

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Date: 6/17/13 Minority L.D. 1230
(Filing No. H-532)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 870, L.D. 1230, Bill, "An Act To Improve Access to Oral Health Care"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 32 MRSA §1094-D, as amended by PL 2007, c. 620, Pt. C, §9, is further amended to read:

§1094-D. Definitions

As used in this subchapter, unless the context otherwise indicates, "expanded function dental ~~assistant~~ auxiliary" means an individual who holds a current valid certification under this subchapter to perform reversible intraoral procedures, perform cementation of permanent crowns and onlays, administer final impressions and perform digital imaging as authorized by this subchapter under the direct supervision of a licensed dentist and under an assignment of duties by a dentist. As used in this subchapter, unless the context otherwise indicates, "reversible intraoral procedures" means 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 defined by the board not designated by this chapter to be performed only by licensed dentists, dental hygienists or independent practice dental hygienists.

Sec. 2. 32 MRSA §1094-E, first ¶, as enacted by PL 2005, c. 322, §1, is amended to read:

An expanded function dental ~~assistant~~ auxiliary may not perform the following procedures:

Sec. 3. 32 MRSA §1094-F, as enacted by PL 2005, c. 322, §1, is amended to read:

1 **§1094-F. Supervision**

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

9 **Sec. 4. 32 MRSA §1094-G, first ¶**, as enacted by PL 2005, c. 322, §1, is
10 amended to read:

11 The board may certify as an expanded function dental ~~assistant~~ auxiliary a person 18
12 years of age or older who submits an application on forms furnished by the board
13 together with the required fee to be determined by the board, not to exceed \$100, and:

14 **Sec. 5. 32 MRSA §1094-G, sub-§2**, as enacted by PL 2005, c. 322, §1, is
15 amended to read:

16 **2. Is credentialed by another state or province.** Is credentialed to perform as an
17 expanded function dental ~~assistant~~ auxiliary by another state or Canadian province, the
18 standards of which are acceptable to the board.

19 **Sec. 6. 32 MRSA §1094-H, first ¶**, as enacted by PL 2005, c. 322, §1, is
20 amended to read:

21 Certificates must be renewed every 5 years. On or before the expiration of the
22 certificate, the expanded function dental ~~assistant~~ auxiliary must pay to the board a
23 certification renewal fee of not more than \$100 to be determined by the board. Expanded
24 function dental ~~assistants~~ auxiliaries who have not paid the renewal fee on or before the
25 expiration of the 5-year certificate must be reinstated upon payment of a late fee of not
26 more than \$50 to be determined by the board if paid within 30 days of the certificate's
27 expiration date. Failure to be properly certified within 30 days results in automatic
28 suspension of a certificate to practice. Reinstatement may be made, if approved by the
29 board, by payment to the secretary-treasurer of the board of a fee determined by the board
30 of not more than \$100.

31 **Sec. 7. 32 MRSA §1094-Q, sub-§1, ¶¶N and O**, as enacted by PL 2007, c. 620,
32 Pt. B, §1, are amended to read:

33 N. Place temporary restorations in compliance with the protocol adopted by the
34 board; ~~and~~

35 O. Apply topical antimicrobials, excluding antibiotics, including fluoride, for the
36 purposes of bacterial reduction, caries control and desensitization in the oral cavity.
37 The independent practice dental hygienist shall follow current manufacturer's
38 instructions in the use of these medicaments; ~~and~~

39 **Sec. 8. 32 MRSA §1094-Q, sub-§1, ¶P** is enacted to read:

40 P. Perform atraumatic restorative technique, upon successful completion of
41 additional training established by the board. For the purposes of this paragraph,

1 "atraumatic restorative technique" means a procedure to identify and remove tooth
 2 decay using a simple hand tool alone and restore the cavity with an adhesive
 3 restorative material.

4 **Sec. 9. 32 MRSA §1098-E**, as enacted by PL 2005, c. 198, §1, is amended to
 5 read:

6 **§1098-E. Temporary filling procedures; atraumatic restorative technique**

7 A dental hygienist with public health supervision status, as defined by rules adopted
 8 by the Board of Dental Examiners, may perform temporary filling procedures without a
 9 dentist present under protocols developed by the Board of Dental Examiners. Rules
 10 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter
 11 375, subchapter 2-A.

12 In addition to temporary filling procedures, a dental hygienist with public health
 13 supervision status who successfully completes additional training established by the
 14 board may perform atraumatic restorative technique. For the purposes of this paragraph,
 15 "atraumatic restorative technique" means a procedure to identify and remove tooth decay
 16 using a simple hand tool alone and restore the cavity with an adhesive restorative
 17 material.

18 **Sec. 10. 32 MRSA §1100-A**, as amended by PL 2007, c. 620, Pt. C, §10, is
 19 further amended to read:

20 **§1100-A. Definition**

21 Duties of dental auxiliaries other than dental hygienists and expanded function dental
 22 ~~assistants~~ auxiliaries must be defined and governed by the rules of the Board of Dental
 23 Examiners, except that duties of independent practice dental hygienists set forth in
 24 section 1094-Q, subsection 1 may not be restricted or expanded by the board. Dental
 25 auxiliaries include, but are not limited to, dental hygienists, independent practice dental
 26 hygienists, dental assistants, expanded function dental ~~assistants~~ auxiliaries, dental
 27 laboratory technicians and denturists.

28 **Sec. 11. Maine Revised Statutes headnote amended; revision clause.** In
 29 the Maine Revised Statutes, Title 32, chapter 16, subchapter 3-A, in the subchapter
 30 headnote, the words "expanded function dental assistant" are amended to read "expanded
 31 function dental auxiliary" and the Revisor of Statutes shall implement this revision when
 32 updating, publishing or republishing the statutes.'

33 **SUMMARY**

34 This amendment is the minority report of the committee. It replaces the bill and
 35 broadens the scope of practice for dental hygienists with public health supervision status
 36 and independent practice dental hygienists who have successfully completed additional
 37 training established by the Department of Professional and Financial Regulation, Board
 38 of Dental Examiners to include the performance of atraumatic restorative technique. It
 39 defines "atraumatic restorative technique" to mean a procedure to identify and remove
 40 tooth decay using a simple hand tool alone and restore the cavity with an adhesive
 41 restorative material. It also changes the designation of expanded function dental

COMMITTEE AMENDMENT "*B*" to H.P. 870, L.D. 1230

1 assistants to "expanded function dental auxiliary" and broadens their scope of practice,
2 which currently includes the performance of reversible intraoral procedures, to include
3 the cementation of permanent crowns and onlays, the administering of final impressions
4 and the performance of digital imaging under the direct supervision of a licensed dentist.

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**



Approved: 05/29/13 *MAC*

126th MAINE LEGISLATURE

LD 1230

LR 1022(03)

An Act To Improve Access to Oral Health Care

Fiscal Note for Bill as Amended by Committee Amendment *BCH-532*
Committee: Labor, Commerce, Research and Economic Development

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Board of Dental Examiners, affiliated with the Department of Professional and Financial Regulation, associated with establishing the required training can be absorbed within existing budgeted resources.