

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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**Legislative Document**

**No. 1461**

H.P. 1023

House of Representatives, March 23, 2005

### **An Act To Increase Access to Certain Dental Services**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FAIRCLOTH of Bangor.

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

4 Sec. 1. 32 MRSA c. 16, sub-c. 3-A is enacted to read:

6 **SUBCHAPTER 3-A**

8 **EXPANDED FUNCTION DENTAL ASSISTANT**

10 **§1094-D. Definitions**

12 As used in this subchapter, unless the context otherwise  
14 indicates, "expanded function dental assistant" means an  
16 individual who holds a current valid certification under this  
18 subchapter to perform reversible intraoral procedures authorized  
20 by this subchapter under the direct supervision of a licensed  
22 dentist and under an assignment of duties by a dentist. Such  
procedures include, but are not limited to, placing and removing  
rubber dams and matrices; placing and contouring amalgam,  
composite and other restorative materials; applying sealants;  
supra gingival polishing; and other reversible procedures not  
designated by this chapter to be performed only by licensed  
dentists or dental hygienists.

24 **§1094-E. Procedures not authorized**

26 An expanded function dental assistant may not perform the  
28 following procedures:

30 1. Examination, diagnosis and treatment planning. Complete  
or limited examination, diagnosis or treatment planning;

32 2. Surgical or cutting procedures. Surgical or cutting  
34 procedures of hard or soft tissue;

36 3. Prescribing drugs. Prescribing drugs, medicaments or  
work authorizations;

38 4. Performing pulp capping. Performing pulp capping,  
40 pulpotomy or other endodontic procedures;

42 5. Placement and adjustment of prosthetic appliances.  
Placement and intraoral adjustments of fixed or removable  
44 prosthetic appliances; or

46 6. Administration of anesthesia or sedation.  
Administration of local anesthesia, parenteral or inhalation  
48 sedation or general anesthesia.

50 **§1094-F. Supervision**

2 An expanded function dental assistant shall perform under  
3 the direct supervision of a dentist. As used in this section,  
4 "direct supervision" means that a dentist is in the dental office  
5 or treatment facility, personally diagnoses the condition to be  
6 treated, personally authorizes the condition to be treated and  
7 remains in the dental office or treatment facility while the  
8 procedure is being performed by the expanded function dental  
9 assistant and, before dismissal of the patient, evaluates the  
10 work performed by the expanded function dental assistant.

12 **§1094-G. Qualifications**

14 The board may certify as an expanded function dental  
15 assistant a person 18 years of age or older who:

16 1. Holds certified dental assistant certificate or  
17 registered dental hygiene license and has completed training.  
18 Holds a current certified dental assistant certification or a  
19 current registered dental hygienist license and has successfully  
20 completed training in a school or program approved by the board;  
21 or

22 2. Is credentialed by another state or province. Is  
23 credentialed to perform as an expanded function dental assistant  
24 by another state or Canadian province, the standards of which are  
25 acceptable to the board.

26 The board may adopt routine technical rules pursuant to  
27 Title 5, chapter 375, subchapter 2-A to implement this section.

28 Sec. 2. 32 MRSA §1100-A, as amended by PL 1993, c. 600, Pt.  
29 A, §87, is further amended to read:

30 **§1100-A. Definition**

31 Duties of dental auxiliaries other than dental hygienists  
32 and expanded function dental assistants must be defined and  
33 governed by the rules of the Board of Dental Examiners. Dental  
34 auxiliaries include, but are not limited to, dental hygienists,  
35 dental assistants, expanded function dental assistants, dental  
36 laboratory technicians and denturists.

37 **SUMMARY**

38 This bill establishes a new category of dental assistant,  
39 "expanded function dental assistant," with authority to perform  
40 certain reversible intraoral procedures under the direct  
41 supervision of and assignment of duties by a licensed dentist. A  
42 certified dental assistant or a licensed registered dental  
43 assistant shall perform under the direct supervision of a dentist.

2       hygienist may qualify for certification as an expanded function  
dental assistant by successfully completing training in a school  
or program approved by the Board of Dental Examiners.