

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 235

S. P. 70

In Senate, January 21, 1975

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Hichens of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Clarify the Laws Relating to Dentistry.

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

Sec. 1. 32 MRSA, § 1072, first ¶, last sentence, as enacted by PL 1967, c. 544, § 80, is repealed and the following enacted in place thereof:

The secretary shall keep records of all proceedings of the board and be the custodian of its records, which records shall constitute and be recognized as the official records of the board and shall be open for public inspection at reasonable times.

Sec. 2. 32 MRSA, § 1072, 2nd ¶, 2nd sentence, as enacted by PL 1967, c. 544, § 80, is amended to read:

The secretary shall receive an annual salary to be fixed by the board not to exceed ~~\$1,200~~ \$2,500, which shall be received by him in lieu of a per diem compensation.

Sec. 3. 32 MRSA, § 1081, sub-§ 2, ¶ G, is enacted to read:

G. Impressions taken by dental hygienists or dental assistants for study purposes only.

Sec. 4. 32 MRSA, § 1081, sub-§ 3, ¶ C, last sentence, as enacted by PL 1967, c. 544, § 80, is repealed and the following enacted in place thereof:

A person licensed to practice dentistry who enters into any of these arrangements with a person who is not licensed to practice dentistry may have his license suspended or revoked.

Sec. 5. 32 MRSA, § 1081, sub-§ 4, next to the last sentence, as enacted by PL 1967, c. 544, § 80, is repealed and the following enacted in place thereof:

This subsection shall not prohibit a licensed dentist from practicing dentistry as an employee of another licensed dentist in this State, as an employee of a nonprofit corporation, as an employee of any state hospital or state institution where his only remuneration is from the State or from any corporation which provides dental service for its employees at no profit to the corporation.

Sec. 6. 32 MRSA, § 1084, as enacted by PL 1967, c. 544, § 80, is repealed and the following enacted in place thereof:

§ 1084. Certificates; fees; registration cards

The board shall issue under its seal, to all persons who shall successfully pass said examination, its certificate of ability to practice dentistry in this State, signed by its president and secretary. Whenever requested by a member or authorized agent of the board, a dentist shall exhibit his certificate. Said certificate shall be prima facie evidence of authority to practice dentistry in this State, except that it shall be unlawful for any person to practice dentistry in this State in any year after the year in which said certificate is issued to him, unless he shall pay to the secretary of the board on or before January 1st of alternate years a fee of \$20, for which he shall receive a registration card, which card shall be placed beside or attached to the certificate. Practitioners who shall not have paid as provided shall be reinstated upon payment of a fee of \$30 if paid before March 1st. A license to practice is automatically suspended on March 1st for nonpayment of registration fee and may be reinstated, if approved by the board, on payment of a fee of \$50. New applicants having paid the examination fee shall not be subject to a license fee until the next biennial registration.

Sec. 7. 32 MRSA, § 1086, 3rd ¶, 1st sentence, as enacted by PL 1969, c. 197, § 4, is amended to read:

The board shall have authority, upon presentation of satisfactory proof of academic affiliation and good academic standing, to issue a permit to a bona fide dental student of a school or university acceptable to the board, after the completion of ~~his 3rd year of~~ satisfactory training, to perform limited dental service commensurate with his level of training under the supervision and control of a licensed dentist or a teaching school in institutional and public health service programs within the State.

Sec. 8. 32 MRSA, § 1089, as enacted by PL 1967, c. 544, § 80, is repealed and the following enacted in place thereof:

§ 1089. Drugs and dental procedure

A dentist shall have the right to prescribe drugs or medicines, perform such surgical operations, administer general and local anesthetics and use such appliances as may be necessary for proper dental treatment. Incident to treatment or the administration of anesthesia, a dentist is authorized to take case histories and perform physical examinations on the patients.

Sec. 9. 32 MRSA, § 1091, sub-§ 1, ¶ H, sub-¶ (4), is enacted to read:

(4) Including a statement of his limitation of practice in announcements, cards, letterheads and directory listings, unless at the time of the announcement he has met the existing educational requirements and standards set by the American Dental Association for members limiting his practice. A dentist shall not use his eligibility to announce himself as a specialist to make the public believe that specialty services rendered by his dental office are being rendered by ethically qualified specialists when such is not the case.

Sec. 10. 32 MRSA, § 1092, first sentence, as enacted by PL 1967, c. 544, § 80, is repealed and the following enacted in place thereof:

Whoever practices dentistry without obtaining the certificate and subsequently the registration card required by law, or whoever practices dentistry under a false or assumed name, or under the license or registration of another person of the same name, or under the name of a corporation, company, association, parlor or trade name, or whoever, being manager, proprietor, operator or conductor of a place for performing dental operations, employs a person who is not a lawful practitioner of dentistry of this State to do dental operations as defined in section 1081, or permits such persons to practice dentistry under a false name, or assumes a title or appends or prefixes to his name the letters which falsely represent him as having a degree from a dental college, or who impersonates another at an examination held by the board, or who knowingly makes a false application or false representation in connection with such examination, or whoever practices as a dental hygienist without having a certificate as such, or whoever employs a person as a dental hygienist who is not licensed to practice as such shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 30 days, or by both.

Sec. 11. 32 MRSA, § 1094-A, is enacted to read:

§ 1094-A. Peer review committee member's liability

No member of a peer review committee of a state or local association or society composed of doctors of dentistry shall be liable in damages to any person for any action taken or recommendation made within the scope of the functions of such committee, if such committee member acts without malice and in the reasonable belief that such action or recommendation is warranted by the facts known to him after reasonable effort to obtain the facts of the matter as to which such action is taken or recommendation is made.

Sec. 12. 32 MRSA, § 1096, as last repealed and replaced by PL 1969, c. 197, § 5, is repealed and the following enacted in place thereof:

§ 1096. Qualifications

A person of good moral character, 18 years old or over, who has successfully completed 2 years' training in a school of dental hygiene approved by the board, or who is a full-time dental student who has satisfactorily completed at least half of the prescribed course of study in an accredited dental college, but who has not graduated from any dental college, shall be eligible to apply for examination.

Sec. 13. 32 MRSA, § 1098, last sentence, as enacted by PL 1967, c. 544, § 80, is repealed and the following enacted in place thereof:

Reinstatement may be made, if approved by the board, by payment of \$10 to the secretary of the board.

STATEMENT OF FACT

After careful deliberation over a 2-year period by the Maine Board of Dental Examiners and the Maine Dental Association it has been decided that these changes are needed to clarify and update the law in keeping with changes in the practice of dentistry and the growing numbers of licensed dentists in Maine.