

Answers to Possible Concerns regarding Limited Access Permit (LAP) dental hygienists in schools

- [MCA 37-1-131](#) requires boards to not discriminate against any person licensed by the board with regard to how the standards and rules are applied to other persons licensed by the board
- [MCA 31-1-131](#) requires boards not to restrain trade or competition unless necessary to protect public health and safety.
- LAP dental hygienists, either on their own or employed by a Federally Qualified Health Care Center, have safely practiced in schools for over a decade.
- [ARM 24.138.509](#) identifies four schools as other public health facilities or programs. Public health or safety has never been an issue in these facilities.
- An LAP dental hygienist must have malpractice liability insurance per [ARM 24.138.509](#)
- Dental hygienists in Montana have been Medicaid providers since 2005, meaning services can be billed and dental hygienists are directly reimbursed by Medicaid.
- In SB 190, from 2003, “schools” was removed from original language in a compromise with organized dentistry, as dentists were concerned about the type of school (i.e. “beauty school”)
- Legislative intent was not to bar dental hygienists from working in schools, but to give the board of dentistry the authority to determine which schools could be added under the parameters of [37-4-405](#). For further information regarding SB190, please contact Patti Conroy, RDH, at patti_conroy@yahoo.com or 406-670-9070.
- In 2011, SB2, advocating for school-based sealant programs by LAP dental hygienists, died in committee (4-3 vote) after testimony and lobbying from the Montana Dental Association. Supporters of the bill included the Legislature’s Interim Committee on Children and Families, Office of Public Instruction (OPI), Department of Public Health and Human Services (DPHHS), Montana Nurses’ Association, MEA/MFT Teachers’ Unions, the Association of Montana Public Officials, American Dental Hygienists’ Association, Billings Clinic, Paris Gibson Alternative Education Center, as well as numerous medical and dental professionals.
- LAP dental hygienists provide a limited number of preventive services, such as fluoride treatments, prophylaxis (cleanings) and sealants, as defined in [37-4-405](#) and [ARM 24.138.425](#), and are required to refer to dentists for dental work and yearly exam. LAP dental hygienists do not perform the work of dentists.
- Nurses, mid-level providers just like dental hygienists, have been providing services in schools for decades. Preventive dental hygiene services in schools reduces numbers of instruction hours missed, increases access to care, and improves oral health.