

1 HOUSE BILL NO. 321

2 INTRODUCED BY N. NICOL, K. LOVE, S. GIST, J. KASSMIER, G. OBLANDER, S. MANESS, B. BEARD, C.

3 FITZPATRICK

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE SUPERVISED
6 PRACTICE OF DENTAL HYGIENISTS; PROVIDING RULEMAKING AUTHORITY; PROVIDING A
7 DEFINITION; AND AMENDING SECTION 37-4-405, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 37-4-405, MCA, is amended to read:

12 **"37-4-405. Dental hygienist to practice under supervision of licensed dentist -- exceptions --**
13 **definitions.** (1) A licensed dental hygienist may:

14 (a) with the permission of the supervising dentist, practice in the office of a licensed and actively
15 practicing dentist under the general supervision of a licensed dentist; or

16 (b) provide dental hygiene preventative services in a public health facility under the general
17 supervision of a licensed dentist or, subject to the provisions of subsection (4) (3), under public health
18 supervision; ~~or~~

19 (c) provide dental hygiene preventative services in a school-based oral health program under
20 public health supervision subject to the provisions of subsection (3).

21 (2) A dental hygienist may give instruction in oral hygiene without the direct supervision or general
22 supervision of a licensed dentist in a public or private institution or hospital or extended care facility or under a
23 board of health or in a public clinic.

24 (3) ~~For the purposes of this section, the following definitions apply:~~

25 (a) ~~"direct supervision" means treatment by a dental auxiliary or licensed dental hygienist provided~~
26 ~~with the intent and knowledge of the dentist. The treatment must be performed while the dentist is on the~~
27 ~~premises.~~

28 (b) ~~"general supervision" means treatment by a licensed dental hygienist provided with the intent~~

1 and knowledge of the dentist licensed and residing in the state of Montana. The supervising dentist need not be
2 on the premises.

3 (c) ~~—"public health facility" means:~~

4 (i) ~~—federally qualified health centers; federally funded community health centers, migrant health~~
5 ~~care centers, or programs for health services for the homeless established pursuant to the Public Health~~
6 ~~Service Act, 42 U.S.C. 254b; nursing homes; extended care facilities; home health agencies; group homes for~~
7 ~~the elderly, disabled, and youth; head start programs; migrant worker facilities; local public health clinics and~~
8 ~~facilities; public institutions under the department of public health and human services; and mobile public health~~
9 ~~clinics; and~~

10 (ii) ~~—other public health facilities and programs identified by the board under subsection (6); and~~

11 (d) ~~—"public health supervision" means the provision of limited dental hygiene preventative services~~
12 ~~without the prior authorization or presence of a licensed dentist in a public health facility.~~

13 (4)(3) (a) A licensed dental hygienist practicing under public health supervision may provide dental
14 hygiene preventative services that include removal of deposits and stains from the surfaces of teeth, the
15 application of topical fluoride, polishing restorations, root planing, placing of sealants, oral cancer screening,
16 exposing radiographs, charting of services provided, and prescriptive authority as allowed under 37-4-401(1)(c).

17 (b) A licensed dental hygienist practicing under public health supervision may not provide dental
18 hygiene preventative services that include local anesthesia, denture soft lines, temporary restorations, or any
19 other service prohibited under 37-4-401.

20 (c) A licensed dental hygienist practicing under public health supervision shall provide:

21 (i) for the referral to a licensed dentist of any patient needing treatment outside the scope of
22 practice authorized for a licensed dental hygienist under this subsection (4) (3); and

23 (ii) treatment based upon medical and dental health guidelines adopted by rule by the board.

24 (5)(4) (a) A dental hygienist practicing under public health supervision shall obtain a limited access
25 permit from the board.

26 (b) The board shall adopt rules:

27 (i) defining the qualifications necessary to obtain a limited access permit; and

28 (ii) providing a process for obtaining a limited access permit.

(c) The provision of services under a limited access permit is limited to patients or residents of facilities or programs or eligible students as part of a school-based oral health program who, due to age, infirmity, disability, or financial constraints, are unable to receive regular dental care.

~~(6)(5)~~ The board may identify, by rule, qualifying school-based oral health programs and other public health facilities and programs, in addition to those listed in subsection ~~(3)(e)~~ (6)(c), at which services under a limited access permit may be provided.

(6) For the purposes of this section, the following definitions apply:

(a) "Direct supervision" means treatment by a dental auxiliary or licensed dental hygienist provided with the intent and knowledge of the dentist. The treatment must be performed while the dentist is on the premises.

(b) "General supervision" means treatment by a licensed dental hygienist provided with the intent and knowledge of the dentist licensed and residing in the state of Montana. The supervising dentist need not be on the premises.

(c) "Public health facility" means:

(i) federally qualified health centers; federally funded community health centers, migrant health care centers, or programs for health services for the homeless established pursuant to the Public Health Service Act, 42 U.S.C. 254b; nursing homes; extended care facilities; home health agencies; group homes for the elderly, disabled, and youth; head start programs; migrant worker facilities; local public health clinics and facilities; public institutions under the department of public health and human services; and mobile public health clinics; and

(ii) other public health facilities and programs identified by the board under subsection (5).

(d) "Public health supervision" means the provision of limited dental hygiene preventative services without the prior authorization or presence of a licensed dentist in a public health facility or school-based oral health program.

(e) "School-based oral health program" means an oral health program coordinated through school administration or school health services."

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