

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1475

H.P. 1084

House of Representatives, April 13, 2011

**An Act To Authorize the Training of Expanded Function Dental
Assistants within Tribal Territories**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 MITCHELL of the Penobscot Nation.
Cosponsored by Senator McCORMICK of Kennebec and
Representatives: BEAULIEU of Auburn, PICCHIOTTI of Fairfield, SOCTOMAH of the
Passamaquoddy Tribe, STRANG BURGESS of Cumberland, Senator: PLOWMAN of
Penobscot.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** dental health is of major importance to the residents of the State,
4 including the territories of federally recognized Indian tribes; and

5 **Whereas,** dental health services within tribal territories are inadequate to properly
6 treat the residents of those territories; and

7 **Whereas,** it is necessary to train and certify dental health providers to provide
8 services to the residents of the tribal territories to properly ensure the health, safety and
9 welfare of those residents; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

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

15 **Sec. 1. 32 MRSA §1094-H,** as enacted by PL 2005, c. 322, §1, is repealed and the
16 following enacted in its place:

17 **§1094-H. Certification; renewal**

18 **1. Board certification.** Certificates must be renewed every 5 years. On or before the
19 expiration of the certificate, the expanded function dental assistant must pay to the board
20 a certification renewal fee of not more than \$100 to be determined by the board.
21 Expanded function dental assistants who have not paid the renewal fee on or before the
22 expiration of the 5-year certificate must be reinstated upon payment of a late fee of not
23 more than \$50 to be determined by the board if paid within 30 days of the certificate's
24 expiration date. Failure to be properly certified within 30 days results in automatic
25 suspension of a certificate to practice. Reinstatement may be made, if approved by the
26 board, by payment to the secretary-treasurer of the board of a fee determined by the board
27 of not more than \$100. Except as provided in subsection 2, this subsection does not apply
28 to an expanded function dental assistant under subsection 2.

29 **2. Tribal territory.** A dentist licensed under this chapter who practices within the
30 territory of a federally recognized Indian tribe may train and certify a person who meets
31 the qualifications under section 1094-G to become an expanded function dental assistant
32 within that territory. Training under this subsection must meet standards equal to the
33 standards for training an expanded function dental assistant under subsection 1. A
34 certificate issued under this subsection must be renewed every 5 years, and the licensed
35 dentist conducting the training and issuing certification may charge a fee of not more than
36 \$100 for original training and certification or for renewal of certification. An expanded
37 function dental assistant who is certified under this subsection is subject to the
38 requirements of this subchapter and may not perform dental procedures authorized under
39 this subsection in a location outside the territory of the federally recognized Indian tribe.

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

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill allows a licensed dentist who practices within the territory of a federally recognized Indian tribe to train and certify an expanded function dental assistant to perform dental procedures within the territory of the federally recognized Indian tribe.