of this rule without an appropriate permit will be interpreted by the board as unprofessional conduct under ARM ~~8.16.722~~ 24.138.2301. This is an interpretive ~~sub~~section.

AUTH: 37-1-131, 37-4-205, ~~37-4-511~~, MCA

IMP: 37-4-511, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. It is reasonable and necessary to amend the title for clarity of the intent of this rule. Authority cites are being amended to correct an erroneous cite. It is reasonable and necessary to amend an internal reference to a rule that is to be renumbered when these administrative rules are transferred from ARM Title 8, Department of Commerce, to ARM Title 24, Department of Labor and Industry, and reference to a repealed statute.

8.16.902 (24.138.3202) PERMIT REQUIRED FOR ADMINISTRATION OF ANESTHESIA (1) and (2) remain the same.

(3) The board may grant to a licensed dentist, upon receipt of an application and payment of the initial inspection fee, a temporary permit authorizing the dentist to administer general anesthesia, light general anesthesia, or conscious sedation for a period not to exceed 120 days or until the inspectors are able to make the inspection, whichever event occurs first. This temporary permit ~~is not renewable~~ may be extended upon board approval.

AUTH: 37-1-131, 37-4-205, ~~37-4-511~~, MCA

IMP: 37-4-511, MCA

REASON: The Board determined that it is reasonable and necessary to amend the title for clarity. Language was added to delineate the types of anesthesia allowable under a temporary anesthesia permit, and to explain that the Board may extend temporary anesthesia permits. The authority cites are being amended to correct an erroneous cite.

8.16.903 (24.138.3203) MINIMUM QUALIFYING STANDARDS (1) through (4) remain the same.

AUTH: 37-1-131, 37-4-205, ~~37-4-511~~, MCA
IMP: ~~37-4-401~~, 37-4-511, MCA

REASON: Authority and implementation cites are being amended to correct erroneous cites.

8.16.904 (24.138.3204) MINIMUM MONITORING STANDARDS (1) through (4) remain the same.

AUTH: 37-1-131, 37-4-205, ~~37-4-511~~, MCA
IMP: 37-4-511, MCA

REASON: Authority cites are being amended to correct an erroneous cite.

8.16.905 (24.138.3205) FACILITY STANDARDS (1) through (3) remain the same.

AUTH: 37-1-131, 37-4-205, ~~37-4-511~~, MCA
IMP: 37-4-511, MCA

REASON: Authority cites are being amended to correct an erroneous cite.

8.16.906 (24.138.3206) ON-SITE INSPECTION OF FACILITIES (1) through (6) remain the same.

AUTH: 37-1-131, 37-4-205, ~~37-4-511~~, MCA
IMP: 37-4-511, MCA

REASON: Authority cites are being amended to correct an erroneous cite.

8.16.907 (24.138.3207) REQUIREMENTS FOR CONTINUING EDUCATION IN ANESTHESIA (1) remains the same.

(2) Continuing education may include presentation of lectures and/or participation courses related to subject matter(s) listed in ~~ARM 8.16.907(1)(a) through (g)~~ this rule.

AUTH: 37-1-131, 37-4-205, ~~37-4-511~~, MCA
IMP: 37-4-511, MCA

REASON: The Board determined it is reasonable and necessary to amend an internal reference to a rule to clarify that the

acceptable continuing education courses are listed in this administrative rule. Authority cites are being amended to correct an erroneous cite.

8.16.908 (24.138.3208) REPORTING ADVERSE OCCURRENCES (1) remains the same.

AUTH: 37-1-131, 37-4-205, ~~37-4-511~~, MCA
IMP: 37-4-511, MCA

REASON: Authority cites are being amended to correct an erroneous cite.

8.16.909 (24.138.3209) ANESTHESIA FEE SCHEDULE (1) through (8) remain the same.

AUTH: 37-1-131, ~~37-1-134~~, 37-4-205, ~~37-4-511~~, MCA
IMP: 37-1-134, 37-4-511, MCA

REASON: Authority and implementation cites are being amended to correct erroneous cites and to accurately reflect the appropriate authorizing and implementing statutes. The title is being amended for greater clarity and to differentiate between this anesthesia fee schedule and the general fee schedule elsewhere in these rules.

8.16.1001 (24.138.2101) DEFINITION OF CONTINUING EDUCATION (1) through (1)(b) remain the same.

(c) update knowledge on advances in dental, medical and dental hygiene sciences and denturistry practices.

(2) remains the same.

AUTH: 37-1-319, 37-4-205, ~~37-4-307~~, ~~37-4-406~~, 37-29-201, MCA
IMP: 37-1-306, 37-1-319, 37-4-205, ~~37-4-307~~, ~~37-4-406~~, 37-29-306, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board determined it is reasonable and necessary to combine similar rules for the three professions regulated by the Board for clarity and simplicity. The parallel denturistry rule is repealed and the pertinent language incorporated into this rule. Authority and implementation cites are being amended to incorporate the continuing education of denturists and to correct erroneous cites to more accurately reflect the appropriate authorizing and implementing statutes.

8.16.1003 (24.138.2104) REQUIREMENTS AND RESTRICTIONS

(1) ~~Each dentist and dental hygienist licensed by the Montana board of dentistry~~ Licensees shall have completed, within a three-year renewal cycle, the following minimum number of continuing education credits of instruction in acceptable courses of continued education:

(a) ~~for dentists, Dentist~~ — 60 per three-year cycle, ~~with such requirements commencing on March 1, 1993.~~ Dentists who have general anesthesia or conscious sedation permits must acquire these 60 continuing education credits in addition to those required for maintenance of those permits; ;

(b) ~~for Dental hygienist dental hygienists,~~ — 36 per three-year cycle, ~~with such requirements commencing on March 1, 1993.~~ ; or

(c) for denturists, 36 per three-year cycle.

(2) and (3) remain the same.

(a) Self-help/pop psychology (i.e., personal goal development, transactional analysis, assertiveness training);

(b) through (e) remain the same.

(4) Continuing education may include presentation of lectures and/or participation courses related to subject matter(s) listed in ~~ARM 8.16.1002(1)(a)(i) through (xvii)~~ 24.138.2102.

(a) and (b) remain the same.

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 incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board concluded that it is reasonable and necessary to combine the continuing education rules for all three of the regulated professions to simplify the rules. It is reasonable and necessary to correct an internal reference to a rule that is to be renumbered when these administrative rules are transferred from ARM Title 8, Department of Commerce, to ARM Title 24, Department of Labor and Industry. Authority and implementation cites are being amended to incorporate the continuing education of denturists.

8.16.1005 (24.138.2106) EXEMPTIONS AND EXCEPTIONS (1) and (2) remain the same.

(3) Inactive ~~dental and dental hygiene~~ licensees shall be exempt from the continuing education requirements so long as the license remains on inactive status. Inactive licensees seeking to convert to an active status must comply with ~~ARM 8.16.408 or 8.16.607~~ 24.138.510. An inactive license, when activated, will begin a new three-year cycle.

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 incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board is combining rules that apply to all three licensee types regulated by the Board for clarity and simplicity. This rule is being combined with a similar one applicable to denturists and the parallel denturistry rule is proposed to be repealed. It is reasonable and necessary to amend an internal reference to a rule that is to be renumbered

when these administrative rules are transferred from ARM Title 8, Department of Commerce, to ARM Title 24, Department of Labor and Industry. Authority and implementation cites are being amended to incorporate denturists into this rule.

8.17.702 (24.138.518) RENEWALS (1) Licenses must be renewed by March 1st of each year upon payment of the annual renewal fee, proof of continuing education requirements and possession of a current cardiopulmonary resuscitation card. Each year licensees shall:

(a) renew their licenses by the elected date stated in ARM 8.2.203;

(b) submit an annual renewal form and fee, and a late penalty fee, if applicable;

(c) affirm completion of the appropriate continuing education required; and

(d) all active licensees shall submit a completed affirmation statement and the expiration date of the licensees' current CPR or ACLS card.

(2) A denturist who has a current advanced cardiac life support (ACLS) card may submit proof of such, as a valid substitute for a current CPR certificate. In case of default by a dentist in payment of the annual renewal fee, the dentist will be subject to 37-4-307, MCA.

(3) In case of default by a dental hygienist in payment of the annual renewal fee, the dental hygienist will be subject to 37-4-406, MCA.

~~(3)~~ (4) In case of default in payment of the annual renewal fee by a licensee denturist:

(a) the licensee The denturist must forfeit the license. The board shall give the licensee denturist 30 days[±] notice of the proposed forfeiture action. The notice must be sent by certified letter addressed to the last-known address of the licensee denturist and must contain a statement of the time and place at which the forfeiture will be concluded.

(4) (b) If the licensee denturist pays the renewal fee, plus a delinquent fee as set forth in ARM ~~8.17.501(8)~~ 24.138.402, prior to the time set for forfeiture, the denturist license may not be forfeited.

(5) (c) A denturist license forfeited for nonpayment of the renewal fee may be reinstated within five years of forfeiture if all requirements set forth in ARM ~~8.17.710~~ 24.138.513 have been satisfied.

AUTH: 37-1-131, 37-1-141, 37-4-205, 37-29-201, MCA

IMP: 37-4-307, 37-4-406, 37-29-306, MCA

REASON: The Board incorporates by reference the general statement of reasonable necessity contained in paragraph 3 of this Notice. The Board is combining rules that apply to all three licensee types regulated by the Board for clarity and simplicity. This rule was previously in the dentistry rules only. Similar renewal language for dentists and dental hygienists is presently in statute. To clarify the statutes,

language is being added for dentists and dental hygienists in the rule. Language is being amended to clarify requirements applicable to specific types of licensees. Language is being deleted that was combined in another rule. Internal references are corrected for rules being renumbered when these administrative rules are transferred from ARM Title 8, Department of Commerce, to ARM Title 24, Department of Labor and Industry. Authority and implementation cites are being amended to incorporate the applicability to all licensees and to correct erroneous cites.

8.17.705 (24.138.2103) SUBJECT MATTER ACCEPTABLE FOR DENTURIST CONTINUING EDUCATION (1) through (1)(a)(viii) remain the same.

- (ix) clinical jurisprudence; ~~and~~
 - (x) medical emergencies; ~~and~~
 - (xi) practice management.
- (1)(b) through (1)(d) remain the same.

AUTH: 37-1-319, 37-29-201, MCA
IMP: 37-1-306, 37-29-306, MCA

REASON: By request of the denturist member of the Board, language is being added to include practice management in acceptable continuing education. This is currently allowed for dentists and dental hygienists and this amendment will provide the same opportunity for all three licensed professions.

8.17.706 (24.138.2104) REQUIREMENTS AND RESTRICTIONS (1) through (3) remain the same.

(4) Continuing education may include presentation of lectures and/or participation courses related to subject matter(s) listed in ARM ~~8.17.705(1)(a) through (x)~~ 24.138.2103.

AUTH: 37-1-319, 37-29-201, MCA
IMP: 37-1-306, 37-29-306, MCA

REASON: The Board determined it is reasonable and necessary to correct an internal reference to a rule that is to be renumbered when these administrative rules are transferred from ARM Title 8, Department of Commerce, to ARM Title 24, Department of Labor and Industry.

8.17.801 (24.138.2302) UNPROFESSIONAL CONDUCT FOR DENTURISTS (1) The board defines "unprofessional conduct" as follows:

- (1) and (2) remain the same, but are renumbered (a) and (b).
- ~~(3)(c)~~ failure to maintain an office(s) in sanitary condition consistent with current accepted sterilization and disinfection protocols for treatment rooms, sterilization and laboratory areas, or operating under unsanitary conditions

after a warning from the board ~~or consistently maintaining an unsanitary office;~~

(4) through (7) remain the same, but are renumbered (d) through (g).

~~(8) A denturist's failure to maintain his/her office(s) in sanitary conditions consistent with the current accepted sterilization and disinfection protocols for treatment, sterilization and laboratory areas.~~

(9) and (10) remain the same but are renumbered (h) and (i).

~~(11) (j) fitting, attempting to fit or advertising to fit a prosthesis on or over a dental implant; and~~

(k) failure to respond to correspondence from the board, or failure to comply with final orders of the board.

AUTH: 37-1-136, 37-1-319, 37-29-201, ~~37-29-311~~, MCA

IMP: ~~37-1-136~~, 37-1-316, 37-29-402, 37-29-403, MCA

REASON: The Board determined that it is reasonable and necessary to remove redundant language and to clarify that failure to comply with final Board orders is considered unprofessional conduct for all licensees, including denturists. Similar language is included elsewhere in rule for dentists and dental hygienists. This amendment provides an avenue for the Board to ensure compliance from licensees in this area and should facilitate both the complaint and investigative processes. Erroneous authority and implementation cites are being deleted to accurately reflect the appropriate authorizing and implementing statutes.

5. The proposed new rules provide as follows:

NEW RULE I DENTAL SCREENINGS (1) Dental health screenings do not constitute the practice of dentistry or dental hygiene.

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

IMP: 37-4-101, 37-4-205, 37-4-401, MCA

REASON: The Board determined it is reasonable and necessary to move this language from ARM 8.16.719 and implement a stand-alone rule. Licensees could not find this rule where it was previously placed. This rule will be placed in ARM Title 24, chapter 138, along with the rest of the Board's rules.

NEW RULE II REINSTATEMENT OF A DENTAL OR DENTAL HYGIENE LICENSE SUSPENDED FOR NON-PAYMENT OF RENEWAL FEE (1) A dentist or dental hygienist applicant requesting reinstatement must meet the requirements set forth in 37-4-307, MCA, for dentists and 37-4-406, MCA, for dental hygienists.

(2) The applicant shall make a written request and complete a form approved by the board.

(3) The applicant shall provide, but is not limited to, the following:

(a) evidence that the applicant has actively and completely practiced in another jurisdiction within the last five years;

(b) a license verification from all jurisdictions where the applicant is licensed or has held a license;

(c) evidence of continuing education as follows:

(i) 60 hours of continuing education for a dentist, for the three most current renewal years; or

(ii) 36 hours of continuing education for a dental hygienist, for the three most current renewal years;

(d) a current CPR or ACLS card; and

(e) any other information that the board may require for evidence of operative competency.

(4) If the applicant has been out of practice for longer than five years, the applicant shall provide, but is not limited to, the following:

(a) evidence of completion of:

(i) a clinical competency course(s) or skills assessment analysis approved by the board; or

(ii) a board approved regional or state examination within the last five years;

(b) a license verification from all jurisdictions where the applicant is licensed or has held a license;

(c) evidence of continuing education as follows:

(i) 60 hours of continuing education for a dentist, for the three most current renewal years; or

(ii) 36 hours of continuing education for a dental hygienist, for the three most current renewal years;

(d) a current CPR or ACLS card; and

(e) any other information the board may require for evidence of operative competency.

(5) Applicants must take and pass the jurisprudence examination if the applicant has not practiced in Montana within five years.

AUTH: 37-1-131, 37-4-205, 34-4-402, MCA

IMP: 37-4-307, 37-4-406, MCA

REASON: The Board determined that it is reasonable and necessary to adopt a new rule to clarify how an individual applies for license reinstatement after non-payment of fees. The Board also wanted the rule to be more specific in the requirements, to help clarify the process and lessen confusion among licensees. This rule will be placed in ARM Title 24, chapter 138, along with the rest of the Board's rules.

<u>NEW RULE III FEE SCHEDULE</u>	(1) Original	
application fee for all licensees		\$100
(2) Credentialing fee for dentists		500
(3) Credentialing fee for dental hygienists		75
(4) Local anesthesia certificate application fee		20
(5) Written examination fee for denturists paid directly to testing agency		200
(6) Jurisprudence examination fee for all		

licensees	85
(7) Jurisprudence re-examination fee	40
(8) Active renewal fee for dentists	153
(9) Active renewal fee for dental hygienists	70
(10) Active renewal fee for denturists	100
(11) Inactive renewal fee for dentists	153
(12) Inactive renewal fee for dental hygienists	70
(13) Inactive renewal fee for denturists	100
(14) Late renewal penalty	100
(15) Duplicate wall certificate (computer printed)	10
(16) Duplicate wall certificate (hand lettered)	30
(17) Lists	30
(18) Laws and rules packet	10
(19) Copies (per page, over 50 pages)	0.20

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

IMP: 37-1-134, 37-4-301, 37-4-303, 37-4-307, 37-4-402, 37-4-403, 37-4-406, 37-29-304, MCA

REASON: The Board has determined there is reasonable necessity to combine rules where possible for all three professions regulated by the Board. Duplicate rules are being repealed. This rule is replacing existing ARM 8.16.405 (pertaining to dentists), ARM 8.16.606 (pertaining to dental hygienists) and ARM 8.17.501 (pertaining to denturists), all of which are proposed for repeal. This rule will be placed in ARM Title 24, chapter 138, along with the rest of the Board's rules.

The Board has also determined there is reasonable necessity to review the fees charged for services rendered by the Board. The Board is required by 37-1-134, MCA, to set fees at a level commensurate with costs. Fees for dentists, dental hygienists, and denturists have remained the same, except for the following four fee categories:

(a) fees for local anesthetic application for dental hygiene are being changed from \$10 (for applications for examination) and from \$30 (for applications by credentialing) to a flat \$20 fee. The Board estimates that approximately 28 dental hygienists per year will be affected. The Board estimates there may be a slight increase in the Board's revenue of up to approximately \$150 per year;

(b) a fee for an embossed, computer-generated replacement license certificate (as opposed to a hand-lettered certificate) was added for all license categories. (A license certificate is also available at no charge to a current licensee who is able to download and print a license certificate via the internet.) The Board estimates that approximately an additional eight to ten licensees per year will seek a computer-generated replacement license certificate. The Board estimates it may see an increase in Board revenue of approximately \$50 to \$100 per year;

(c) a fee for large numbers (more than 50) of copies requested by individuals or entities was added. The Board has

determined that this cost reasonably approximates the cost of finding and copying the documents, the cost of paper and the use of personnel and copy machines. The Board believes that individual requests for more than 50 copies of documents are rare, although occasionally requests are made for copies of hundreds or thousands of documents. The Board staff will continue its practice of providing a small number of copies at no charge to the requester. The Board cannot estimate the number of persons or entities who will be affected by the fee, nor the amount of revenue to be generated; and

(d) a fee for re-examination for jurisprudence examination was reduced from \$85 to \$40. The Board has determined that this fee can be reduced, as the Board will now be administering a take-home examination. The Board estimates that approximately 1 applicant a year will be affected, with a savings to that applicant of \$45.

NEW RULE IV DISPLAY OF LICENSES (1) All licensees must display their current license in their place of employment in a noticeable area for review by the public. If a licensee is working in more than one location, a copy of the license can be duplicated for display in another office or offices.

AUTH: 37-1-131, 37-4-205, 37-29-201, MCA

IMP: 37-4-205, 37-4-326, MCA

REASON: The Board determined it is reasonable and necessary to adopt a rule addressing the importance to the public of knowing whether licensees are current with their licensure. This rule also explains where the license(s) must be displayed. This rule will be placed in ARM Title 24, chapter 138, along with the rest of the Board's rules.

6. The Board of Dentistry proposes to repeal the following rules:

8.16.405 FEE SCHEDULE found at ARM pages 8-504 and 8-504.1.

AUTH: 37-1-134, 37-4-205, MCA

IMP: 37-1-134, 37-4-301, 37-4-303, 37-4-307

8.16.606 FEE SCHEDULE found at ARM pages 8-512.1 and 8-512.2.

AUTH: 37-1-134, 37-4-205, MCA

IMP: 37-4-402, 37-4-403, 37-4-406, MCA

8.16.607 APPLICATION TO CONVERT AN INACTIVE STATUS LICENSE TO AN ACTIVE STATUS LICENSE found at ARM pages 8-513 and 8-514.

AUTH: 37-1-131, 37-1-319, 37-4-205, 37-4-406, MCA

IMP: 37-1-319, 37-4-406, MCA

8.16.608 DENTAL HYGIENIST MANDATORY CPR found at ARM page 8-514.

AUTH: 37-1-131, 37-4-205, 37-4-406, MCA
IMP: 37-4-406, MCA

8.16.609 DEFINITIONS found at ARM page 8-514.

AUTH: 37-1-131, 37-4-205, 37-4-401, MCA
IMP: 37-4-401, MCA

8.16.610 COMPLAINT PROCEDURE found at ARM pages 8-514 and 8-514.1.

AUTH: 37-4-205, MCA
IMP: 37-1-308, 37-1-309, MCA

8.17.501 FEE SCHEDULE found at ARM page 8-539.14.

AUTH: 37-1-134, 37-29-201, 37-29-304, MCA
IMP: 37-1-134, 37-29-304

8.17.704 CONTINUING EDUCATION IN DENTURITRY found at ARM page 8-539.21.

AUTH: 37-29-201, MCA
IMP: 37-29-306, MCA

8.17.706 REQUIREMENTS AND RESTRICTIONS found at ARM pages 8-539.21 and 8-539.22.

AUTH: 37-1-319, 37-29-201, MCA
IMP: 37-1-306, 37-29-306, MCA

8.17.707 REPORTING PROCEDURES found at ARM page 8-539.22.

AUTH: 37-1-319, 37-29-201, MCA
IMP: 37-1-306, 37-29-306, MCA

8.17.708 EXEMPTIONS AND EXCEPTIONS found at ARM pages 8-539.22 and 8-539.23.

AUTH: 37-1-319, 37-29-201, MCA
IMP: 37-1-306, 37-29-306, MCA

8.17.709 APPLICATION TO CONVERT AN INACTIVE STATUS LICENSE TO AN ACTIVE STATUS LICENSE found at ARM page 8-539.23.

AUTH: 37-1-319, 37-29-201, MCA
IMP: 37-1-319, MCA

8.17.802 SANITARY STANDARDS found at ARM page 8-539.30.

AUTH: 37-29-201, MCA
IMP: 37-29-311, 37-29-401, MCA

8.17.811 COMPLAINT PROCEDURE found at ARM page 8-539.32.

AUTH: 37-4-205, MCA
IMP: 37-1-308, 37-1-309, MCA

8.17.812 SCREENING PANEL found at ARM page 8-539.33.

AUTH: 37-4-205, MCA
IMP: 37-1-307, MCA

REASON: The Board determined that it is reasonable and necessary to combine similar rules applicable to all three professions regulated by the Board. Combining the rules will make the rules clearer and more easily understood by licensees. In conjunction with combining the rules, the Board is repealing essentially duplicate rules as unnecessary and redundant.

7. The remainder of the dental, dental hygiene and denturistry rules, not being amended and transferred or repealed at this time, will be renumbered and transferred when final action is taken on these proposed rule amendments, new rules, and rule repeals.

8. 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 by mail to: Sharon McCullough, Board of Dentistry, Department of Labor and Industry, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdden@state.mt.us and must be received no later than 5:00 p.m., September 12, 2003.

9. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/den>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing 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 website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or

posting to the e-mail address do not excuse late submission of comments.

10. The Board of Dentistry 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 and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Dentistry administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed 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@state.mt.us or may be made by completing a request form at any rules hearing held by the agency.

11. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

12. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

13. The Board of Dentistry will meet during the next regularly scheduled Board meeting on October 3, 2003, to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed amendments, new rules and repeals. Members of the public are welcome to attend the meeting and listen to the Board's deliberations.

BOARD OF DENTISTRY
MIKE MCCARTHY, DDS, CHAIR

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State August 4, 2003.