

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 331

H.P. 996 - L.D. 1329

AN ACT Relating to the Licensing of Dental Radiographers.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §1081, sub-§2, ¶F, as enacted by PL 1967, c. 544, §80, is repealed.

Sec. 2. 32 MRSA c. 16, sub-c. VII is enacted to read:

SUBCHAPTER VII

DENTAL RADIOGRAPHERS

§1100-I. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Dental radiography. "Dental radiography" means the use of ionizing radiation on the maxilla, mandible and adjacent structures of human beings for diagnostic purposes.

2. Direct supervision. "Direct supervision" means supervision of a dental radiographer requiring that a dentist remain in the dental office while the radiographic procedures are being performed.

3. Licensed dental radiographer. "Licensed dental radiographer" means a person who practices dental radiography and holds a valid license issued by the board.

§1100-J. License required; exceptions

1. License required. On or after September 1, 1984, it shall be unlawful for any person, not otherwise authorized by law, to practice dental radiography without having a current license issued by the board.

2. Medicine, osteopathy, dentistry. Nothing in the provisions of this subchapter may limit, enlarge or affect the practice of persons licensed to practice medicine, osteopathy or dentistry in this State.

3. Exceptions. The requirement of a license shall not apply to:

A. Dental hygienists licensed pursuant to subchapter IV;

B. A resident physician or a student enrolled in and attending a school or college of medicine, osteopathy, dentistry, dental hygiene and dental assisting or radiologic technology;

C. Any person serving in the United States Armed Forces or public health service or employed by the Veterans' Administration or other federal agency while performing his official duties, provided that the duties are limited to that service or employment; or

D. Those persons having a current license to perform radiologic technology and who are practicing dental radiography under the direct supervision of a dentist or physician.

§1100-K. Supervision required

1. Supervision. A licensed dental radiographer shall practice dental radiography only under the direct supervision of a dentist.

2. Prohibition. It is unlawful for a dentist to allow a licensed dental radiographer in his employment to carry out radiographic procedures except under direct supervision.

§1100-L. Employment of dental radiographers

1. Dental radiographers; license. On or after September 1, 1984, it shall be unlawful for a dentist to allow a person to practice dental radiography in his employment or under his supervision who does not hold a license to practice dental radiography issued by the board or who is otherwise authorized by law to practice dental radiography.

§1100-M. Qualifications

1. Requirements. To qualify for a license to practice dental radiography, an applicant shall meet the following requirements:

A. Be at least 18 years of age;

B. Have a high school diploma or its equivalent, as determined by the Department of Educational and Cultural Services; and

C. Have successfully completed a course of study in dental radiologic technique approved by the board.

§1100-N. Application

To apply for a license to practice dental radiography, an applicant shall submit a written application with supporting documents to the board, on forms provided by the board, and shall pay an application fee which shall not exceed \$30.

§1100-O. Renewal

1. Term of license; renewal. All licenses to practice dental radiography issued by the board are valid for 5 years from the date of issuance and may be renewed upon application to the board and payment of a renewal fee which shall not exceed \$50.

§1100-P. Rules

1. Rules. The board may make rules in accordance with Title 5, chapter 375, which are necessary for the implementation of this subchapter. The rules may include, but need not be limited to, licensure requirements, approved courses, application and renewal procedures and fees.

§1100-Q. Disciplinary action

1. Suspension; revocation; refusal to issue or renew license. The board may suspend or revoke a license pursuant to Title 5, section 10004. In addition, the board may refuse to issue or renew a license or the Administrative Court may revoke, suspend or refuse to renew a license of a person issued under this subchapter for any of the following reasons:

A. The practice of fraud or deceit in obtaining a license under this subchapter or in connection with service rendered within the scope of the license issued;

B. Habitual intemperance in the use of alcohol or the habitual use of narcotic or hypnotic or other drugs listed as controlled substances by the drug enforcement administration, which use has resulted in the licensed dental radiographer being unable to perform his duties or perform those duties in a manner which would endanger the health or safety of the patients to be served;

C. Incompetence in the practice of dental radiography. A licensed dental radiographer

shall be deemed incompetent in the practice if he has:

(1) Engaged in conduct which evidenced a lack of ability or fitness to discharge the duty owed by him to a client or patient or the general public; or

(2) Engaged in conduct which evidenced a lack of knowledge, or inability to apply principles or skills to carry out the practice for which he is certified;

D. Unprofessional conduct. In this context, unprofessional conduct means the violation of any standard of professional behavior which through professional experience has been established in the practice of dental radiography;

E. Subject to the limitations of Title 5, chapter 341, conviction of a crime which involves dishonesty or false statement or which relates directly to the practice of dental radiography, or conviction of any crime for which incarceration for one year or more may be imposed; or

F. Any violation of this chapter or any rule adopted by the board.

§1100-R. Penalties; injunction

1. Penalties. Any person who practices, or holds himself out as authorized to practice, dental radiography in this State without first obtaining a license as required by this subchapter, or after the license has expired or has been suspended or revoked or temporarily suspended or revoked, shall be guilty of a Class E crime.

2. Injunction. The State may bring an action in Superior Court to enjoin any person for violating this chapter, regardless of whether proceedings have been or may be instituted in the Administrative Court or whether criminal proceedings have been or may be instituted.

Effective September 23, 1983.
