

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1234

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H. P. 972

House of Representatives, March 20, 1975

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Najarian of Portland.

Cosponsors: Mr. Theriault of Rumford, Mr. Garsoe of Cumberland and Mr. Davies of Orono.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Creating the Office of Dental Health.

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

Sec. 1. 22 MRSA c. 415 is enacted to read:

CHAPTER 415  
DENTAL HEALTH  
SUBCHAPTER I  
GENERAL PROVISIONS

§ 2091. Short title

This chapter may be cited as the 1975 Dental Health Act.

§ 2092. Definitions

For the purposes of this chapter, unless the content otherwise indicates, the following words shall have the following meanings:

1. Commissioner. "Commissioner" means the Commissioner of Health and Welfare or the commissioner's successor.
2. Council. "Council" means the Maine Dental Health Council, Department of Health and Welfare.
3. Department. "Department" means the Department of Health and Welfare.

4. Director. "Director" means the Director, Office of Dental Health.

§ 2093. State agencies to cooperate

State agencies shall cooperate fully with the office and council in carrying out this chapter. The office and council are authorized to request such personnel, financial assistance, facilities and data as are reasonable required to assist the office and council to fulfill its powers and duties.

State agencies proposing to develop, establish, conduct or administer programs or to assist programs relating to this chapter shall, prior to carrying out such actions, consult with the office. Each agency of State Government shall advise the office of its activities relating to this chapter.

Each state agency, in the implementation of its activities relating to this chapter, shall keep the Office fully informed of its status.

## SUBCHAPTER II

### OFFICE OF DENTAL HEALTH

§ 2094. Office; director

1. Office. There shall be in the Department of Health and Welfare an Office of Dental Health.

2. Director. The office shall be administered by a director, who shall be appointed by the commissioner, only after consultation with the council. The director shall serve in the unclassified service. The director of the office shall serve at the pleasure of the commissioner, subject to removal by the commissioner after consultation with the council. Any vacancy shall be filled by appointment as above.

The director shall serve on a full-time basis and must be a person qualified by training and experience to carry out the type of responsibilities described in section 2095.

The director shall possess full authority and responsibility for administering all the powers and duties provided in section 2095, with the advice of the council pursuant to section 2099. The director shall assume and discharge all responsibilities vested in the office.

The director may employ, subject to the Personnel Law and within the limits of available funds, competent professional personnel and other staff necessary to carry out the purposes of this chapter. The director shall prescribe the duties of staff and assign a sufficient number of staff to the office to achieve its powers and duties.

§ 2095. Powers and duties

The office shall establish in accordance with the purposes and intent of this chapter, with the advice of the council and subject to the direction of

the commissioner, the overall planning, policy, objectives and priorities for all functions and activities relating to dental health, which are conducted by or supported by the State of Maine. It is the purpose and intent of this chapter that the office shall have the objectives of reducing dental disease in Maine residents to a minimal and acceptable level and of improving and expanding dental health services in Maine. The office shall serve as the State's primary administrative, coordinating and planning unit for carrying out the provisions of this chapter. In order to achieve the above, the office shall have the power and duty to carry out, but not be limited to, the following.

1. **Comprehensive plan.** Develop a comprehensive, state-wide plan, in cooperation with other state-wide health planning organizations, when deemed appropriate, to improve the dental health of Maine citizens. The plan shall be revised biennially.

2. **Review of funding sources.** Ongoing review of all possible sources of funding, public and private, for improving dental health and development of proposals to secure these funds when appropriate.

3. **Technical assistance and consultation to agencies.** Provide technical assistance and consultation to federal, state, county and municipal programs concerned with dental health.

4. **Technical assistance and consultation to schools.** Provide technical assistance and consultation to schools and to the Department of Educational and Cultural Services for the purposes of introducing into Maine schools dental health education programs.

5. **Studies.** Conduct studies and develop primary data for the purposes of documenting specific dental problems in the State.

6. **Consultation and program information to health profession.** Provide consultation and program information to the health profession, health professional education institutions and volunteer agencies.

7. **Annual reviews.** Conduct annual reviews of the statutes and guidelines governing use of dental auxiliaries, dentists and other dental personnel and make recommendations to the Legislature for changes which would benefit the public's health.

8. **Coordination.** Coordinate all efforts to improve dental health which are in part or wholly supported by state funds.

9. **Administer funds.** Administer in accordance with the interest and objectives of this chapter or within any limitations which may apply from the sources of such funds, any funds from any source for the benefit of Maine's residents in need of dental health services. The commissioner shall have the power to receive for the office all funds granted by any private, federal, state, county, local or other source and the director shall use such funds to carry out the provisions and purposes of this chapter.

10. **Report.** Prepare on or before January 10, 1976, and thereafter annually, a detailed report that shall be submitted by the department. Such report shall include a state-wide dental plan and describe the implementation of the

responsibilities of this office as described in this section. Such report shall be submitted to the Governor in accordance with Title 5, sections 43, 44, 45, and 46 and to the Legislature.

II. Other activities. Carry out any other activities designed to reduce dental disease in the State.

### SUBCHAPTER III

## MAINE DENTAL HEALTH COUNCIL

### § 2096. Council

There shall be within the Department of Health and Welfare, or its successors, the Maine Dental Health Council.

### § 2097. Membership

The council shall consist of 9 members appointed by the commissioner. Members shall be appointed for a term of 3 years, except that of the members first appointed by the commissioner, 3 shall be appointed for a term of 2 years and 3 shall be appointed for a term of one year, as designated by the commissioner at the time of appointment, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any vacancy in the council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

Members shall be eligible for reappointment for not more than one full consecutive term and may serve after the expiration of their term until their successors have been appointed, qualified and taken office; except that members initially appointed for a one year term may be reappointed to one full 3-year term.

An official employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the Executive Branch of Maine State Government shall not be a member of the council; but shall assist the council if so requested. Membership shall include 4 dental health personnel, including one hygienist and one dentist or other professional staff employed full time by a private nonprofit dental clinic program and 2 dentists employed in private practice, one of whom shall be appointed from a list of at least 3 submitted by the Maine Dental Association and 5 interested citizens representing a balance of diverse social economic groups and geographic locations, who shall not be employed in the dental health or medical care professions, or members of the immediate family of any person employed as a dental health or other medical care professional.

The State Board of Dental Examiners shall serve as a Technical Advisory Committee to the council and the director on matters relating to dental care standards.

The director of the office or his representative shall attend all meetings of the council.

The council shall elect the chairperson and such other officers from its members as it deems appropriate.

§ 2098. Administrative authority

The council shall meet at the call of the chairperson or at the call of  $\frac{1}{4}$  of the members appointed and currently holding office. The council shall meet at least once every 3 months. The council shall keep minutes of all meetings, including a list of people in attendance.

The department, to the extent feasible and reasonable, shall make available to the council such staff, facilities, equipment, supplies, information and other assistance as it may reasonably require to carry out its activities.

Any reasonable and proper expenses of the council shall be borne by the office out of currently available state or federal funds. Each member of the council shall serve without compensation but may be reimbursed on the same basis as employees of the state departments for the actual travel and other necessary expenses incurred in the performance of his duties. The council is authorized to appoint subcommittees.

A majority of the council members shall constitute a quorum for the purpose of conducting the business of the council and exercising all the powers of the council. A vote of the majority of the members present shall be sufficient for all actions of the council.

§ 2099. Powers and duties

The council shall have, regarding dental health, the power and duty to:

1. Assist State Government. Advise, consult and assist the Executive and Legislative Branches of the State Government on activities of State Government related to dental health. The council shall be solely advisory in nature. The council may make recommendations regarding any function intended to improve the quality of such dental health. The council shall be consulted by the commissioner prior to the appointment or removal of the director.

2. Serve as advocate. Serve as an advocate on behalf of dental health, promoting and assisting activities designed to meet at the state and community levels the problems of such dental health. The council shall serve as an ombudsman on behalf of individual citizens as a class in matters relating to such dental health under the jurisdiction of State Government.

3. Assist the director. Assist the director in reviewing and evaluating state and federal policies regarding dental health programs and other activities affecting people, conducted or assisted by any state department or agency.

4. Provide public forums. Provide public forums, including the conduct of public hearings, sponsorship of conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to dental health problems.

**Sec. 2. Appropriation.** There is appropriated from the General Fund to the Department of Health and Welfare, Office of Dental Health, the sum of \$62,000 for the fiscal year ending June 30, 1976, and the sum of \$67,000 for the fiscal year ending June 30, 1977, to carry out the purposes of this Act. The breakdown shall be as follows:

	1975-76		1976-77
HEALTH AND WELFARE, DEPARTMENT OF			
Office of Dental Health			
Personal Services	(3) \$45,000	(3)	\$50,000
All Other	15,000		16,500
Capital Expenditures	2,000		500
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	\$62,000		\$67,000

#### STATEMENT OF FACT

The purpose of this bill is to create a coordinated, comprehensive approach to resolving the problems of dental disease in Maine. The State currently lacks the full-time staffing and planning capability necessary to deal effectively with a problem that affects 98% of the residents of the State. Federal studies indicate Maine people have one of the worst rates of dental disease in the nation. The disease has been reported to reach epidemic proportions and has been labeled the State's number one health problem. With proper balance of treatment and prevention and education programs the disease is, for all practical purposes, preventable.