

MAINE STATE LEGISLATURE

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BUSINESS AND ECONOMIC DEVELOPMENT

Reported by: Senator CIANCHETTE of Somerset for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 342, L.D. 947, Bill, "An Act to Amend the Laws Pertaining to the Regulation of Denturists"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 32 MRSA §1085, as amended by PL 1993, c. 600, Pt. A, §68, is further amended to read:

§1085. Endorsement; fees

The board is authorized, at its discretion, without the examination as provided, to issue a license to an applicant who furnishes proof, satisfactory to the board, that the applicant has been licensed to practice dentistry in another state after full compliance with the requirements of its dental laws. If an applicant is licensed to practice dentistry in another state, that applicant's professional education may not be less than is required in this State and the applicant must have been at least 5 years in actual practice in the state in which the license was granted. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the board or members of the board, prior to being issued a license. Every license of this type issued by the board must state upon its face the grounds upon which it is issued and the applicant may be required to furnish proof upon affidavit. The fee for the license is determined by the board, but may not be more than \$300.

Sec. 2. 32 MRSA §1099, as amended by PL 1993, c. 600, Pt. A, §85, is further amended to read:

COMMITTEE AMENDMENT

§1099. Endorsement

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The board may at its discretion, without examination, issue a license to an applicant to practice dental hygiene who furnishes proof satisfactory to the board that the dental hygienist has been duly licensed to practice in another state after full compliance with the requirements of its dental laws, except that the professional education may not be less than is required in this State. The board may require letters of reference as to ability. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the board or members of the board prior to being issued a license. Every license so given must state upon its face that it was granted on the basis of endorsement. The fee for that license must be determined by the board, but may not be more than \$100.

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Sec. 3. 32 MRSA §1100-B, sub-§2, as amended by PL 1981, c. 440, §16, is further amended to read:

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2. Denturist. "Denturist" means a person licensed--under this--subchapter--to--engage engaging in the practice of denture technology--under-the-supervision-of-a-dentist-of-record denturism.

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Sec. 4. 32 MRSA §1100-B, sub-§3, as amended by PL 1993, c. 600, Pt. A, §88, is further amended to read:

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3. Practice of denturism. "Practice of denture-technology denturism" means only:

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A. The taking of denture impressions and bite registration for the purpose of or with a view to the making, producing, reproducing, construction, finishing, supplying, altering or repairing of a complete upper or complete lower prosthetic denture, or both, to be fitted to an edentulous arch or arches;

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B. The fitting of a complete upper or lower prosthetic denture, or both, to an edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures; and

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C. The procedures incidental to the procedures specified in paragraphs A and B, as defined by the board.

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Sec. 5. 32 MRSA §1100-C, as amended by PL 1995, c. 353, §§9 and 10, is further amended to read:

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§1100-C. Rules

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COMMITTEE AMENDMENT "A" to S.P. 342, L.D. 947

1. Rules required. ~~Not later than May 1, 1996, the~~ The board shall adopt rules relating to the licensing of denturists necessary to implement this subchapter. Rules adopted may pertain, but are not limited to, continuing education, statement of oral conditions and other record retention requirements, prelicensure permits and the specification of other procedures incidental to the practice of denturism.

2. ~~Contents.~~ The rules adopted pursuant to subsection 1 must pertain, but are not limited to, the following:

A. ~~The administrative procedures relating to the issuance, refusal to issue, suspension and revocation of licenses;~~

B. ~~The establishment of equivalency training and experience standards for the purpose of eligibility for the issuance of temporary denturist licenses;~~

C. ~~The methods by which and the conditions under which denturists are required to practice denture technology for both temporary and full licensure;~~

D. ~~The establishment of educational requirements for the purpose of eligibility for both temporary and full licensure; and~~

E. ~~The specification of other procedures incidental to the practice of denture technology that may be practiced by a denturist.~~

5. Temporary denturist permit. The board may issue temporary permits to persons who demonstrate to the satisfaction of the board a minimum of 10 years, in some combination of training and experience in denture mechanics or technology or as a denture laboratory technician. The board shall keep a record of supervising dentists and may charge the applicant an annual permit fee that may not exceed \$25. A permit holder must practice denturism under the direct supervision of a dentist. The practitioner may be in or out of the supervising dentist's office. The board may not issue a permit under this provision after January 1, 2000.

Sec. 6. 32 MRSA §1100-D, as amended by PL 1993, c. 600, Pt. A, §89, is further amended to read:

§1100-D. Examinations

1. Authority. The board is authorized to prepare and give examinations in the area of denture technology denturism for the purpose of licensing denturists. All examinations prepared and

given under this subchapter may be prepared and given by the full board ~~or~~ by an appointed subcommittee of the board or by an entity authorized by the board. The board may also recognize a nationally or regionally administered examination given at least annually for applicants to practice denture-technology denturism in the State.

1-A. Examination content. Denturist examinations must consist of a clinical examination and a written examination concerning, but not limited to, dental materials, denture technology, United States Department of Health and Human Services Centers for Disease Control guidelines, basic anatomy and basic pathology.

~~2. Eligibility for examination. A person is eligible to take the examination pursuant to subsection 1 who:~~

~~A. Is 18 years of age or older;~~

~~B. Is a high school graduate; and~~

~~C. Has successfully completed a minimum of 2 years of training in denture technology and related areas, as approved by the board, or has demonstrated equivalent training and experience, as determined by the board.~~

2-A. Eligibility for examination. Eligibility for taking the examination pursuant to subsection 1 is determined as follows:

A. Until January 1, 2000, a person is eligible to take the denturism examination if that person:

(1) Is a high school graduate or has obtained high school equivalency;

(2) Has completed and can demonstrate to the satisfaction of the board a minimum of 10 years in some combination of training and experience in denture mechanics or technology or as a denture laboratory technician; and

(3) Has successfully completed one postsecondary course in basic human anatomy and physiology and one postsecondary course in basic pathology. The courses must be either approved by the board or administered by an institution accredited by an agency approved by the board; or

B. A person is eligible to take the examination if that person:

(1) Is a high school graduate or has obtained high school equivalency; and

(2) Has a diploma from a board-approved denturism postsecondary institution or has completed an equivalent denturist educational program approved by the board.

3. **Application for examination; fee.** An eligible person desiring to take the an examination in order to become licensed as a denturist shall make a written application to the board to take the examination. This application must be accompanied by a an application fee, to be determined by the board, but not to exceed \$100 and an examination fee to be determined by the board that may not exceed the actual cost of the examination. The application fee includes the fee for the initial license and is nonrefundable.

4. **Additional examinations; fee.** An applicant failing to pass the an examination is entitled to ~~at least one additional examination and shall pay~~ a reexamination upon payment of the examination fee set by the board. If an applicant has failed 3 examinations, the board may require the applicant to complete additional educational requirements prior to reexamination.

Sec. 7. 32 MRSA §1100-E, as amended by PL 1993, c. 600, Pt. A, §90, is further amended to read:

§1100-E. Licenses; endorsement

1. **Authority.** The board has the authority to issue licenses to qualified persons to practice ~~denture--technology~~ denturism pursuant to this subchapter.

2. **License issued.** The board shall issue a license for the practice in this State to each person who has passed the an examination under section 1100-D. This license authorizes the licensee to practice as a denturist in the State ~~for the year in which it is issued~~ until the expiration date that appears on the license.

3. **Renewal; renewal fee.** After a license has been issued under subsection 2, and on or before January 1st of odd-numbered years, a denturist must pay to the board a license renewal fee of not more than \$100 to be determined by the board in order to renew the license and to continue to be authorized to practice as a denturist in the State or 1/2 the biennial licensure fee if application is made in an even-numbered year.

1 After the requirements for a license renewal, including any
2 necessary continuing education, have been met, a renewal card of
3 the denturist's license ~~for that year~~ must be issued, which the
4 denturist shall place beside or attach to the denturist's initial
5 license. Denturists who have not paid as provided by January 1st
6 must be reinstated upon payment of a fee, to be determined by the
7 board, of not more than \$50 if paid by February 1st. A license to
8 practice is automatically suspended on February 1st and may be
9 reinstated, if approved by the board, on payment of a fee to be
10 determined by the board of not more than \$100.

12 **4. Endorsement.** The board may, at its discretion, without
13 examination, may issue a license to an applicant to practice as a
14 denturist who furnishes proof satisfactory to the board that the
15 denturist has been licensed to practice and has actively
16 practiced for a period of 5 years in another state or Canadian
17 province after full compliance with the requirements of its
18 dental laws, if the licensure requirements are, in all
19 essentials, at least equivalent to those of this State. The board
20 may require letters of reference about the denturist. Applicants
21 for licensure by endorsement who meet the requirements of this
22 section must be interviewed in person by the board, or members of
23 the board, prior to being issued a license. Every license so
24 given must state upon its face that it was granted on the basis
25 of endorsement. The fee for the license ~~is~~ may not exceed \$100.

26 **4-A. Duplicate license.** ~~An applicant for a duplicate~~
27 ~~license granted~~ A licensee must be issued a duplicate license by
28 the board for a fee of \$15 upon proof attestation of loss of the
29 original shall pay a fee of \$15.

32 **5. Additional prohibitions.** A denturist may not:

34 A. Falsely claim to be a licensed dentist or allow another
35 to falsely represent the denturist as a licensed dentist;

36 ~~B. Perform otherwise than at the direction and under the~~
37 ~~direct supervision of a dentist licensed by the board and~~
38 ~~practicing in the State. Direct supervision requires the~~
39 ~~dentist to be on the same premises as the denturist;~~

42 B-1. Practice denturism on a person without having first
43 received a statement of current oral conditions dated and
44 signed by a licensed dentist no more than 30 days prior to
45 the initiation of treatment. The statement must stipulate
46 that the person's oral cavity is substantially free from
47 disease and structurally sufficient to receive a denture or
48 dentures. This statement remains effective for one year
from the date of signature for the purpose of any

2 adjustments or alterations necessary on the denture or
3 dentures for which the statement was originally issued;

4 C. Perform a task beyond the denturist's competence; or

6 D. Administer, dispense or prescribe a medication or
7 controlled substance.

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10 **6. Mental or physical examination.** For the purposes of
11 this subsection, by the application for and acceptance of the
12 license, a licensed denturist is deemed to have given consent to
13 a mental or physical examination when directed by the board. The
14 board may direct the examination whenever it determines a
15 denturist may be suffering from a mental illness that may be
16 interfering with the competent practice of ~~denture--technology~~
17 denturism or from the use of intoxicants or drugs to an extent
18 that they are preventing the denturist from practicing ~~denture~~
19 technology denturism competently and with safety to the
20 patients. A denturist examined pursuant to an order of the board
21 does not have the privilege to prevent the testimony of the
22 examining individual or to prevent the acceptance into evidence
23 of the report of an examining individual. Failure to comply
24 with an order of the board to submit to a mental or physical exam
25 requires the Administrative Court to immediately order the
26 license of the denturist suspended until the denturist submits to
27 the examination.

28 **Sec. 8. 32 MRSA §1100-E-1** is enacted to read:

30 **§1100-E-1. Continuing education**

32 As a condition of a license renewal, a denturist licensee
33 shall submit evidence of successful completion of 20 hours of
34 continuing education consisting of board-approved courses
35 completed within the 2 years preceding the application for
36 renewal. The board shall proportionally reduce the continuing
37 education hours required for denturists who have been licensed
38 for less than a 2-year period upon the date of renewal.

40 **Sec. 9. 32 MRSA §1100-G**, as amended by PL 1993, c. 600, Pt.
41 A, §91, is repealed.

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43 **Sec. 10. Denturist.** By January 1, 2001 the Commissioner of
44 Professional and Financial Regulation shall make a recommendation
45 to the joint standing committee of the Legislature having
46 jurisdiction over professional regulatory boards as to whether a
47 licensed denturist should be included on the Board of Dental
48 Examiners and the committee may submit legislation to implement
49 its conclusion regarding this subject.
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2 **Sec. 11. Revision clause.** Wherever in the Maine Revised
Statutes, Title 32, chapter 16 the words "denture technology"
4 appear or reference is made to those words, they are amended to
read and mean "denturism," and the Revisor of Statutes shall
6 implement this revision when updating, publishing or republishing
the statutes.'

8 Further amend the bill by inserting at the end before the
statement of fact the following:

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12 **FISCAL NOTE**

14 The Commissioner of Professional and Financial Regulation
may incur some minor additional costs to submit a recommendation
16 pertaining to the Board of Dental Examiners. These costs can be
absorbed within the department's existing budgeted resources.
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20 The issuance of temporary denturist permits and the
broadening of eligibility requirements for denturist licensure
will result in insignificant increases of dedicated revenue to
22 the Board of Dental Examiners, within the Department of
Professional and Financial Regulation, from permit and licensure
24 fees.

26 The Board of Dental Examiners, within the Department of
Professional and Financial Regulation, will incur some minor
28 additional costs to adopt rules pertaining to the regulation of
denturists. These costs can be absorbed within the board's
30 existing budgeted resources.'

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34 **STATEMENT OF FACT**

36 This amendment removes the requirement that denturists
practice under the supervision of dentists. It allows denturists
38 to become licensed through experiential-based qualifications and
examination until January 2001 or through standard
40 education-based qualifications and examination.

42 All denturists are prohibited from practicing denturism on a
patient without having first received a statement of oral health
44 regarding that patient from a dentist.

46 The amendment requires continuing education as a condition
of relicensing.

48 The amendment also adds a fiscal note to the bill.