

SENATE BILL NO. 190

INTRODUCED BY BOHLINGER, SCHRUMPF

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING CRITERIA FOR WHEN A LICENSED DENTAL HYGIENIST MAY PROVIDE DENTAL HYGIENE PREVENTATIVE SERVICES WITHOUT THE PRIOR AUTHORIZATION OR PRESENCE OF A LICENSED DENTIST; DEFINING "PUBLIC HEALTH FACILITY" AND "PUBLIC HEALTH SUPERVISION"; REQUIRING THE BOARD OF DENTISTRY TO ADOPT RULES DEFINING THE QUALIFICATIONS NECESSARY TO OBTAIN A LIMITED ACCESS PERMIT; REQUIRING A LICENSED DENTAL HYGIENIST PRACTICING UNDER PUBLIC HEALTH SUPERVISION TO OBTAIN A LIMITED ACCESS PERMIT AND TO FOLLOW CERTAIN GUIDELINES; AND AMENDING SECTION 37-4-405, MCA."

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, ~~with the permission of the supervising dentist,~~ may:

(a) WITH THE PERMISSION OF THE SUPERVISING DENTIST, practice in the office of a licensed and actively practicing dentist, ~~in a public or private institution, under a board of health, or in a public clinic authorized by the board,~~

~~(b) practice~~ under the general supervision of a licensed dentist; or

~~(c)(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.

however, the

(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.

~~(2)(3)~~ For the purposes of this section, ~~"supervision" is defined as follows~~ 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, except the administration of local anesthesia, 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) ~~hospitals~~; 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; schools; head start programs; migrant worker facilities; local public health clinics and facilities; ~~detention centers~~; public institutions under the department of public health and human services or the department of corrections; and mobile public health clinics that provide medical and dental outreach services to underserved populations of children, migrant workers, disabled persons, and low-income persons; and

(ii) OTHER PUBLIC HEALTH FACILITIES AND PROGRAMS IDENTIFIED BY THE BOARD UNDER SUBSECTION (6); AND

(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 that is supervised by medical or nursing staff.

(4) (a) A licensed dental hygienist ~~subject to~~ PRACTICING UNDER public health supervision may provide dental hygiene preventative services that include removal of deposits and stains from the surfaces of teeth, the application of topical ~~preventative prophylactic agents~~ FLUORIDE, polishing ~~and smoothing~~ restorations, root ~~planting and soft tissue curettage~~ PLANING, placing of sealants, oral cancer screening, exposing radiographs, and charting of services provided.

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

(c) A licensed dental hygienist ~~subject to~~ PRACTICING UNDER public health supervision shall provide:

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

(ii) TREATMENT BASED UPON MEDICAL AND DENTAL HEALTH GUIDELINES ADOPTED BY RULE BY THE BOARD.

(5) (A) A DENTAL HYGIENIST PRACTICING UNDER PUBLIC HEALTH SUPERVISION SHALL OBTAIN A LIMITED ACCESS PERMIT FROM THE BOARD.

(B) THE BOARD SHALL ADOPT RULES:

(i) DEFINING THE QUALIFICATIONS NECESSARY TO OBTAIN A LIMITED ACCESS PERMIT; AND

(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 WHO, DUE TO AGE, INFIRMITY, DISABILITY, OR FINANCIAL CONSTRAINTS, ARE UNABLE TO RECEIVE REGULAR DENTAL CARE.

(6) THE BOARD MAY IDENTIFY, BY RULE, OTHER PUBLIC HEALTH FACILITIES AND PROGRAMS, IN ADDITION TO THOSE LISTED IN SUBSECTION (3)(C), AT WHICH SERVICES UNDER A LIMITED ACCESS PERMIT MAY BE PROVIDED."

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