

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. H-1198)

HOUSE AMENDMENT "0" to S.P. 748 , L.D. 2199, Bill, "AN ACT to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine."

Amend the Bill by inserting at the end before the Emergency clause the following:

'Sec. 371. 32 MRSA §1100-C, sub-§2, ¶E, as enacted by PL 1977, c. 484, §2, is repealed.

Sec. 372. 32 MRSA §1100-E, sub-§5, is enacted to read:

5. Suspension or revocation. The Administrative Court may suspend or revoke a license issued under this subchapter whenever it finds a denturist:

A. Has held himself out or permitted himself to be represented as a licensed dentist;

B. Has performed otherwise than at the direction and under the direct supervision of a dentist licensed by the board and practicing in the State. Direct supervision requires the dentist to be on the same premises as the denturist;

C. Has been delegated and performed a task or tasks beyond his competence;

D. Is a habitual user of intoxicants or drugs to such an extent that he is unable to perform competently and with safety for the patients in his capacity as a denturist;

E. Is convicted in any court, state or federal, of any felony or other criminal offense involving moral turpitude;

F. Has a mental illness interfering with his competent practice as a denturist;

G. Has failed to comply with the law or any rules or regulations of the board pertaining to the practice of denture technology;

H. Has administered, dispensed or prescribed any medication or controlled substance;or

I. Has made a false or fraudulent statement or submitted a forged or false document in applying for licensure.

For the purposes of this subsection, a licensed denturist shall be deemed by the application for and acceptance of the license to have given his consent to a mental or physical examination when directed by the board. The board may direct the examination whenever it determines a denturist may be suffering from a mental illness which may be interfering with his competent practice of denture technology or from the use of intoxicants or drugs to an extent that they may be preventing him from practicing denture technology competently and with safety to his patients. A denturist examined pursuant to an order of the board shall have no privilege to prevent the testimony of the examining individual or to prevent the acceptance into evidence of the report of any examining individual. Failure to comply with an order of the board to submit to a mental or physical exam shall require the

Administrative Court to immediately order the license of the
denturist suspended until such time as he shall submit to the
examination.

Statement of Fact

A section authorizing the board to take action consistent with the Maine Administrative Code to suspend or revoke licenses should be added. This section should contain conditions under which the board may act. A list of conditions presently used in the physicians licensing law is attached. This change would correct an omission. Title 32, section 1100-C, subsection 2, paragraph A authorizes the board to adopt rules for the issuance, refusal to issue, suspension and revocation of licenses. A letter from an assistant attorney general to the Dental Examining Board advises the board that the law provides no "authority for revocation, suspension or other disciplinary action against a licensee nor does it provide standards for such action."

Filed by Mr. Spencer of Standish.

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