

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2128

H.P. 1490

House of Representatives, March 31, 1999

An Act to Amend the Laws Governing the Licensure of Dental Hygienists.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LOVETT of Scarborough.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: FULLER of Manchester, KNEELAND of Easton, O'NEAL of Limestone,
SHIAH of Bowdoinham, SNOWE-MELLO of Poland, TRIPP of Topsham, Senators:
BENNETT of Oxford, MICHAUD of Penobscot.

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

2
3 **Sec. 1. 32 MRSA §1071, first ¶**, as amended by PL 1993, c. 600,
4 Pt. A, §56, is further amended to read:

6 The Board of Dental Examiners, established by Title 5,
7 section 12004-A, subsection 10, and in this chapter called the
8 "board," consists of 7 10 members, appointed by the Governor as
9 follows: five members of the dental profession, ~~one 3~~ dental
10 ~~hygienist~~ hygienists and ~~one-representative 2~~ representatives of
11 the public.

12 **Sec. 2. 32 MRSA §1071, sub-§§3 and 4**, as amended by PL 1993, c.
13 600, Pt. A, §56, are further amended to read:

14 **3. Dental hygienists.** ~~The dental-hygienist~~ Members of the
15 dental hygiene profession must be qualified pursuant to
16 subchapter IV, must be a legal ~~resident~~ residents of the State
17 and must have practiced in the State for at least 6 years
18 immediately preceding appointment. The dental hygienist ~~member~~
19 members of the board ~~is-a~~ are full-voting ~~member~~ members of the
20 board. The ~~term~~ terms of the dental hygienist ~~is~~ hygienists are 5
21 years. The Governor may accept nominations from the Maine Dental
22 Hygienists Association and from other organizations and
23 individuals before the appointment of a hygienist to the board. A
24 dental hygienist is not eligible to serve as a member of the
25 board while employed by a dentist who is a member of the board.

26 **4. Public members.** The public ~~member--is~~ members are
27 appointed to a 5-year ~~term~~ terms.

28 **Sec. 3. 32 MRSA §1095**, as amended by PL 1993, c. 600, Pt. A,
29 §79, is repealed and the following enacted in its place:

30 **§1095. Definitions**

31 As used in this subchapter, unless the context otherwise
32 indicates, the following terms have the following meanings.

33 **1. General supervision.** "General supervision" means that a
34 dentist is responsible for the practice of dental hygiene by a
35 dental hygienist but is not required to be in the dental office
36 when a dental hygienist licensed pursuant to this subchapter is
37 practicing dental hygiene.

38 **2. Practice dental hygiene.** "Practice dental hygiene"
39 means perform, attempt or profess to perform preventive and
40 therapeutic services, including: complete oral prophylaxis; the
41 removal of calcareous deposits, hard deposits, accretions and
42 stains from the subgingival and supragingival surfaces of the
43

2 teeth by scaling, root planing, curretage and polishing; the
3 application of pit and fissure sealants and topical solutions to
4 exposed portions of the teeth; dental hygiene examinations and
5 the charting of oral conditions; the administration of local
6 anesthesia for dental hygiene procedures; and other procedures
7 included in the rules adopted by the board.

8 **Sec. 4. 32 MRSA §1096**, as amended by PL 1993, c. 600, Pt. A,
9 §80, is repealed and the following enacted in its place:

10 **§1096. Licensure: qualifications**

11 **1. License required.** A person may not practice dental
12 hygiene without having a current license issued by the board.

13 **2. Licensure qualifications.** A person may be licensed by
14 the board to practice dental hygiene if that person:

15 **A. Is 18 years of age or older;**

16 **B. Has received at least an associate degree from a dental**
17 hygiene program, consisting of at least 2 years of
18 curriculum in an institution of higher education accredited
19 by a commission on dental accreditation, and provides a
20 notarized statement from the dean of the school affirming
21 that the applicant has met all applicable degree
22 requirements;

23 **C. Has completed with a passing grade a national dental**
24 hygiene examination given by a joint commission on national
25 dental examinations;

26 **D. Has completed with a passing grade a dental hygiene**
27 examination administered by a northeast regional board of
28 dental hygiene;

29 **E. Has completed with a passing grade a jurisprudence**
30 examination given by the board; and

31 **F. For any applicant who has completed a dental hygiene**
32 examination administered by a northeast regional board of
33 dental hygiene more than one year prior to application for
34 licensure in this State, has successfully completed a
35 personal interview before the board.

36 **3. Licensure by credentials.** To be licensed by
37 credentials, an applicant must meet or exceed the requirements
38 for licensure in subsection 2 and:

2 A. If the applicant graduated from a dental hygiene program
3 after 1964, the applicant:

4 (1) Must have completed with a passing grade a
5 national dental hygiene examination, if such an
6 examination was required when the applicant was
7 licensed in another state; and

8 (2) Must furnish proof, satisfactory to the board,
9 that the candidate has been duly licensed to practice
10 dental hygiene in another state after full compliance
11 with the requirements of its laws; or

12 B. If the applicant graduated from a dental hygiene program
13 after 1970, the applicant:

14 (1) Has completed with a passing grade a dental
15 hygiene examination administered by a northeast
16 regional board of dental hygiene if such an examination
17 was required when the applicant was licensed in another
18 state;

19 (2) Has engaged in active clinical practice for a
20 minimum of 5 years prior to application; and

21 (3) Has completed with a passing grade a jurisprudence
22 examination given by the board.

23 The board at its discretion may waive the dental hygiene
24 examination administered by a northeast regional board of dental
25 hygiene or accept the successful passing of another regional
26 dental hygiene examination, if all other requirements have been
27 met. The board may require letters of reference as to ability.
28 A license given pursuant to this subsection must state upon its
29 face that it was granted on the basis of endorsement. The fee
30 for that license must be determined by the board but may not be
31 more than \$100.

32 4. Exemptions. Nothing in this subchapter may be construed
33 to affect the practice of medicine or dentistry or prevent
34 students of a dental college, university or school of dental
35 hygiene from practicing dental hygiene under the supervision of
36 their instructors.

37 5. Prohibitions. It is a violation of this subchapter to
38 aid or assist in any manner any unlicensed person to practice
39 dental hygiene or assist in any manner the debridement or removal
40 of hard deposits, accretions or calcareous deposits from the
41 supragingival or subgingival surfaces of the teeth.

6. Penalties. A person who commits a violation of this subchapter for which a penalty has not been prescribed commits a Class E crime. The prosecuting officers of this State, on notice from a member of the board, shall institute prosecutions for offenses under this subchapter.

Sec. 5. 32 MRSA §1098-B, as amended by PL 1993, c. 600, Pt. A, §84, is further amended to read:

§1098-B. Continuing education

As a condition of renewal of a license to practice, a dental hygienist must submit evidence of successful completion of 20 30 hours of continuing education consisting of board-approved courses in the 2 years preceding the application for renewal and current certification in cardiopulmonary resuscitation. The board and the dental hygienist shall follow and are bound by the provisions of section 1084-A in the implementation of this section.

Sec. 6. 32 MRSA §1099, as amended by PL 1995, c. 590, §2, is repealed.

Sec. 7. 32 MRSA §1099-A is enacted to read:

§1099-A. Employment; supervision

1. Practice under general supervision. A dental hygienist licensed under this subchapter may practice dental hygiene under the general supervision of a licensed dentist as an employee in a dental office; dental clinic; hospital; school; charitable institution; health maintenance organization certified by the State; dental facility owned and operated by the federal, state or local government; health facility licensed by the State; facility providing medical care to the poor, elderly or disabled that is owned and operated by the State or local government; a bona fide charitable organization; or any other setting authorized under rules adopted by the board.

2. Practice without general supervision. A dental hygienist with 2 years of active clinical practice may practice dental hygiene without general supervision in settings outside the dental office.

SUMMARY

This bill amends the laws governing the licensure of dental hygienists in the following ways.

1. It adds 3 members to the Board of Dental Examiners, 2
2 additional dental hygienists and one additional representative of
the public.

4

2. It sets standards for the licensure of dental hygienists
6 by the Board of Dental Examiners.

8

3. It increases the number of hours of continuing education
that a dental hygienist must successfully complete as a condition
10 of renewal of a license to practice.