

MAINE STATE LEGISLATURE

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SMR
ROFS

Majority

L.D. 1310

Date: 3/10/14

(Filing No. S-418)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 453, L.D. 1310, Bill, "An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health"

Amend the bill by striking out the title and substituting the following:

'An Act To Improve Access to Dental Care through Empowering the Denturist Subcommittee of the Board of Dental Examiners'

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

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

The Board of Dental Examiners, established by Title 5, section 12004-A, subsection 10, and in this chapter called the "board," consists of 9 members, appointed by the Governor as follows: five members of the dental profession, ~~2 dental hygienists, one denturist~~ 3 denturists and one representative of the public.

Sec. 2. 32 MRSA §1071, sub-§2, as amended by PL 1993, c. 600, Pt. A, §56, is further amended to read:

2. Dentists. The Governor may accept nominations from ~~the Maine Dental Association~~ a statewide association of dentists and from other organizations and individuals.

Members of the dental profession must hold a valid dental license and must have been in the actual practice of dentistry in this State for at least 10 years immediately preceding the appointment. The term for a member who is a dentist is 5 years. ~~A dentist is not eligible to serve as a member of the board while employing a dental hygienist who is a member of the board.~~

Sec. 3. 32 MRSA §1071, sub-§3, as amended by PL 2003, c. 669, §2, is repealed.

1 **Sec. 4. 32 MRSA §1071, sub-§3-A**, as enacted by PL 2001, c. 260, Pt. B, §2, is
2 amended to read:

3 **3-A. Denturists.** The Governor may accept nominations from a statewide
4 association of denturists and from other organizations and individuals. ~~The denturist~~
5 denturists must be qualified pursuant to subchapter VI 6, must be a legal ~~resident~~
6 residents of the State and, for appointments made after January 1, 2006, ~~the denturist~~
7 must have practiced in the State for at least 6 years immediately preceding appointment.
8 The denturist ~~member~~ members of the board ~~is a~~ are full-voting ~~member~~ members of the
9 board. The term ~~of the~~ for a member who is a denturist is 5 years. A denturist is not
10 eligible to serve as a member of the board while employed by a dentist who is a member
11 of the board.

12 **Sec. 5. 32 MRSA §1076**, as amended by PL 1993, c. 659, Pt. B, §5, is further
13 amended to read:

14 **§1076. Budget**

15 The board shall submit to the Commissioner of Professional and Financial Regulation
16 its budgetary requirements in the same manner as is provided in Title 5, section 1665, and
17 the commissioner shall in turn transmit these requirements to the Bureau of the Budget
18 without any revision, alteration or change, unless alterations are mutually agreed upon by
19 the department and the board or the board's designee. The budget submitted by the board
20 to the commissioner must be sufficient to enable the board to comply with this
21 subchapter. The Subcommittee on Denturists established in section 1078 shall submit its
22 budgetary requirements to the board, which must be fully funded from revenue generated
23 from denturist licensing fees. The board shall compensate the subcommittee for any
24 necessary expenditures incurred by the subcommittee in performing its duties under this
25 chapter.

26 **Sec. 6. 32 MRSA §1078**, as corrected by RR 2007, c. 2, §19, is amended to read:

27 **§1078. Subcommittee on Denturists**

28 The Subcommittee on Denturists, referred to in this section as "the subcommittee," is
29 established as follows.

30 **1. Membership.** The subcommittee consists of 5 members as follows:

31 A. ~~The denturist~~ 3 denturists who ~~is a member~~ are members of the board;

32 ~~B. Two denturists, appointed by the Governor, who are qualified pursuant to~~
33 ~~subchapter 6, are legal residents of the State and, for appointments made after~~
34 ~~January 1, 2006, have practiced in the State for at least 6 years immediately~~
35 ~~preceding appointment; and~~

36 C. ~~Two dentists~~ One dentist who ~~are members~~ is a member of the board, appointed
37 by the president of the board; and

38 D. The public representative who is a member of the board.

39 The subcommittee shall annually elect a chair and a secretary.

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

5 **3. Duties.** The subcommittee shall:

6 A. Perform an initial review of all complaints initiated pursuant to section 1077
7 involving denturists. Upon completion of its review of a complaint, the secretary of
8 the subcommittee shall report to the board the subcommittee's recommended
9 disposition of the complaint in accordance with those dispositions authorized by
10 section 1077. Notwithstanding the provisions of section 1077, the board shall adopt
11 the subcommittee's recommended disposition of a complaint unless ~~no fewer~~ more
12 than 2/3 of the board members who are present and voting vote to reject that
13 recommended disposition; and the board makes a specific finding that a
14 recommendation:

15 (1) Is beyond the jurisdiction of the subcommittee;

16 (2) Places an undue financial burden upon the board; or

17 (3) Is not supported by the record; and

18 B. Perform an initial review of all applications for licensure as a dentist pursuant to
19 section 1100-D and all submissions relating to continuing education of denturists
20 pursuant to section 1100-E-1. Upon completion of its review of an application or
21 submission, the secretary of the subcommittee shall report to the board the
22 subcommittee's recommended disposition of the application or submission, including
23 issuance, renewal, denial or nonrenewal of a dentist license. Notwithstanding the
24 provisions of section 1100-E, the board shall adopt the subcommittee's recommended
25 disposition of an application or submission unless ~~no fewer~~ more than 2/3 of the
26 board members who are present and voting vote to reject that recommended
27 disposition: and the board makes a specific finding that a recommendation:

28 (1) Is beyond the jurisdiction of the subcommittee;

29 (2) Places an undue financial burden upon the board; or

30 (3) Is not supported by the record.

31 **4. Compensation.** The members of the subcommittee are entitled to compensation
32 according to the provisions of Title 5, chapter 379. Expenses of the subcommittee
33 members must be certified by the secretary of the board.

34 **5. Rulemaking; proposals originate with subcommittee.** Beginning September 1,
35 2014, any rule involving dentist licensure, including interviews for licensing and
36 renewal, continuing education, discipline and inactive licensure status, may not be
37 adopted by the board pursuant to section 1073, subsection 2 or section 1100-C unless it
38 originates from a recommendation by the subcommittee to the board. The secretary of
39 the subcommittee shall report to the board the proposed rule, and the board shall take
40 action on it at the first meeting of the board following the subcommittee's report to the
41 board. The board shall either vote to proceed with the rule-making process in accordance

1 with the Maine Administrative Procedure Act using the subcommittee's proposed rule or,
2 by a vote of more than 2/3 of the board members present and voting, to submit a revision
3 of the proposed rule to the subcommittee for its consideration. The subcommittee shall
4 either accept or reject the board's revision to the rule, and the secretary shall report the
5 subcommittee's final decision to the board. The board shall vote to accept the final
6 recommendations of the subcommittee and proceed with the rule-making process in
7 accordance with the Maine Administrative Procedure Act using the subcommittee's final
8 recommendation for the proposed rule or to reject the recommendations proposed by the
9 subcommittee. A vote to reject the recommendation proposed by the subcommittee
10 requires a vote of more than 2/3 of the board members present and voting, as well as a
11 specific finding that the final recommendation of the subcommittee:

- 12 A. Is beyond the jurisdiction of the subcommittee;
13 B. Places an undue financial burden upon the board; or
14 C. Is not supported by the record.

15 Once a proposal for rulemaking has been submitted by the subcommittee and accepted by
16 the board, nothing in this section may be construed to restrict the board from conducting
17 its duties for rulemaking in accordance with the Maine Administrative Procedure Act.

18 **6. Meetings.** The subcommittee shall hold at least 2 meetings each year.

19 **Sec. 7. 32 MRSA §1079,** as amended by PL 2007, c. 620, Pt. A, §2, is repealed.

20 **Sec. 8. 32 MRSA §1099,** as amended by PL 2007, c. 620, Pt. A, §3, is further
21 amended to read:

22 **§1099. Endorsement**

23 The board may at its discretion, without examination, issue a license to an applicant
24 to practice dental hygiene who furnishes proof satisfactory to the board that the dental
25 hygienist has been duly licensed for at least 3 years to practice in another state or a
26 Canadian province after full compliance with the requirements of its dental laws, except
27 that the professional education may not be less than is required in this State. The board
28 may require letters of reference as to ability. ~~Applicants for licensure by endorsement~~
29 ~~who meet the requirements of this section must be interviewed in person by the~~
30 ~~Subcommittee on Dental Hygienists, as established in section 1079 prior to being issued a~~
31 ~~license.~~ Every license so given must state upon its face that it was granted on the basis of
32 endorsement. The fee for that license must be determined by the board, but may not be
33 more than \$175.

34 **Sec. 9. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 32,
35 section 1071, first paragraph and subsection 3-A, the Governor, in making the
36 appointments for the 2 new denturist members of the Board of Dental Examiners
37 pursuant to this Act, shall designate one appointment for a 4-year term and the other
38 appointment for a 5-year term.

39 **Sec. 10. Application.** This Act does not apply to any license, proceeding,
40 proposed rule or other action pending before the Board of Dental Examiners on the
41 effective date of this Act.'

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SUMMARY

This amendment is the majority report of the committee and replaces the bill. It changes the composition of the Board of Dental Examiners by removing the dental hygienists from the board and adding 2 denturists to the board. It allows the Governor to accept nominations for the positions of dentist and denturist on the board from statewide associations of dentists and denturists, as well as from other organizations and individuals. It changes the composition of the Subcommittee on Denturists by reducing from 2 to one the number of dentists on the subcommittee and adding a public member. It also requires that any rule adopted by the board that relates to denturist licensure, including interviews for licensing and renewal, continuing education, discipline and inactive licensure status, must be proposed by the Subcommittee on Denturists and requires the board either to proceed with the rule-making process as proposed by the subcommittee's recommendation or, by a vote of more than 2/3 of the board members present and voting, to reject that recommendation. To reject the recommendation, the board must make a specific finding that the recommendation is beyond the jurisdiction of the subcommittee, places an undue financial burden upon the board or is not supported by the record. The amendment provides that the board must adopt the subcommittee's recommended disposition with respect to a complaint involving a denturist or an application for licensure or submission relating to continuing education unless more than 2/3 of the board members who are present and voting vote to reject the subcommittee's recommended disposition and the board makes a specific finding that the recommendation is beyond the jurisdiction of the subcommittee, places an undue financial burden upon the board or is not supported by the record.

It requires the Subcommittee on Denturists to submit its budgetary requirements to the board and requires the subcommittee's budget to be fully funded from revenue generated from denturist licensing fees. It requires the board to compensate the subcommittee for any necessary expenditures incurred by the subcommittee in performing its duties.

It also eliminates the Subcommittee on Dental Hygienists.

It adds an application section and staggers the terms for the 2 new denturist appointments to the board.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 1310

LR 982(02)

An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health

Fiscal Note for Bill as Amended by Committee Amendment 'A' (S-418)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - Other Special Revenue Funds
Potential current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Requiring the Board of Dental Examiners, affiliated with the Department of Professional and Financial Regulation, to compensate the subcommittee on Denturists for any necessary expenditures incurred by the subcommittee in performing its duties may result in increased costs to the Board beginning in fiscal year 2014-15. Requiring the Board of Dental Examiners to fully fund the budgetary requirements of the subcommittee on Denturists through revenue generated from denturist licensing fees may require an increase in licensing fees to denturists if the revenue received from current fees is not sufficient to cover the costs of the subcommittee. The current biennial revenue received from denturists licensing fees is \$6,000.