

MAINE STATE LEGISLATURE

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March 22, 1974

John W. Trinward, D.M.D.
Board of Dental Examiners
Bethel, Maine 04217

Dear Dr. Trinward:

I trust that at the Board's meeting March 19 we sufficiently covered the questions regarding accupuncture, dental labs' and technicians' activities, official lists of currently licensed dentists and also dental health clinic legislation. Enclosed are all of the papers from the American Association of Dental Examiners on the "master report" proposal which has not yet been taken up by the Board. A brief inspection of these papers prompts me to ask if the proposal doesn't reopen the conjectural privacy issues that the national association declared a moratorium on several years ago in the midst of your Board's investigation of the Norris application.

The continuing problem of illegal dentistry practice by lab technicians will best be handled now by undercover investigation and criminal prosecution. To assure proof of non-licensure by a defendant, I recommend the seventh sentence of 32 MR.S.A. § 1072 be changed to read: "They shall annually make a report of their proceedings to the Governor, and shall furnish to the Secretary of State a list of persons currently licensed to practice dentistry." Some provision such as this should be part of the new legislation you plan to sponsor. For immediate needs, but as a stop-gap measure only, I would suggest the Board vote a rule, after public notice (required by 5 M.R.S.A. § 2351) is given, to make the Board Secretary custodian of an official roster of dentists currently licensed to practice in Maine. Also on the subject of illegal practice by dental laboratories and dental technicians, the Texas law you supplied me with

represents a different approach by licensing the laboratories and technicians. I see no reason such an approach would not work in Maine, but do not think it is a necessary approach. Also, I note that the Texas law created a Dental Laboratory Advisory Board and I think this is a necessary ingredient of the Texas approach to afford fair tribunal and due process rights for the non-dentist licensees.

Thank you for your attention.

Best personal regards.

Very truly yours,

JK/mf

John Kendrick
Assistant Attorney General