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(2) Licensees shall maintain a current CPR, ACLS, or PALS card on the premises and provide a copy to the board upon request.

(3) Licensees shall affirm the expiration date of the CPR, ACLS, or PALS card on the renewal. The board may audit a licensee for compliance of a current CPR, ACLS, or PALS card in addition to the random CE audit every three-year reporting period. An active licensee who practices without a current CPR, ACLS, or PALS card may be subject to administrative suspension.

(4) Internet CPR, ACLS, or PALS courses will be accepted if a hands-on evaluation of clinical competency is also included. (History: 37-1-131, 37-4-205, 37-29-201, MCA; IMP, 37-1-131, 37-1-321, 37-29-201, 37-29-401, MCA; NEW, 1989 MAR p. 2179, Eff. 12/22/89; AMD, 1999 MAR p. 209, Eff. 1/29/99; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; AMD, 2007 MAR p. 43, Eff. 1/12/07; AMD, 2007 MAR p. 1812, Eff. 11/9/07; AMD, 2014 MAR p. 1837, Eff. 8/8/14; AMD, 2019 MAR p. 2366, Eff. 12/28/19.)

24.138.404 JUSTIFIABLE CRITICISM AND EXPERT TESTIMONY (REPEALED) (History: 37-1-131, 37-4-205, 37-29-201, MCA; IMP, 37-1-131, 37-1-308, MCA; NEW, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 2415, Eff. 12/13/91; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; REP, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.405 MANAGEMENT OF INFECTIOUS WASTE (REPEALED) (History: 37-1-131, 37-4-205, 37-29-201, 75-10-1006, MCA; IMP, 75-10-1006, MCA; NEW, 1992 MAR p. 200, Eff. 3/6/92; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; REP, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.406 FUNCTIONS FOR DENTAL AUXILIARIES (1) Dental auxiliaries may work under the direct supervision of a licensed dentist per ARM 24.138.301 if the auxiliary:

- (a) was instructed and qualified to perform in a dental assisting program accredited by the Commission on Dental Accreditation or its successor; or
- (b) was instructed and trained by a licensed dentist; or
- (c) was instructed and trained in a board-approved continuing education course.

(2) A certified dental assistant may work under the general supervision of a licensed dentist per ARM 24.138.301.

(3) A dental auxiliary working under the direct supervision of a licensed dentist per ARM 24.138.301 may perform the following dental procedures including, but not limited to:

- (a) making radiographic exposures as prescribed by the supervising dentist as referenced in (12);
- (b) initiating, adjusting, and monitoring nitrous oxide flow for a patient who has been prescribed and administered nitrous oxide by a licensed dentist;
- (c) taking impressions for study or working casts;
- (d) removing sutures and dressings;
- (e) applying topical anesthetic agents;
- (f) providing oral health instructions;
- (g) applying topical fluoride agents;
- (h) removing excess cement from coronal surfaces;
- (i) placing and removing rubber dams;
- (j) placing and removing matrices;
- (k) collecting patient data;
- (l) polishing amalgam restorations;
- (m) placing and removing temporary restoration with hand instruments only;
- (n) placing pit and fissure sealants; and
- (o) coronal polishing.

(4) A certified dental assistant working under the general supervision of a licensed dentist per ARM 24.138.301 is prohibited from performing the following functions:

- (a) initiating, adjusting, and monitoring nitrous oxide flow for a patient who has been prescribed and administered nitrous oxide by a licensed dentist;
- (b) applying silver diamine fluoride agents;
- (c) placing and removing rubber dams;
- (d) placing and removing matrices;
- (e) polishing amalgam restorations; and
- (f) applying topical anesthetic agents.

(5) A certified dental assistant working under the general supervision of a licensed dentist may place pit and fissure sealants following an in-person comprehensive oral examination or periodic examination within the preceding 30 days.

(6) Dental auxiliaries performing any intraoral procedure must be under the direct supervision of a licensed dentist, except that a certified dental assistant may work under the general supervision of a licensed dentist.

(7) No dentist shall allow any dental auxiliary to perform the following:

- (a) diagnosis and treatment planning as per 37-4-401, MCA;
- (b) cutting hard or soft tissue or extracting teeth;
- (c) prescribing any drugs as per 37-4-401, MCA;
- (d) administering or dispensing any drug, without the prior authorization of the supervising dentist;
- (e) administering intravenous and intramuscular injections or local anesthetic;

- (f) placing, carving, or condensing any permanent restorations;
- (g) taking final impressions of the involved arch for crowns, bridges, implant prosthesis, partial dentures, or complete dentures;
- (h) bonding or cementing any fixed prosthesis, including veneers, except for provisionals;
- (i) bonding or cementing orthodontic brackets or orthodontic appliances that would provide activation upon cementation;
- (j) placing sulcular medicinal or therapeutic materials;
- (k) periodontal probing;
- (l) air polishing; or
- (m) prophylaxis as defined in ARM 24.138.301.

(8) Dentists shall not delegate to dental auxiliaries any duties or responsibilities regarding patient care that cannot be delegated to dental auxiliaries under 37-4-408, MCA, and board rules.

(9) The assignment of tasks and procedures to dental auxiliaries shall not relieve the dentist from liability for all treatment rendered the patient.

(10) A dentist shall not employ, supervise or otherwise use more dental auxiliaries than the dentist can reasonably supervise in keeping with the dentist's ethical and professional responsibilities.

(11) The employing dentist shall verify that a dental auxiliary's qualifications comply with the statutes and rules of the board.

(12) A dentist licensed to use or direct the use of an x-ray producing device must ensure that the radiation source under the dentist's jurisdiction is used only by individuals competent to use it, as per ARM 37.14.1003. Only a licensed dentist may prescribe radiation dosage and exposure.

(a) A dental auxiliary, under the direct supervision of a licensed dentist, may expose radiographs only if the auxiliary:

- (i) has graduated from an accredited program of dental assisting, dental hygiene, or dentistry accredited by the Commission on Dental Accreditation or its successor; or
- (ii) has been certified in dental radiology as a result of military experience; or
- (iii) has successfully completed a board-approved radiology written examination.

(b) A certified dental assistant may expose radiographs under the general supervision of a licensed dentist.

(c) For dental auxiliaries beginning work in Montana after January 1, 2016, radiology certification from other states will no longer be accepted, with the exception of a board-approved written examination. Dental auxiliaries who acquired radiology certification in other states and were employed as dental auxiliaries in Montana prior to January 1, 2016, will be grandfathered.

(13) Proof of current certification must be readily available for review by the public or the board upon request. (History: 37-4-205, 37-4-408, MCA; IMP, 37-4-408, MCA; NEW, 1995 MAR p. 2795, Eff. 11/23/95; AMD, 1996 MAR p. 3118, Eff. 12/6/96; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; AMD, 2007 MAR p. 43, Eff. 1/12/07; AMD, 2010 MAR p. 411, Eff. 2/12/10; AMD, 2015 MAR p. 1904, Eff. 10/30/15; AMD, 2020 MAR p. 588, Eff. 3/28/20.)

24.138.407 FUNCTIONS FOR DENTAL HYGIENISTS (1) Allowable functions for the dental hygienist practicing under the supervision of a licensed dentist shall include dental procedures as allowed by Title 37, chapter 4, MCA, and board rule, and subject to (2) below, in which:

- (a) the hygienist was instructed and qualified to perform in a school of dental hygiene accredited by the Commission on Dental Accreditation or its successor; or
- (b) the hygienist was instructed and trained by a licensed dentist; or
- (c) the hygienist was instructed and trained in a board acceptable continuing education course; or
- (d) the hygienist is functioning in the capacity of a dental auxiliary as allowed by board rule.

(2) A dental hygienist will be allowed to perform the following dental auxiliary functions, under general supervision, including, but not limited to:

- (a) making radiographic exposures, as prescribed by the supervising dentist;
- (b) taking impressions for study or working casts;
- (c) removing sutures and dressings;
- (d) applying topical anesthetic agents;
- (e) providing oral health instruction;
- (f) applying topical fluoride agents;
- (g) removing excess cement from coronal surfaces;
- (h) placing and removing rubber dams;
- (i) placing and removing matrices;
- (j) collecting patient data;
- (k) polishing amalgam restorations;
- (l) placing pit and fissure sealants; and
- (m) coronal polishing.

(3) A dental hygienist shall not be allowed to perform the following:

- (a) diagnosis and treatment planning as per 37-4-401, MCA;
- (b) cutting hard or soft tissue (except root planing and soft tissue curettage) or extracting teeth;
- (c) prescribing any drug except fluoride agents, topical oral anesthetic agents, and nonsystemic oral antimicrobials, under the general supervision of a licensed dentist or under public health supervision with a limited access permit, as per 37-4-401, MCA;
- (d) administering or dispensing any drugs, without the prior authorization and direct supervision of the supervising dentist. This does not pertain to local anesthetic agents administered by a licensed dental hygienist qualified to administer the agents, topical agents, fluoride agents, topical oral anesthetic agents, nonsystemic oral antimicrobials, or sulcular medicaments;
- (e) placing, carving or condensing any permanent restorations;
- (f) taking final impressions of the involved arch for crowns, bridges, implant prosthesis, partial or complete dentures;
- (g) bonding or cementing orthodontic brackets, or orthodontic appliances that would provide activation upon cementation;
- (h) bonding or cementing any fixed prosthesis, including veneers, except for provisionals.

(4) The assignment of tasks and procedures to a dental hygienist shall not relieve the dentist from liability for all treatment rendered the patient.

(5) It shall be the responsibility of the employing dentist to verify that a dental hygienist's qualifications are in compliance with the statutes and rules of the Board of Dentistry. (History: 37-1-131, 37-4-205, 37-4-401, 37-4-408, MCA; IMP, 37-1-131, 37-4-401, 37-4-405, 37-4-408, MCA; Eff. 12/31/72; AMD, Eff. 7/5/76; AMD, Eff. 9/23/77; AMD, 1978 MAR p. 1182, Eff. 8/11/78; AMD, 1979 MAR p. 1497, Eff. 11/30/79; AMD, 1980 MAR p. 1188, Eff. 4/11/80; AMD, 1981 MAR p. 686, Eff. 7/17/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1984 MAR p. 921, Eff. 6/15/84; AMD, 1985 MAR p. 1323, Eff. 9/13/85; AMD, 1987 MAR p. 155, Eff. 2/14/87; AMD, 1989 MAR p. 2179, Eff. 12/22/89; AMD, 1991 MAR p. 2415, Eff. 12/13/91; AMD, 1994 MAR p. 1120, Eff. 4/29/94; AMD, 1995 MAR p. 2795, Eff. 11/23/95; AMD, 1996 MAR p. 3118, Eff. 12/6/96; TRANS, from Commerce, 2003 MAR p. 2435; AMD, 2018 MAR p. 1279, Eff. 7/7/18; AMD, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.408 SERVICE TO THE PUBLIC AND QUALITY OF CARE

(REPEALED) (History: 37-1-131, 37-4-205, 37-29-201, MCA; IMP, 37-1-131, MCA; NEW, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; REP, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.409 PATIENT SELECTION (REPEALED) (History: 37-1-131, 37-4-

205, 37-29-201, MCA; IMP, 37-1-131, MCA; NEW, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; REP, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.410 PATIENT RECORDS (REPEALED) (History: 37-1-131, 37-4-

205, 37-29-201, MCA; IMP, 37-1-131, MCA; NEW, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; REP, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.411 EMERGENCY SERVICE (REPEALED) (History: 37-1-131, 37-

4-205, MCA; IMP, 37-1-131, 37-4-101, MCA; NEW, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; REP, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.412 CONSULTATION AND REFERRAL (REPEALED) (History: 37-

1-131, 37-4-205, MCA; IMP, 37-1-131, 37-4-101, MCA; NEW, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 2415, Eff. 12/13/91; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; REP, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.413 REBATE AND SPLIT FEES (REPEALED) (History: 37-1-131,

37-4-205, MCA; IMP, 37-1-131, MCA; NEW, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 2415, Eff. 12/13/91; TRANS, from Commerce, & AMD, 2003 MAR p. 2435, Eff. 10/31/03; REP, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.414 DISPLAY OF LICENSES (1) All licensees must display, or have readily available by electronic means, their current license for review by the public. If a licensee is working in more than one location, a copy of the license can be duplicated, or readily available by electronic means, for display in another office. (History: 37-4-205, 37-29-201, MCA; IMP, 37-4-205, 37-4-326, 37-29-201, MCA; NEW, 2003 MAR p. 2435, Eff. 10/31/03; AMD, 2021 MAR p. 473, Eff. 5/1/21.)

24.138.415 NINETY-DAY GUARANTEE REQUIRED BY DENTURISTS

(1) The board interprets 37-29-404(2), MCA, "denturist services" to be new work completed in that office. The 90-day guarantee starts from the day of final insertion. (History: 37-29-201, MCA; IMP, 37-29-404, MCA; NEW, 1999 MAR p. 209, Eff. 1/29/99; TRANS, from Commerce, 2003 MAR p. 2435.)

24.138.416 PRIOR REFERRAL FOR PARTIAL DENTURES

(1) The Board of Dentistry interprets 37-29-403(1)(b), MCA, to mean that all partial denture patients shall be referred to a dentist to determine what is needed prior to the denturist starting his services. (History: 37-1-131, 37-29-201, MCA; IMP, 37-29-403, MCA; NEW, 1990 MAR p. 222, Eff. 1/26/90; AMD, 1992 MAR p. 2132, Eff. 9/25/92; TRANS, from Commerce, 2003 MAR p. 2435.)

24.138.417 DENTAL SCREENINGS

(1) Dental health screenings do not constitute the practice of dentistry or dental hygiene. (History: 37-1-131, 37-4-205, MCA; IMP, 37-4-101, 37-4-205, 37-4-401, MCA; NEW, 2003 MAR p. 2435, Eff. 10/31/03.)

24.138.418 INFECTION CONTROL

(1) Each person who is licensed pursuant to the provisions of Title 37, chapter 4, MCA, shall comply with the provisions of the Guidelines for Infection Control in Dental Health-Care Settings, 2003. The board adopts and incorporates by reference the guidelines which set forth the Centers for Disease Control and Prevention (CDC) recommendations for infection prevention and control in a dental-care setting. A copy of the guidelines is available, free of charge, from the CDC web site at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5217a1.htm>. (History: 37-1-131, 75-10-1006, MCA; IMP, 37-1-131, 75-10-1005, MCA; NEW, 2017 MAR p. 2281, Eff. 12/9/17.)

24.138.419 LIMITED PRESCRIPTIVE AUTHORITY – QUALIFICATIONS – ALLOWABLE PERCENTAGES OF TOPICAL AGENTS (1) Education and competency for dental hygiene prescriptive authority will be accomplished by:

(a) meeting the requirements of ARM 24.138.407(1)(a) and shall include a pharmacology course;

(b) maintaining three credit hours of continuing education each three-year renewal cycle to include courses in:

- (i) fluoride agents;
  - (ii) topical oral anesthetics; or
  - (iii) nonsystemic oral antimicrobials; and
- (c) meeting the requirements of ARM 24.138.2104.

(2) The hygienist shall attest they meet the qualifications for limited prescriptive authority on the initial application for licensure and the continuing education requirement on the annual license renewal application.

(3) Allowable percentages of prescribed agents are:

(a) topical anti-caries treatments (using sodium fluoride unless otherwise stated):

- (i) toothpastes – 1.1 percent (or stannous fluoride 0.4 percent);
- (ii) topical gels – 1.1 percent (or stannous fluoride 0.4 percent);
- (iii) oral rinses – 0.05 percent, 0.2 percent, 0.44 percent, or 0.5 percent, or oral rinse concentrate at 0.63 percent stannous fluoride;

(iv) fluoride varnish – 5 percent;

(v) prophylaxis paste – 1.25 percent;

(vi) fluoride paste – 5 percent; and

(vii) silver diamine fluoride – 38 percent.

(b) topical oral anesthetic agents:

(i) up to 20 percent benzocaine;

(ii) up to 2 percent viscous lidocaine; and

(iii) cetacaine to include 14 percent benzocaine, 2 percent butamben, and 2 percent tetracaine hydrochloride; and

(c) nonsystemic oral antimicrobials:

(i) chlorhexidine gluconate rinses – 0.12 percent. (History: 37-1-131, 37-4-205, 37-4-401, MCA; IMP, 37-1-131, 37-4-401, 37-4-405, MCA; NEW, 2018 MAR p. 1279, Eff. 7/7/18; AMD, 2019 MAR p. 2366, Eff. 12/28/19.)

24.138.420 SCOPE OF TREATMENT FOR VOLUNTEER LICENSEES (REPEALED) (History: 37-1-131, 37-4-204, 37-4-340, MCA; IMP, 37-4-340, MCA; NEW, 2004 MAR p. 1955, Eff. 8/20/04; REP, 2021 MAR p. 473, Eff. 5/1/21.)

Rules 24.138.421 through 24.138.424 reserved



24.138.425 LIMITED ACCESS PERMIT TREATMENT GUIDELINES – PRACTICING UNDER PUBLIC HEALTH SUPERVISION (1) Pursuant to 37-4-405, MCA, the LAP dental hygienist practicing under public health supervision, including providing prescriptive services, shall adhere to the following medical health guidelines:

(a) The LAP dental hygienist shall gather and review the patient's current medical history, including but not limited to:

- (i) diagnosed chronic diseases;
- (ii) surgical procedures;
- (iii) medications;
- (iv) drug allergies and/or adverse reactions;
- (v) blood pressure and pulse rate; and
- (vi) previous difficulty associated with dental procedures.

(b) The LAP dental hygienist may provide dental hygiene preventative services to a patient without prior physician, dentist, nurse practitioner, or physician assistant authorization, unless the patient has:

- (i) a medical condition requiring premedication;
- (ii) uncontrolled hypertension; or
- (iii) uncontrolled diabetes.

(c) If a patient has one or more severe systemic diseases, the LAP dental hygienist shall consult with a physician, dentist, nurse practitioner, or physician assistant responsible for the patient's care regarding the appropriateness of treatment and the conditions under which to provide dental hygiene preventative services.

(2) Pursuant to 37-4-405, MCA, the LAP dental hygienist practicing under public health supervision shall adhere to the following dental health guidelines:

(a) The LAP dental hygienist shall provide to the public health facility a disclaimer indicating that the dental hygiene preventative services provided do not preclude the need for a comprehensive examination by a licensed dentist.

(b) The LAP dental hygienist shall recommend patient referral to a licensed Montana dentist once each calendar year, or as the patient's dental health status indicates. The patient's records shall be made available for continued comprehensive dental care.

(c) The LAP dental hygienist shall document the patient dental history and conduct a screening appraisal prior to providing dental hygiene preventative services.

(d) If a LAP dental hygienist exposes radiographs, a licensed Montana dentist shall evaluate the radiographs within 30 days of exposure.































































































































