

SENATE BILL NO. 80

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR THE SUPERVISION OF DENTAL AUXILIARY PERSONNEL; PROVIDING FOR GENERAL SUPERVISION OF DENTAL AUXILIARY PERSONNEL BY DENTISTS; PROVIDING PRIORITY REQUIREMENTS FOR A LICENSED DENTIST'S STAFF; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 37-4-408, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"37-4-408. Auxiliary personnel -- employment, duties, and limitations -- RULES -- CERTIFIED DENTAL ASSISTANTS. (1) A dental auxiliary is a person other than a licensed dental hygienist employed by a licensed dentist. The board may, within the limitations of this chapter, adopt rules that define the qualifications and outline the tasks of any unlicensed auxiliary personnel to be employed by a licensed dentist, except that this section may not be construed to allow the board by rule to permit a licensed dentist to delegate to any auxiliary personnel prophylaxis or any of the duties prohibited to dental hygienists under 37-4-401. ~~The performance of intraoral tasks by all dental auxiliaries, as permitted by board rules, must be, at a minimum, under the direct general supervision of a licensed dentist.~~ THE BOARD SHALL DETERMINE BY RULE PROCEDURES THAT MAY BE PERFORMED ONLY BY CERTIFIED DENTAL ASSISTANTS UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST. THE BOARD SHALL DETERMINE BY RULE THE QUALIFICATIONS ACCEPTED AS PROOF OF EDUCATION AND CERTIFICATION. ALL OTHER INTRAORAL TASKS BY DENTAL AUXILIARIES MUST BE PERFORMED UNDER DIRECT SUPERVISION OF A LICENSED DENTIST.

(2) IF A LICENSED DENTIST HAS A LICENSED DENTAL HYGIENIST ON STAFF, ANY PROCEDURE DONE UNDER THE GENERAL SUPERVISION OF A DENTIST MUST BE PERFORMED BY THE HYGIENIST FIRST. IF A LICENSED DENTIST DOES NOT HAVE A HYGIENIST ON STAFF OR THE HYGIENIST IS NOT AVAILABLE TO PERFORM A PROCEDURE UNDER THE GENERAL SUPERVISION OF A DENTIST, PROCEDURES TO BE PERFORMED UNDER THE GENERAL SUPERVISION OF A DENTIST MUST BE BY THE MOST EXPERIENCED AND QUALIFIED DENTAL AUXILIARY PRESENT.

(2)(3) For the purposes of this section, "general supervision" means supervision of a dental procedure performed by a dental auxiliary with the intent and knowledge of a dentist licensed and residing in the state of

1 Montana. The supervising dentist need not be on the premises."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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