

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 266

H.P. 219

House of Representatives, February 1, 2011

### An Act To Expand Access to Oral Health Care

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative STUCKEY of Portland.  
Cosponsored by Representatives: GILBERT of Jay, SANBORN of Gorham, SIROCKI of Scarborough.

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

2 **Sec. 1. 32 MRSA c. 16, sub-c. 3-C** is enacted to read:

3 **SUBCHAPTER 3-C**

4 **ORAL HEALTH PRACTITIONERS**

5 **§1094-AA. Oral health practitioner**

6 A dental hygienist or independent practice dental hygienist licensed by the board  
7 pursuant to this chapter may practice as a licensed oral health practitioner to the extent  
8 permitted by this subchapter.

9 To qualify for licensure under this subchapter as an oral health practitioner, a person  
10 must apply to the board on forms provided by the board, pay the application fee under  
11 section 1094-CC and demonstrate to the board that the applicant:

12 **1. Eighteen years of age.** Is 18 years of age or older;

13 **2. Licensure.** Possesses a valid license to practice dental hygiene or independent  
14 practice dental hygiene pursuant to this chapter or qualifies for licensure to practice  
15 independent practice dental hygiene by endorsement pursuant to section 1094-L;

16 **3. Education and experience.** Has graduated from an oral health practitioner  
17 education program that meets the requirements set by rule adopted by the board and has  
18 passed an examination approved by the board or accredited by the American Dental  
19 Association Commission on Dental Accreditation or its successor organization or another  
20 board-approved accreditation organization; and

21 **4. Internship; provisional license.** Has completed one full year of internship as  
22 described under section 1094-BB. During internship, the applicant holds a provisional  
23 license.

24 **§1094-BB. Internship**

25 Prior to attaining licensure as an oral health practitioner, an applicant for licensure  
26 must complete one full year of internship under the supervision of a dentist licensed  
27 under this chapter. The requirements of the internship period are as established by the  
28 board by rule. Upon meeting the requirements of section 1094-AA, subsections 1, 2 and  
29 3 and payment of a fee of \$175, an applicant must be granted a provisional license to  
30 practice as an oral health practitioner intern. The applicant must retain the applicant's  
31 original license to practice as a dental hygienist or an independent practice dental  
32 hygienist during the internship year and as an oral health practitioner. During internship,  
33 the applicant may be compensated for services performed as an oral health practitioner  
34 intern.

1           **§1094-CC. License; fees; discontinuation of license**

2           Upon receiving proof of the satisfactory completion of the internship under section  
3 1094-BB, the board shall issue a license to practice as an oral health practitioner to a  
4 person who has met the requirements for licensure set forth in this subchapter and has  
5 paid the application fee of \$250. The license must be exhibited publicly at the person's  
6 place of business or employment. The initial date of expiration of the license is the  
7 original expiration date of the person's dental hygienist license issued by the board  
8 pursuant to subchapter 4 or, for independent practice dental hygienists licensed by  
9 endorsement, January 1st of the first odd-numbered year following initial licensure. On or  
10 before January 1st of each odd-numbered year, the oral health practitioner shall pay to the  
11 board a license renewal fee. Oral health practitioners who have not paid the renewal fee  
12 on or before January 1st must be reinstated upon payment of a late fee before February  
13 1st of the year in which license renewal is due. Failure to be properly licensed by  
14 February 1st results in automatic suspension of a license to practice as an oral health  
15 practitioner. Reinstatement of the oral health practitioner license may be made, if  
16 approved by the board, by payment of a reinstatement fee to the board.

17           The fee for a provisional license during internship is \$175. The fee for license  
18 renewal is \$250. Reinstatement and late fees under this section are as determined by the  
19 board.

20           **§1094-DD. Continuing education**

21           As a condition of renewal under this subchapter of a license to practice, an oral health  
22 practitioner must submit evidence of successful completion of 40 hours of continuing  
23 education consisting of board-approved courses, including cardiopulmonary resuscitation,  
24 in the 2 years preceding the application for renewal. The board and the oral health  
25 practitioner shall follow and are bound by the provisions of section 1084-A in the  
26 implementation of this section.

27           The board may refuse to issue a license under this subchapter to a person who has not  
28 completed the required continuing education or may issue the license on terms and  
29 conditions set by the board.

30           **§1094-EE. Limitation on practice**

31           Following the year of internship under section 1094-BB, an oral health practitioner  
32 may without supervision by a dentist and within the scope of practice under section  
33 1094-FF provide services to low-income, uninsured and underserved patients in an area  
34 designated as a dental health professional shortage area by the federal Department of  
35 Health and Human Services, Health Resources and Services Administration.

36           **§1094-FF. Scope of practice**

37           Without supervision by a dentist, an oral health practitioner licensed under this  
38 subchapter may practice as specified in section 1094-EE and may only:

39           **1. Perform duties.** Perform all of the duties covered by the scope of practice of the  
40 oral health practitioner's license under subchapter 3-B or 4;

1           2. Assessments and treatments; preparations; restorations. Perform oral health  
2 assessments, pulpal disease assessments for primary and young permanent teeth,  
3 intracoronal cavity preparations and restoration of primary and young permanent teeth;

4           3. Crowns; space maintainers. Prepare and space stainless steel crowns and  
5 esthetic anterior crowns for primary incisors and place and remove space maintainers;

6           4. Management of dental trauma, minor surgical care and suturing; extractions.  
7 Conduct urgent management of dental trauma, perform minor surgical care and suturing  
8 and extract primary and permanent teeth; and

9           5. Prescribe. Prescribe anti-inflammatories, analgesics, antimicrobials, fluoride and  
10 antibiotics.

11           **§1094-GG. Advisory group**

12           The board shall appoint an advisory group to advise the board on the requirements for  
13 education under section 1094-AA, subsection 3, which must include at a minimum 750  
14 hours of classroom and clinical training. The advisory group must include 2 persons who  
15 are licensed under this chapter as dental hygienists or independent practice dental  
16 hygienists, 2 persons who teach oral health care at a postsecondary institution and 2  
17 dentists licensed under this chapter.

18           **§1094-HH. Rulemaking**

19           The board shall adopt rules to implement this subchapter. Rules adopted pursuant to  
20 this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

21                                       **SUMMARY**

22           This bill establishes a licensure process and scope of practice for oral health  
23 practitioners. It provides rule-making authority for the Board of Dental Examiners.