

1 HOUSE BILL NO. 411
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13 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A DENTAL AUXILIARY TO PERFORM ORAL
14 PROPHYLAXIS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR EDUCATION AND EXAM
15 REQUIREMENTS; ALLOWING FOR RELEVANT TRAINING AND EXPERIENCE; EXTENDING RULEMAKING
16 AUTHORITY; AND AMENDING SECTION 37-4-408, MCA."
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18 WHEREAS, oral health is important for overall health, a ready-to-work labor force, and school
19 attendance and performance; and

20 WHEREAS, access to dental services has been greatly diminished due to labor market shortages; and

21 WHEREAS, formally educated certified dental assistants are an important and underutilized section of
22 the dental service labor market; and

23 WHEREAS, scope of practice laws in other states allow some dental assistants to complete basic
24 dental cleanings; and

25 WHEREAS, some dental assistants practicing on reservations and in the military are safely performing
26 basic dental cleanings; and

27 WHEREAS, Montana's two accredited dental assisting schools would, as a part of the accreditation
28 process, be required to teach skills in dental cleanings if Montana's scope of practice laws change through the

1 passage of this legislation.

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

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5 **Section 1.** Section 37-4-408, MCA, is amended to read:

6 **"37-4-408. Auxiliary personnel -- employment, duties, and limitations.** (1) A dental auxiliary is a
7 person other than a licensed dental hygienist employed by a licensed dentist. The board may, within the
8 limitations of this chapter, adopt rules that define the qualifications and outline the tasks of any unlicensed
9 auxiliary personnel to be employed by a licensed dentist, except that this section may not be construed to allow
10 the board by rule to permit a licensed dentist to delegate to any auxiliary personnel prophylaxis or any of the
11 duties prohibited to dental hygienists under 37-4-401. The performance of intraoral tasks by a dental auxiliary,
12 as permitted by board rules, must be under the direct supervision of a licensed dentist, except as provided in
13 subsection (2).

14 (2) A dental auxiliary who holds a certified dental assistant certification from the dental assisting
15 national board may be supervised under general supervision.

16 (3) (a) (i) A dental auxiliary may, under the direct supervision of a licensed dentist, perform oral
17 prophylaxis with supragingival scaling.

18 (ii) A dental auxiliary may not perform oral prophylaxis with subgingival scaling.

19 (b) A dental auxiliary may only perform oral prophylaxis in accordance with subsection (3)(a)(i) on
20 a medically healthy child 12 years of age or younger with healthy gums or mild gingivitis.

21 (4) The board may hold the supervising dentist responsible in accordance with 37-1-316 and 37-4-
22 312 for any acts of or omissions by the dental auxiliary acting in the ordinary course and scope of the assigned
23 duties.

24 (5) To be eligible to perform oral prophylaxis in accordance with subsection (3), a dental auxiliary
25 must:

26 (a) be a certified dental assistant who has graduated from an accredited dental assisting school
27 that teaches and tests for the skills required to perform oral prophylaxis;

28 (b) have ~~relevant military training, service, or education acquired~~ received specialized clinical

1 training acquired as a member of the armed forces or reserves of the United States, the national guard of a
2 state, or the military reserves; or

3 (c) have ~~acquired relevant training~~ received specialized clinical training acquired through the
4 Indian health service ~~or~~, a tribal health program, or a tribal college.

5 (6) (a) A licensed dentist who utilizes a dental auxiliary under the provisions of subsection (3) shall:

6 (i) serve children of whom at least 50% are enrolled in the healthy Montana kids plan provided for
7 in 53-4-1104;

8 (ii) make charitable contributions to dental hygiene scholarships; and

9 (iii) report annually to the board of dentistry regarding the results of subsections (6)(a)(i) and
10 (6)(a)(ii).

11 (b) The board of dentistry shall provide a biennial report to the children, families, health, and
12 human services interim committee, the economic affairs interim committee, and to the legislature in accordance
13 with 5-11-210 on the report provided for in subsection (6)(a)(iii) and any adverse outcomes received by the
14 board regarding the program provided for in subsection (3).

15 (6)(7) The board may adopt rules to approve additional categories of eligibility, requirements for
16 continuing education, CPR, and registration."

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18 NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a
19 copy of [this act] to each federally recognized tribal government in Montana.

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