

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 906

S.P. 314

In Senate, February 22, 2005

**An Act To Amend the Laws Regarding the Licensure of Dentists,
Dental Hygienists and Denturists**

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

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BROMLEY of Cumberland.
Cosponsored by Representative RECTOR of Thomaston and
Representatives: AUSTIN of Gray, FARRINGTON of Gorham.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 32 MRSA §1074**, as amended by PL 1993, c. 600, Pt. A,
5 §60, is further amended to read:

6 **§1074. Affiliation with American Association of Dental Examiners**

7 The board may affiliate with the American Association of
8 Dental Examiners or its successor as an active member and pay
9 regular dues to that association and may send one or more
10 delegates to the meetings of the American Association of Dental
11 Examiners or its successor. These delegates are entitled to
12 receive compensation provided for in section 1071.

13 **Sec. 2. 32 MRSA §1085**, as amended by PL 2003, c. 669, §6, is
14 further amended to read:

15 **§1085. Endorsement; fees**

16 The board is authorized, at its discretion, without the
17 examination as provided, to issue a license to an applicant who
18 furnishes proof, satisfactory to the board, that the applicant
19 has been licensed to practice dentistry in another state or a
20 Canadian province after full compliance with the requirements of
21 its dental laws. If an applicant is licensed to practice
22 dentistry in another state or a Canadian province, that
23 applicant's professional education may not be less than is
24 required in this State and the applicant must have been at least
25 3 years in actual practice in the state or Canadian province in
26 which the license was granted. Applicants for licensure by
27 endorsement who meet the requirements of this section must be
28 interviewed in person by the board or members of the board, prior
29 to being issued a license. The personal interview may be waived
30 at the board's discretion based upon proof of overseas military
31 deployment; however, the applicant shall submit to an interview
32 by telephone or the equivalent as determined by the board. Every
33 license of this type issued by the board must state upon its face
34 the grounds upon which it is issued and the applicant may be
35 required to furnish proof upon affidavit. The fee for the license
36 is determined by the board, but may not be more than \$550.

37 **Sec. 3. 32 MRSA §1089**, as amended by PL 1993, c. 600, Pt. A,
38 §71 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

39 **§1089. Drugs and dental procedure**

40 A dentist ~~has the right to~~ may prescribe drugs or medicines,
41 perform surgical operations, administer ~~general--and~~ local
42 anesthetics and use appliances as may be necessary for proper
43 dental treatment. A dentist may also, with the appropriate
44

2 permit issued by the board, administer general anesthetics and
3 conscious sedation. A dentist is authorized to take case
4 histories and perform physical examinations to the extent the
5 activities are necessary in the exercise of due care in
6 conjunction with the provision of dental treatment or the
7 administration of general or local anesthetics. A dentist is not
8 permitted to perform physical examinations within a hospital
9 licensed by the Department of Health and Human Services unless
10 this activity is permitted by the hospital.

11 **Sec. 4. 32 MRSA §1098, first ¶,** as amended by PL 2003, c. 669,
12 §8, is further amended to read:

13 The board shall issue a license to practice as a dental
14 hygienist in this State to an individual who has met the
15 licensure requirements. The license must be exhibited publicly
16 at the person's place of employment. The license authorizes
17 practice as a dental hygienist in this State for the year in
18 which it is issued until the expiration date that appears on the
19 license. On or before January 1st of each odd-numbered year, the
20 dental hygienist must pay to the board a license renewal fee of
21 not more than \$175 to be determined by the board ~~or 1/2 of the~~
22 ~~biennial licensure fee if the applicant applies in an~~
23 ~~even-numbered year.~~ Dental hygienists who have not paid as
24 provided the renewal fee on or before January 1st must be
25 reinstated upon payment of a late fee of not more than \$50 to be
26 determined by the board if paid before February 1st of the year
27 in which license renewal is due. Failure to be properly licensed
28 by February 1st results in automatic suspension of a license to
29 practice dental hygiene. Reinstatement may be made, if approved
30 by the board, by payment to the secretary-treasurer of the board
31 of a fee determined by the board of not more than \$175. A new
32 applicant who has paid the application fee shall pay the biennial
33 licensure fee if the applicant applies in an odd-numbered year or
34 half the biennial licensure fee if the applicant applies in an
35 even-numbered year.

36
37 **Sec. 5. 32 MRSA §1100-C, sub-§5,** as enacted by PL 1995, c.
38 590, §5, is repealed.

39
40 **Sec. 6. 32 MRSA §1100-E, sub-§3,** as amended by PL 2003, c.
41 669, §13, is further amended to read:

42
43 **3. Renewal; renewal fee.** After a license has been issued
44 under subsection 2, and on or before January 1st of odd-numbered
45 years, a denturist must pay to the board a license renewal fee of
46 not more than \$175 to be determined by the board in order to
47 renew the license and to continue to be authorized to practice as
48 a denturist in the State ~~or 1/2 the biennial licensure fee if~~
49 ~~application is made in an even-numbered year.~~

2 After the requirements for a license renewal, including any
3 necessary continuing education, have been met, a renewal card of
4 the denturist's license must be issued, which the denturist shall
5 place beside or attach to the denturist's initial license.
6 Denturists who have not paid ~~as provided by the renewal fee on or~~
7 before January 1st must be reinstated upon payment of a late fee,
8 to be determined by the board, of not more than \$50 if paid by
9 February 1st. A license to practice is automatically suspended
10 on February 1st and may be reinstated, if approved by the board,
11 on payment of a fee to be determined by the board of not more
12 than \$175. A new applicant who has paid the application fee
13 shall pay the biennial licensure fee if the applicant applies in
14 an odd-numbered year or 1/2 the biennial licensure fee if the
15 applicant applies in an even-numbered year.

16

SUMMARY

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18 This bill provides the Board of Dental Examiners with the
19 authority to waive a personal interview and, instead, conduct a
20 telephone interview for applicants seeking licensure by
21 endorsement in cases where the applicant is serving on military
22 deployment overseas.

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24 Current law allows dentists to administer general
25 anesthetics. The bill allows dentists to administer general
26 anesthetics and conscious sedation only with a permit issued by
27 the board.

28

29 The bill clarifies language concerning the payment of
30 license renewal fees if an existing licensee applies late or if a
31 new applicant applies for licensure in the 2nd year of the
32 biennial license period.

33

34 Finally, the bill eliminates outdated language concerning
35 temporary denturist permits, which the board ceased to issue
36 after January 1, 2000.