

BEFORE THE BOARD OF DENTISTRY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 24.138.407 Functions for Dental)	ADOPTION
Hygienists, 24.138.425 Limited Access)	
Permit Treatment Guidelines –)	
Practicing Under Public Health)	
Supervision, 24.138.509 Dental)	
Hygiene Limited Access Permit,)	
24.138.2102 Subject Matter)	
Acceptable for Dentist and Dental)	
Hygienist Continuing Education,)	
24.138.2104 Requirements and)	
Restrictions, and the adoption of New)	
Rule I Limited Prescriptive Authority –)	
Qualifications – Allowable Percentages)	
of Topical Agents)	

TO: All Concerned Persons

1. On February 23, 2018, the Board of Dentistry (board) published MAR Notice No. 24-138-74 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 386 of the 2018 Montana Administrative Register, Issue No. 4.

2. On March 16, 2018, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the March 23, 2018, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: Several commenters requested the board amend NEW RULE I to increase the allowable percentage of fluoride products from 5% to 6% to allow dental hygienists to prescribe silver diamine fluoride (SDF). The commenters asserted there is little difference between 5% fluoride varnish and SDF, and that research supports the placement of SDF as a safe, effective, and inexpensive way to manage dental caries.

RESPONSE 1: While the board appreciates all comments received during rulemaking, the board is unable to make the suggested change at this time. Increasing the percentage in the final notice would not allow the public to provide comment and therefore exceeds the scope of this rulemaking project.

4. The board has amended ARM 24.138.407, 24.138.425, 24.138.509, 24.138.2102, and 24.138.2104 exactly as proposed.

5. The board has adopted NEW RULE I (24.138.419) exactly as proposed.

BOARD OF DENTISTRY
GEORGE JOHNSTON, DDS
PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ GALEN HOLLENBAUGH
Galen Hollenbaugh, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 26, 2018.