

DENTURIST – DENTIST ISSUES

MAIN POINTS OF CONTENTION

- **Active Supervision** – An approach by which the department (to which licensing boards are attached) determines if an action is:
 - anticompetitive in violation of federal law; or
 - has reasonable policy-oriented purposes that indicate no antitrust violation.
- Makeup of the Board of Dentistry (2-15-1732, MCA):
 - Five dentists;
 - Two dental hygienists;
 - Two public members;
 - One denturist.
- Dentures over Implants
 - Dentists say implants are trickier to handle than original teeth, which means health and safety issues arise if a denturist fits dentures over an implant.
 - Denturists say they have sufficient training to recognize problems and know when to refer and when referrals are not needed and just cost the patient more time and money.

The Economic Affairs Interim Committee requested a “pause” on New Rule II that sets out requirements for denturists to be directly working with a dentist in cases affecting implants.

WHAT EAIC RULE ACTIONS MEAN

- The EAIC has objected to the rule under 2-4-305(9). This is referred to as the “informal objection.”
 - At the hearing, the EAIC must continue or withdraw the informal objection. If the committee continues the informal objection, generally, the board may not adopt the rule until publication of the last issue of the MAR that is published before the 6-month period during which the adoption notice must be published. Since the rule notice was published on 9/6/2019, the last possible date of publication would be in late February or early March 2020. Additionally, the EAIC could address the objection at its next meeting.
- The EAIC may also make a formal objection under 2-4-406. The formal objection must be on the grounds that the committee believes that the rule was not proposed in substantial compliance with 2-4-302 (notice, hearing, and submission of views requirements), 2-4-303 (emergency or temporary rules requirements), and 2-4-305 (authority and reasonable necessity requirements).
 - Under a formal objection under 2-4-406 and 2-4-306, the proposed rule is not effective until the day after final adjournment of the regular session of the Legislature that begins after the notice proposing the rule was published -- unless the Committee withdraws its objection before the rule is adopted or the rule is adopted with changes that in the opinion of a majority of the Committee members bring the rule into compliance.