

## 1 SENATE BILL NO. 281

2 INTRODUCED BY J. WELBORN, D. ANKNEY, T. GAUTHIER, T. JACOBSON, D. SALOMON, J. SMALL, J.

3 TREBAS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DENTISTRY AND  
6 DENTAL HYGIENE; REVISING THE DEFINITION OF "PUBLIC HEALTH FACILITY" TO INCLUDE CERTAIN  
7 OUTPATIENT MEDICAL SERVICE FACILITIES AND CERTAIN SCHOOLS; AND AMENDING SECTION 37-4-  
8 405, MCA."

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

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

13 **"37-4-405. Dental hygienist to practice under supervision of licensed dentist -- exceptions --**

14 **definitions.** (1) A licensed dental hygienist may:

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

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

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

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

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

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

1 (c) "public health facility" means:

2 (i) federally qualified health centers; federally funded community health centers, migrant health care  
3 centers, or programs for health services for the homeless established pursuant to the Public Health Service Act,  
4 42 U.S.C. 254b; hospitals or facilities that are primarily operated to provide outpatient medical services; nursing  
5 homes; extended care facilities; home health agencies; group homes for the elderly, disabled, and youth;  
6 primary and secondary schools, including private and public charter schools PUBLIC AND NONPUBLIC ELEMENTARY  
7 AND SECONDARY SCHOOLS; HOME SCHOOLS; head start programs; migrant worker facilities; local public health  
8 clinics and facilities; public institutions under the department of public health and human services; and mobile  
9 public health 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) (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 practice  
22 authorized for a licensed dental hygienist under this subsection (4); and

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

24 (5) (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.

