

October 26, 2005

Members of the SJR 35 Board Study Group:

The Montana Board of Dentistry (Board) would like to take the time to respond to the request made by the Montana Dental Hygiene Association (MDHA) to give the dental hygiene profession specific authority over the regulation of dental hygiene.

Since the formation of the Dental Hygiene Committee by the Board it has been the hope and understanding of the Board that the Committee would use this opportunity and format to inform the Board of issues of concern for the dental hygiene profession, to keep the Board informed regarding legislative issues and to open lines of communication for the professions. The Board believes that the Legislative Oversight Committee in 1999 envisioned that this would be the avenue to discuss and work out proposed legislation and other areas of concern. The Board has been committed and has worked diligently to allow open discussion and communication. The Committee was implemented as a potential avenue to allow for the possibility of compromise and to avoid perceived or potential conflicts. Finally, to grant additional authority to the dental hygiene Committee would not guarantee, resolve or eliminate disagreements over issues that arise in these professions as technology expands and “scopes of practice” are continuously reviewed.

Establishment of the Dental Hygiene Committee:

- In 1999 the Legislative Oversight Committee sent a letter to the Board requesting the Board form a committee for dental hygiene: The Board discussed the letter from the Oversight Committee. The Board is required by 37-1-131(5), MCA, Duties of the Board to request and inform the Department of any new program increase to a board. This was done by request of the Board. The Department approved the formation of the Committee. The Board could implement the Committee as long as the Board could absorb the cost that resulted. The Board subsequently formed the Committee consisting of the two dental hygiene members and one dentist. The Committee charge was to bring dental hygiene issues, concerns, legislation or any other item that may arise regarding dental hygiene profession for discussion, consideration and approval.
- April 2001 the MDHA requested the Board accept the Iowa Model. 1) The Board discussed the Iowa Model, however, accepted the Legislative Oversight Committees’ recommendations and implemented the dental hygiene Committee as was suggested. The Iowa Model would have required legislative changes. The Oversight Committee did not propose or suggest legislation to implement the Iowa Model. 2) The Board agreed that a two-year trial period for the Committee

would be appropriate. The trial period was a way to determine if the Committee would be workable and effective. The Board has voted to make the Committee a permanent part of the Board of Dentistry.

- The Board cannot grant authority to the Committee. The authority for licensure and regulation has been assigned to the Board of Dentistry by the Legislative body. The Board cannot transfer that authority to the Committee.
- The Board has worked positively to provide open discussion and consideration of all issues that have been offered by the Committee. At this juncture no recommendation by the Committee has been denied.

The Board would like to respond to the MDHA statement regarding the ineffectiveness of the Committee.

- The MDHA drafted a bill providing for a Limited Access Permit for Dental Hygiene during the 2003 legislative session. The draft or discussion of the draft of the bill was never brought before the Board of Dentistry prior to the legislative session, either through the Committee or by the Montana Dental Hygiene Association. This would have been a prime opportunity for the dental hygiene profession to work through the Committee and the Board to address the areas of concerns prior to the presentation of the bill at the legislative session. The Committee was implemented to address just such issues as this for the dental hygiene profession. To this date only three Limited Access Permits have been issued.
- In response to the passage of the Limited Access Permit rules, the Committee worked together forming the rules with contributions from Montana Dental Hygiene Association and the Montana Dental Association. Considering the task at hand the Committee was able to bring forward rules that the full Board supported and passed in just 4 meetings. The balance of the time was due to the required processes of establishing administrative rules. The success of the rule making for the Limited Access Permit demonstrates the effectiveness of the Committee as it stands.
- The Department of Labor & Industry during the 2005 legislative session drafted HB182 for standardization of licensure processes. The Montana Dental Hygiene Association was present at one of the last hearings on this bill to oppose language that related to dental hygiene examinations. The Board had discussed the language in this bill continuously at each board meeting from the inception of the legislation through the movement of the bill. The Committee met during each one of these meetings of the board and this concern was never brought to the attention of the Board as a concern. This again was another prime opportunity to express, discuss, and facilitate an issue of concern for the dental hygiene profession. The Board had no prior knowledge of the opposition by the Montana Dental Hygiene

Association. The Committee by design requires input from those interested parties to succeed and be effective.

- To address setting of the Committee meetings. The Board sets meeting dates typically 6 to 10 months in advance. The Committee meetings have been set at the same time as the Board meetings since their inception. The exact time during the day that the Committee may be meeting may not be set until the agenda is completed. Notices are sent out to all the individuals on the interested parties list, and all meetings are posted on the Internet prior to each meeting.

The following were tasks that the Montana Dental Hygiene Association suggested be duties of the dental hygiene committee: The response is as follows:

- Review existing procedures and processes: REPLY: HB 182 requires this to be the responsibility of the Department for all the boards.
- Review licensure applications: REPLY: HB 182 requires this to be the responsibility of the Department for routine applications and the full board for non-routine applications. (dental hygiene non-routine applications could be looked at by the Committee but would still have to come to the full board for approval or denial.)
- Review violations of renewals, licensure: REPLY: Licensure violations are a function of the Complaint Screening Panel of the Board. Renewal processes are part of the Departments Policies and Procedures.
- Field questions and correspondence: REPLY: This is the responsibility of the Department. Staff is hired by the Department and not by the Board.
- Set dates and proctor jurisprudence examinations: REPLY: The Board has not proctored jurisprudence exams since 2000. The examination is an open book take home examination. The new procedure was implemented by the Board to expedite the licensure process for applicants and to relieve the extra burden of the travel to Helena to take the examination.
- Screen complaints: REPLY: By statute the Screening Panel is required to review complaints. There is a dental hygienist on the screening panel.
- Provide consumer information: REPLY: Information is provided to all applicants or anyone who calls the office regarding licensure or regulation of the professions. Other consumer information is not a Board function.
- Review and draft guidelines for new technology: REPLY: The Committee is already in place and is the appropriate avenue to address these issues. The Board has determined that it is best to not regulate the technology, but to address the professions scope of practice.
- Respond to inquiries regarding licensure, practice: REPLY: The Department provides employees to respond to inquiries, and in some cases refer inquiries to the Board. It is the opinion of the Board that it would be very difficult for a committee to delay answering inquiries to meeting times, thus being very ineffective.
- Assist DPHHS with public health programs: REPLY: This is not a specific board function. Perhaps DPHHS should hire a Dental Hygienist to provide this function for their Department. State agencies typically work together on issues.

In conclusion, the Board would like to take the time to thank you for the opportunity to express its viewpoint. The Board is confident that the Committee has the potential of allowing every opportunity to the dental hygiene profession to address their issue and concerns. The Board has worked hard to listen and understand and address all areas of concerns that have been brought from the Committee to the Board. The Board will continue to foster discussion and to provide avenues for the Committee to work in tandem with the Board to provide appropriate professional care to the public by the professionals that they regulate.

Board of Dentistry
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