

MAINE STATE LEGISLATURE

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H.P. 1034

House of Representatives, March 19, 2007

An Act To Provide for the Regulation of Denturists by the Board of Complementary Health Care Providers

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CLARK of Millinocket.

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

2 **Sec. 1. 13 MRSA §732, sub-§4**, as enacted by PL 2001, c. 640, Pt. B, §2 and as
3 affected by §7, is amended to read:

4 **4. Dentists and denturists.** For the purposes of this chapter, a denturist licensed
5 under Title 32, chapter ~~16~~ 113-B may organize with a dentist who is licensed under Title
6 32, chapter 16 and may become a shareholder of a dental practice incorporated under the
7 corporation laws. At no time may a denturist or denturists in sum have an equal or
8 greater ownership interest in a dental practice than the dentist or dentists have in that
9 practice.

10 **Sec. 2. 32 MRSA §1071, first ¶**, as amended by PL 2003, c. 669, §1, is further
11 amended to read:

12 The Board of Dental Examiners, established by Title 5, section 12004-A, subsection
13 10, and in this chapter called the "board," consists of ~~9~~ 8 members, appointed by the
14 Governor as follows: five members of the dental profession, 2 dental hygienists, ~~one~~
15 ~~denturist~~ and one representative of the public.

16 **Sec. 3. 32 MRSA §1071, sub-§3-A**, as enacted by PL 2001, c. 260, Pt. B, §2, is
17 repealed.

18 **Sec. 4. 32 MRSA §1078**, as enacted by PL 2003, c. 669, §3, is repealed.

19 **Sec. 5. 32 MRSA §1079, sub-§1, ¶B**, as enacted by PL 2003, c. 669, §3, is
20 amended to read:

21 B. Two dental hygienists, appointed by the Governor, who are qualified pursuant to
22 ~~subchapter 6~~ this chapter, are legal residents of the State and have practiced in the
23 State for at least 6 years immediately preceding appointment; and

24 **Sec. 6. 32 MRSA c. 16, sub-c. 6**, as amended, is repealed.

25 **Sec. 7. 32 MRSA §12501, sub-§5-A** is enacted to read:

26 **5-A. Denturism.** "Denturism" means only:

27 A. The taking of denture impressions and bite registration for the purpose of or with
28 a view to the making, producing, reproducing, construction, finishing, supplying,
29 altering or repairing of a complete upper or complete lower prosthetic denture, or
30 both, to be fitted to an edentulous arch or arches;

31 B. The fitting of a complete upper or lower prosthetic denture, or both, to an
32 edentulous arch or arches, including the making, producing, reproducing,
33 constructing, finishing, supplying, altering and repairing of dentures; and

34 C. The procedures incidental to the procedures specified in paragraphs A and B, as
35 defined by the board.

36 **Sec. 8. 32 MRSA §12501, sub-§5-B** is enacted to read:

1 **5-B. Denturist.** "Denturist" means a person engaging in the practice of denturism.

2 **Sec. 9. 32 MRSA §12502, sub-§1**, as amended by PL 1997, c. 727, Pt. C, §11' is
3 further amended to read:

4 **1. Membership.** The Board of Complementary Health Care Providers, as
5 established in Title 5, section 12004-A, subsection 8-A, shall regulate the professions of
6 acupuncture ~~and~~, naturopathic medicine and denturism according to the provisions of this
7 chapter. The board consists of ~~7~~ 9 members appointed by the Governor. The Governor
8 shall make the initial appointments to the board no later than 60 days after the effective
9 date of this section and shall inform the Commissioner of Professional and Financial
10 Regulation of these appointments. The commissioner shall call the first meeting of the
11 board on a date no later than 30 days following notification of appointments by the
12 Governor. All members of the board must be residents of this State. Two members of
13 the board must be acupuncturists licensed in this State. Two members of the board must
14 be practitioners of naturopathic medicine who are eligible for licensure under, or are
15 licensed pursuant to, the requirements of subchapter ~~3~~ 3. Two members of the board
16 must be denturists who are eligible for licensure under, or are licensed pursuant to, the
17 requirements of subchapter 4. One member must be a member of the public. One
18 member must be an allopathic or osteopathic physician who is licensed in this State. One
19 member must be a pharmacist who is licensed in this State.

20 **Sec. 10. 32 MRSA §12503, sub-§1, ¶B**, as enacted by PL 1995, c. 671, §13, is
21 amended to read:

22 B. Set standards of practice for acupuncturists ~~and~~, naturopathic doctors and
23 denturists;

24 **Sec. 11. 32 MRSA §12503, sub-§1, ¶D**, as enacted by PL 1995, c. 671, §13, is
25 amended to read:

26 D. Ensure that acupuncturists ~~and~~, naturopathic doctors and denturists serving the
27 public meet minimum standards of proficiency and competency to protect the health,
28 safety and welfare of the public;

29 **Sec. 12. 32 MRSA §12503, sub-§1, ¶G**, as enacted by PL 1995, c. 671, §13, is
30 amended to read:

31 G. Maintain a roster of all acupuncturists ~~and~~, naturopathic doctors and denturists
32 licensed under this chapter that indicates:

- 33 (1) The name of the licensee;
- 34 (2) The licensee's current professional office address;
- 35 (3) The date of issuance and the number of the licensee's license; and
- 36 (4) Whether the licensee is in good standing with the board including:
- 37 (a) Any specialty certification required by the board;
- 38 (b) Any restrictions or limitations to an individual's license;

- 1 (c) A record of any revocations or suspensions; and
2 (d) Any information that the board directs must be included in a member's
3 record;

4 **Sec. 13. 32 MRSA §12503, sub-§6**, as enacted by PL 1995, c. 671, §13 and
5 amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

6 **6. Suspension and revocation.** The board may suspend or revoke a license pursuant
7 to Title 5, section 10004. In addition, the board may refuse to issue or renew or the
8 District Court may suspend, revoke or refuse to renew a license on any of the following
9 grounds:

- 10 A. The practice of fraud or deceit in obtaining a license under this chapter or in
11 connection with services rendered as an acupuncturist ~~or~~, naturopathic doctor or
12 denturist;
- 13 B. A legal finding of mental incompetence;
- 14 C. Aiding or abetting a person, not duly licensed under this chapter, in claiming to
15 be an acupuncturist ~~or~~, naturopathic doctor or denturist;
- 16 D. Any gross negligence, incompetence or misconduct in the performance of
17 acupuncture ~~or~~, naturopathic medicine or denturism;
- 18 E. Subject to the limitations of Title 5, chapter 341, conviction of a Class A, Class
19 B or Class C crime or of a crime that, if committed in this State, would be punishable
20 by one year or more of imprisonment; or
- 21 F. Any other good cause, relevant to qualifications to practice acupuncture ~~or~~,
22 naturopathic medicine or denturism.

23 **Sec. 14. 32 MRSA §12504**, as enacted by PL 1995, c. 671, §13, is amended to
24 read:

25 **§12504. Unauthorized employment**

26 A person in the course of business may not employ an acupuncturist ~~or~~, naturopathic
27 doctor or denturist who does not have a license unless that person is a student or intern
28 within the meaning of this chapter.

29 **Sec. 15. 32 MRSA c. 113-B, sub-c. 4** is enacted to read:

30 **SUBCHAPTER 4**

31 **DENTURISM LICENSING REQUIREMENTS**

32 **§12531. Examinations**

33 **1. Authority.** The board is authorized to prepare and give examinations in the area
34 of denturism for the purpose of licensing denturists. All examinations prepared and given
35 under this subchapter may be prepared and given by the full board, by an appointed

1 subcommittee of the board or by an entity authorized by the board. The board may also
2 recognize a nationally or regionally administered examination given at least annually for
3 applicants to practice denturism in the State.

4 **2. Examination content.** Denturist examinations must consist of a clinical
5 examination and a written examination concerning, but not limited to, dental materials,
6 denture technology, United States Department of Health and Human Services Centers for
7 Disease Control guidelines, basic anatomy and basic pathology.

8 **3. Eligibility for examination.** A person is eligible to take the examination under
9 subsection 1 if that person:

10 A. Is a high school graduate or has obtained high school equivalency; and

11 B. Has a diploma from a board-approved denturism postsecondary institution or has
12 completed an equivalent denturist educational program approved by the board.

13 **4. Application for examination; fee.** An eligible person desiring to take an
14 examination in order to become licensed as a denturist must make a written application to
15 the board to take the examination. This application must be accompanied by an
16 application fee, to be determined by the board but not to exceed \$175, and an
17 examination fee to be determined by the board that may not exceed the actual cost of the
18 examination. The application fee includes the fee for the initial license and is
19 nonrefundable.

20 **5. Additional examination; fee.** An applicant failing to pass an examination is
21 entitled to a reexamination upon payment of the examination fee set by the board. If an
22 applicant has failed 3 examinations, the board may require the applicant to complete
23 additional educational requirements prior to reexamination.

24 **§12532. Licenses; endorsement**

25 **1. Authority.** The board has the authority to issue licenses to qualified persons to
26 practice denturism pursuant to this subchapter.

27 **2. License issued.** The board shall issue a license for the practice of denturism in
28 this State to each person who has passed an examination under section 12531. This
29 license authorizes the licensee to practice as a denturist in the State until the expiration
30 date that appears on the license.

31 **3. Renewal; renewal fee.** After a license has been issued under subsection 2, and on
32 or before January 1st of odd-numbered years, a denturist must pay to the board a license
33 renewal fee of not more than \$175 to be determined by the board in order to renew the
34 license and to continue to be authorized to practice as a denturist in the State.

35 After the requirements for a license renewal have been met, including any necessary
36 continuing education, a renewal card of the denturist's license must be issued, which the
37 denturist shall place beside or attach to the denturist's initial license. Denturists who have
38 not paid the renewal fee on or before January 1st must be reinstated upon payment of a
39 late fee, to be determined by the board, of not more than \$50 if paid by February 1st. A
40 license to practice is automatically suspended on February 1st and may be reinstated, if

1 approved by the board, on payment of a fee to be determined by the board of not more
2 than \$175. A new applicant who has paid the application fee shall pay the biennial
3 licensure fee if the applicant applies in an odd-numbered year or 1/2 the biennial
4 licensure fee if the applicant applies in an even-numbered year.

5 **4. Endorsement.** The board may issue at its discretion a license without
6 examination to an applicant to practice as a denturist who furnishes proof satisfactory to
7 the board that the denturist has been licensed to practice and has actively practiced for a
8 period of 3 years in another state or Canadian province after full compliance with the
9 requirements of its dental laws, if the licensure requirements are, in all essentials, at least
10 equivalent to those of this State. The board may require letters of reference about the
11 denturist. Applicants for licensure by endorsement who meet the requirements of this
12 section must be interviewed in person by the board, or members of the board, prior to
13 being issued a license. Every license so given must state upon its face that it was granted
14 on the basis of endorsement. The fee for the license may not exceed \$175.

15 **5. Duplicate license.** A licensee must be issued a duplicate license by the board for
16 a fee of \$15 upon attestation of loss of the original.

17 **6. Additional prohibitions.** A denturist may not:

18 A. Falsely claim to be a licensed dentist or allow another to falsely represent the
19 denturist as a licensed dentist;

20 B. Perform a task beyond the denturist's competence; or

21 C. Administer, dispense or prescribe a medication or controlled substance.

22 **7. Mental or physical examination.** For the purposes of this subsection, by the
23 application for and acceptance of the license, a licensed denturist is deemed to have given
24 consent to a mental or physical examination when directed by the board. The board may
25 direct the examination whenever it determines a denturist may be suffering from a mental
26 illness that may be interfering with the competent practice of denturism or from the use of
27 intoxicants or drugs to an extent that they are preventing the denturist from practicing
28 denturism competently and with safety to the patients. A denturist examined pursuant to
29 an order of the board does not have the privilege to prevent the testimony of the
30 examining individual or to prevent the acceptance into evidence of the report of an
31 examining individual. Failure to comply with an order of the board to submit to a mental
32 or physical exam requires the District Court to immediately order the license of the
33 denturist suspended until the denturist submits to the examination.

34 **§12533. Continuing education**

35 As a condition of a license renewal, a denturist licensee shall submit evidence of
36 successful completion of 20 hours of continuing education consisting of board-approved
37 courses completed within the 2 years preceding the application for renewal. The board
38 shall proportionally reduce the continuing education hours required for denturists who
39 have been licensed for less than a 2-year period upon the date of renewal.

1 **§12534. Persons and practices not affected**

2 Nothing in this subchapter may be construed to prohibit a duly qualified dental
3 surgeon, dental laboratory technician or dental hygienist from performing work or
4 services performed by a denturist licensed under this subchapter to the extent those
5 persons are authorized to perform the same services under state law.

6 Nothing in this subchapter may be construed to prevent students of a dental college,
7 university or school of dental hygiene from practicing dental hygiene under the
8 supervision of their instructors.

9 **SUMMARY**

10 Under current law, denturists are regulated by the Board of Dental Examiners. This
11 bill places denturists under the jurisdiction of the Board of Complementary Health Care
12 Providers.