

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1299

H.P. 975

House of Representatives, February 28, 2001

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.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LOVETT of Scarborough.
Cosponsored by Senator TURNER of Cumberland and
Representatives: DUDLEY of Portland, FULLER of Manchester, LAVERRIERE-BOUCHER
of Biddeford, O'BRIEN of Augusta, Senator: LONGLEY of Waldo.

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

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

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

18 **Sec. 2. 32 MRSA §1095**, as amended by PL 1993, c. 600, Pt. A, §79, is repealed.

22 **Sec. 3. 32 MRSA §1095-A** is enacted to read:

24 **§1095-A. Definitions**

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

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

34 **2. Practice dental hygiene.** "Practice dental hygiene" means to perform, attempt or profess to perform preventive and therapeutic services, including complete oral prophylaxis; the removal of calcareous deposits, hard deposits, accretions and stains from the subgingival and supragingival surfaces of the teeth by scaling, root planing, curettage and polishing; the application of pit and fissure sealants and topical solutions to exposed portions of the teeth; dental hygiene examinations and the charting of oral conditions; the administration of local anesthesia for dental hygiene procedures; and other procedures included in the rules adopted by the board.

46 **Sec. 3. 32 MRSA §1096**, as amended by PL 1993, c. 600, Pt. A, §80, is repealed.

50 **Sec. 4. 32 MRSA §1096-A** is enacted to read:

2 §1096-A. Licensure; qualifications

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

8 2. Licensure qualifications. A person may be licensed by
10 the board to practice dental hygiene if that person:

12 A. Is 18 years of age or older;

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

28 C. Has completed with a passing grade a national dental
30 hygiene examination given by a joint commission on national
32 dental examinations;

34 D. Has completed with a passing grade a dental hygiene
36 examination administered by a northeast regional board of
38 dental hygiene.

40 For any applicant who has completed a dental hygiene
42 examination administered by a northeast regional board of
44 dental hygiene more than one year prior to application for
46 licensure in this State, has successfully completed a
48 personal interview before the board; and

50 E. Has completed with a passing grade a jurisprudence
examination given by the board.

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

A. If the applicant graduated from a dental hygiene program
after December 31, 1964 and on or before December 31, 1970,
the applicant:

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

(2) Must furnish proof, satisfactory to the board,

2 that the candidate has been duly licensed to practice
3 dental hygiene in another state after full compliance
4 with the requirements of its laws; or

6 B. If the applicant graduated from a dental hygiene program
7 after December 31, 1970, the applicant:

8 (1) Has completed with a passing grade a dental
9 hygiene examination administered by a northeast
10 regional board of dental hygiene if such an examination
11 was required when the applicant was licensed in another
12 state;

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

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

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

27 **4. Exemptions.** Nothing in this subchapter may be construed
28 to affect the practice of medicine or dentistry or prevent
29 students of a dental college, university or school of dental
30 hygiene from practicing dental hygiene under the supervision of
31 their instructors.

32 **5. Prohibitions.** It is a violation of this subchapter to
33 aid or assist in any manner any unlicensed person to practice
34 dental hygiene or in the debridement or removal of hard deposits,
35 accretions or calcareous deposits from the supragingival or
36 subgingival surfaces of the teeth.

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

42 **Sec. 4. 32 MRSA §1098-B,** as amended by PL 1993, c. 600, Pt.
43 A, §84, is further amended to read:

2 **§1098-B. Continuing education**

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

12 **Sec. 5. 32 MRSA §1099**, as amended by PL 1995, c. 590, §2, is
14 repealed.

16 **Sec. 6. 32 MRSA §1099-A** is enacted to read:

18 **§1099-A. Employment; supervision**

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

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

38 **Sec. 7. 32 MRSA §1100, 2nd ¶**, as amended by PL 1993, c. 600,
Pt. A, §86, is further amended to read:

40 A dentist may not permit a dental hygienist operating under
42 the dentist's supervision to perform an operation other than that
permitted under section ~~1095~~ 1099-A, subsection 1.

46 **SUMMARY**

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

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

4

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