

HOUSE BILL NO. 411

INTRODUCED BY J. GILLETTE, F. SMITH, J. READ, J. WINDY BOY, T. MCGILLVRAY, L. JONES, E. BUTCHER, B. KEENAN, D. LENZ, B. BROWN, J. HINKLE, W. MCKAMEY, S. HINEBAUCH, D. FERN, F. ANDERSON, L. SHELDON-GALLOWAY, J. TREBAS, D. BARTEL, C. KNUDSEN, B. USHER, S. VINTON, T. WELCH, B. BEARD, M. HOPKINS, N. DURAM, J. FULLER, R. KNUDSEN, J. DOOLING, K. BOGNER, T. RUNNING WOLF, T. MOORE, B. LER, B. PHALEN, F. NAVE, J. CARLSON, L. BREWSTER, K. ZOLNIKOV, B. MITCHELL, P. FIELDER, S. KERNS, S. GALLOWAY, S. GIST, J. SCHILLINGER, K. SEEKINS-CROWE, M. MALONE, C. HINKLE, M. BINKLEY, R. MARSHALL, M. THANE, C. FRIEDEL, S. ESSMANN, M. YAKAWICH, T. SMITH, R. MINER, G. PARRY, G. OBLANDER, N. NICOL, L. DEMING, D. EMRICH, S. VANCE, T. VERMEIRE, C. SPRUNGER, T. FALK, G. NIKOLAKAKOS, J. BERGSTROM, P. GREEN, J. ETCHART, B. BARKER, W. RUSK, L. HELLEGAARD, J. FITZPATRICK, N. HASTINGS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A DENTAL AUXILIARY TO PERFORM ORAL PROPHYLAXIS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR EDUCATION AND EXAM REQUIREMENTS; ALLOWING FOR RELEVANT TRAINING AND EXPERIENCE; EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTION 37-4-408, MCA."

WHEREAS, oral health is important for overall health, a ready-to-work labor force, and school attendance and performance; and

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

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

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

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

WHEREAS, Montana's two accredited dental assisting schools would, as a part of the accreditation 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:

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**"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) A dental auxiliary may, under the direct supervision of a licensed dentist, perform oral  
17 prophylaxis.

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

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

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

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

27 (b) have relevant military training, service, or education acquired as a member of the armed forces  
28 or reserves of the United States, the national guard of a state, or the military reserves; or

1            (c) have acquired relevant training through the Indian health service or a tribal health program.

2            (6) The board may adopt rules to approve additional categories of eligibility."

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

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