MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 841

H.P. 616

House of Representatives, February 6, 1997

An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative CAMERON of Rumford. Cosponsored by Senator JENKINS of Androscoggin and Representative VIGUE of Winslow.

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

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- Sec. 1. 24 MRSA §2502, sub-§1, as amended by PL 1993, c. 600,
 4 Pt. B, §§21 and 22, is further amended to read:
- 6 1. Board. "Board" means the Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure.
 - Sec. 2. 24 MRSA §2502, sub-§4-A, as amended by PL 1993, c. 600, Pt. A, §17, is further amended to read:
- 4-A. Professional review committee. "Professional review committee" means a committee of physicians or dentists formed by a professional society for the purpose of identifying and working with physicians, dentists and physician assistants who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as the committee operates pursuant to protocols approved by the Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure.
 - Sec. 3. 24 MRSA §2505, 2nd ¶, as amended by PL 1993, c. 600, Pt. A, §18, is further amended to read:
- 26 Except for specific protocols developed by a board pursuant to Title 32, section 1073, 2596-A or 3298, a physician, dentist or committee is not responsible for reporting misuse of alcohol 28 or drugs or professional incompetence or malpractice as a result 30 of physical or mental infirmity or by the misuse of alcohol or drugs discovered by the physician, dentist or committee as a 32 result of participation or membership in a professional review committee or with respect to any information acquired concerning misuse of alcohol or drugs or professional incompetence or 34 malpractice as a result of physical or mental infirmity or by the 3.6 misuse of alcohol or drugs, as long as that information is reported to the professional review committee. Nothing in this 38 section may prohibit an impaired physician or dentist seeking alternative forms of treatment.
 - Sec. 4. 32 MRSA §1073, sub-§2, as amended by PL 1993, c. 600, Pt. A, §59, is further amended to read:
- Rules. 44 Adopt rules in accordance with the Administrative Procedure Act. that are necessary for 46 implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, interviews for 48 licensing and renewal, continuing education, inactive licensure status, use of general anesthesia and fees for providing a list of addresses of licensed professionals upon request; and 50

Sec. 5. 32 MRSA §1073, sub-§3, as repealed and replaced by PL 1983, c. 378, §6, is amended to read:

Establish rules relating to false, False advertising. deceptive or misleading advertising, except that no rules may be inconsistent with any rule promulgated pursuant to Title 5, section 207, subsection 2, and

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Sec. 6. 32 MRSA §1073, sub-§4 is enacted to read:

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4. Protocols for professional review committee. Establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, provided that the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired dentist from seeking alternative forms of treatment.

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Sec. 7. 32 MRSA §1086, as corrected by RR 1993, c. 2, §33, is amended by adding a new paragraph at the end to read:

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The board has the authority, upon the presentation of credentials and other information satisfactory to it, to issue a temporary permit for practice of dentistry in the State as part of a board-approved program of clinical education for Maine practitioners. An individual who is not currently licensed to practice dentistry in another state may not receive a temporary permit. An individual may not receive a temporary permit for more than 7 days in any calendar year.

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SUMMARY

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This bill enables Maine dentists to establish a professional committee to develop and implement a comprehensive therapeutic program to address the needs of dentists who have or who may develop impairments such as alcohol abuse, psychoactive drug abuse or other dependency interfering with their practices.

42 This bill would also amend the Dental Practice Act to allow the Board of Dental Examiners to issue limited licenses to 44 instructors in board-approved continuing programs within the State. Instruction in specialized areas may require the practice of dentistry, as defined by the Maine 46 Revised Statutes, Title 32, section 1081, by persons who are not licensed in Maine but whose credentials otherwise make them 48 uniquely qualified to educate Maine practitioners in certain 50 techniques.