

HOUSE BILL NO. 344

INTRODUCED BY J. GILLETTE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE DESIGNATION OF PUBLIC HEALTH FACILITIES; REMOVING THE AUTHORITY OF THE BOARD OF DENTISTRY TO DESIGNATE ADDITIONAL PUBLIC HEALTH FACILITIES; PROVIDING THAT SCHOOLS ARE NOT PUBLIC HEALTH FACILITIES; AMENDING SECTION 37-4-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the Legislature finds that identifying and designating new public health facilities is beyond the scope of authority of the Board of Dentistry; and

WHEREAS, publicly funded K-12 schools are not included in the definitions for public health facility or medical facility under state law or federal regulations promulgated pursuant to the Public Health Service Act.

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

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

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

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

(b) provide dental hygiene preventative services in a public health facility under the general supervision of a licensed dentist or, subject to the provisions of subsection (4), under public health supervision.

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

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

(a) ~~direct~~ 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

1 the premises.

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

5 (c) (i) ~~"public~~ "Public health facility" means:

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

11 (ii) The term does not include schools, mobile school clinics, or school-based facilities or programs  
12 unless the school, mobile school clinic, or school-based facility or program is a public health facility as specified  
13 in this subsection (3)(c); and

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

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

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

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

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

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

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

28 (5) (a) A dental hygienist practicing under public health supervision shall obtain a limited access

1 permit from the board.

2 (b) The board shall adopt rules:

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

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

5 (c) The provision of services under a limited access permit is limited to patients or residents of public  
6 health facilities ~~or programs~~ who, due to age, infirmity, disability, or financial constraints, are unable to receive  
7 regular dental care.

8 ~~(6) The board may identify, by rule, other public health facilities and programs, in addition to those~~  
9 ~~listed in subsection (3)(c), at which services under a limited access permit may be provided."~~

10

11 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

12

- END -