

# MAINE STATE LEGISLATURE

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Date: 4/4/8

L.D. 2277  
(Filing No. H-934)

**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1643, L.D. 2277, Bill, "An Act Regarding the Sunrise Review of Oral Health Care Issues"

Amend the bill in Part A in section 1 in §1078 in subsection 3 in paragraph A in the last line (page 1, line 36 in L.D.) by inserting after the following: "disposition;" the following: 'and'

Amend the bill in Part A in section 1 in §1078 in subsection 3 in paragraph B in the 7th and 8th lines (page 2, lines 7 and 8 in L.D.) by striking out the following: "disposition; and" and inserting the following: 'disposition.'

Amend the bill in Part A in section 1 in §1078 in subsection 3 by striking out all of paragraph C (page 2, lines 9 to 14 in L.D.)

Amend the bill in Part A by striking out all of section 2 and inserting the following:

'Sec. A-2. 32 MRSA §1079, as amended by PL 2005, c. 289, §1, is further amended to read:

**§1079. Subcommittee on Dental Hygienists**

The Subcommittee on Dental ~~Hygienist Submissions~~ Hygienists, referred to in this section as "the subcommittee," is established as follows:

- 1. Membership.** The subcommittee consists of 5 members, as follows:
  - A. A dental hygienist who is a member of the board;
  - B. Two dental hygienists, appointed by the Governor, who are qualified pursuant to subchapter 6, are legal residents of the State and have practiced in the State for at least 6 years immediately preceding appointment; and
  - C. Two dentists who are members of the board, appointed by the president of the board.

The subcommittee shall annually elect a chair and a secretary.

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 1643, L.D. 2277

1       **2. Terms.** Each of the 3 members of the subcommittee who also are members of the  
2 board shall serve on the subcommittee for the duration of that member's term on the  
3 board. The term of a member of the subcommittee who is not a member of the board is 5  
4 years.

5       **3. Duties.** The subcommittee shall ~~perform an initial review of all applications for~~  
6 ~~licensure as a dental hygienist pursuant to section 1097, all submissions relating to~~  
7 ~~continuing education of dental hygienists pursuant to sections 1098-B and 1099 and all~~  
8 ~~submissions relating to public health supervision status of dental hygienists as defined by~~  
9 ~~board rule. Upon completion of its review of an application or submission, the secretary~~  
10 ~~of the subcommittee shall report to the board the subcommittee's recommended~~  
11 ~~disposition of the application or submission, including issuance, renewal, denial or~~  
12 ~~nonrenewal of a dental hygienist license. Notwithstanding the provisions of section 1098,~~  
13 ~~the board shall adopt the subcommittee's recommended disposition of an application or~~  
14 ~~submission unless no fewer than 2/3 of the board members who are present and voting~~  
15 ~~vote to reject that recommended disposition.;~~

16       A. Perform an initial review of all complaints initiated pursuant to section 1077  
17 involving dental hygienists. Upon completion of its review of a complaint, the  
18 secretary of the subcommittee shall report to the board the subcommittee's  
19 recommended disposition of the complaint in accordance with those dispositions  
20 authorized by section 1077. Notwithstanding the provisions of section 1077, the  
21 board shall adopt the subcommittee's recommended disposition of a complaint unless  
22 no fewer than 2/3 of the board members who are present and voting vote to reject that  
23 recommended disposition; and

24       B. Perform an initial review of all applications for licensure as a dental hygienist  
25 pursuant to section 1097, all submissions relating to continuing education of dental  
26 hygienists pursuant to sections 1098-B and 1099 and all submissions relating to  
27 public health supervision status of dental hygienists as defined by board rule. Upon  
28 completion of its review of an application or submission, the secretary of the  
29 subcommittee shall report to the board the subcommittee's recommended disposition  
30 of the application or submission, including issuance, renewal, denial or nonrenewal  
31 of a dental hygienist license. Notwithstanding the provisions of section 1098, the  
32 board shall adopt the subcommittee's recommended disposition of an application or  
33 submission unless no fewer than 2/3 of the board members who are present and  
34 voting vote to reject that recommended disposition.

35       **4. Compensation.** The members of the subcommittee are entitled to compensation  
36 according to the provisions of Title 5, chapter 379. Expenses of the subcommittee  
37 members must be certified by the secretary of the board.'

38       Amend the bill in Part A by inserting after section 2 the following:

39       'Sec. A-3. 32 MRSA §1099, as amended by PL 2005, c. 289, §3, is further  
40 amended to read:

1 **§1099. Endorsement**

2 The board may at its discretion, without examination, issue a license to an applicant  
3 to practice dental hygiene who furnishes proof satisfactory to the board that the dental  
4 hygienist has been duly licensed for at least 3 years to practice in another state or a  
5 Canadian province after full compliance with the requirements of its dental laws, except  
6 that the professional education may not be less than is required in this State. The board  
7 may require letters of reference as to ability. Applicants for licensure by endorsement  
8 who meet the requirements of this section must be interviewed in person by the  
9 Subcommittee on Dental Hygienist Submissions Hygienists, as established in section  
10 1079 prior to being issued a license. Every license so given must state upon its face that  
11 it was granted on the basis of endorsement. The fee for that license must be determined  
12 by the board, but may not be more than \$175.'

13 Amend the bill in Part B in section 1 in §1094-I in the first paragraph in the 3rd and  
14 4th lines (page 2, lines 32 and 33 in L.D.) by striking out the following: "An independent  
15 practice dental hygienist, or a person employing one or more independent practice dental  
16 hygienists," and inserting the following: 'Any licensee of the board'

17 Amend the bill in Part C by striking out all of sections 11, 12 and 13.

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
19 section number to read consecutively.

20

**SUMMARY**

21 This amendment provides the Subcommittee on Denturists and the Subcommittee on  
22 Dental Hygienists with equal authority to review applications for licensure and  
23 submissions relating to continuing education, as well as initial review of all complaints.  
24 It removes all references to the rule-making authority provided to these subcommittees in  
25 the bill. It also requires that a proprietor of a business where independent practice dental  
26 hygiene is performed be a licensee of the Board of Dental Examiners.

FISCAL NOTE REQUIRED  
(See attached)



Approved: 04/03/08 *MAC*

# 123rd MAINE LEGISLATURE

LD 2277

LR 3569(02)

**An Act Regarding the Sunrise Review of Oral Health Care Issues**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Business, Research and Economic Development**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

It is anticipated that dedicated revenues generated through application and licensing fees will be sufficient to cover the minor costs associated with creating the new license category of independent practice dental hygienist.