

MAINE STATE LEGISLATURE

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(Filing No. H-139)

Majority

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 74, L.D. 91, Bill, "An Act To Allow Dental Hygienists To Prescribe Fluoride Dentifrice and Antibacterial Rinse"

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

Sec. 1. 32 MRSA §1094-Q, sub-§1, ¶O, as amended by PL 2015, c. 2, §1, is further amended to read:

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

Sec. 2. 32 MRSA §1094-Q, sub-§1, ¶P, as enacted by PL 2015, c. 2, §2, is amended to read:

P. Expose and process radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series, under protocols developed by the board as long as the independent practice dental hygienist has a written agreement with a licensed dentist providing that the dentist will be available to interpret all dental radiographs within 21 days from the date the radiograph is taken and that the dentist will sign a radiographic review and findings form;

Sec. 3. 32 MRSA §1094-Q, sub-§1, ¶¶Q and R are enacted to read:

Q. Prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride; and

R. Prescribe, dispense or administer chlorhexidine gluconate oral rinse.

Sec. 4. 32 MRSA §1094-HH, sub-§§8 and 9, as enacted by PL 2013, c. 575, §7, are amended to read:

COMMITTEE AMENDMENT

1 **8. Radiographs.** Administer radiographs; and

2 **9. Other related services and functions.** Perform other related services and
3 functions authorized by the supervising dentist and for which the dental hygiene therapist
4 is trained;

5 **Sec. 5. 32 MRSA §1094-HH, sub-§§10 and 11** are enacted to read:

6 **10. Dentifrice; oral rinse.** Prescribe, dispense or administer anticavity toothpastes
7 or topical gels with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%,
8 0.44% or 0.5% sodium fluoride; and

9 **11. Chlorhexidine gluconate.** Prescribe, dispense or administer chlorhexidine
10 gluconate oral rinse.

11 **Sec. 6. 32 MRSA §1098-E,** as enacted by PL 2005, c. 198, §1, is amended to
12 read:

13 **§1098-E. Temporary filling procedures; prescription authority**

14 A dental hygienist with public health supervision status, as defined by rules adopted
15 by the Board of Dental Examiners, may perform temporary filling procedures without a
16 dentist present under protocols developed by the Board of Dental Examiners. A dental
17 hygienist with public health supervision status may prescribe, dispense or administer
18 anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and oral rinses
19 with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride, as well as chlorhexidine gluconate
20 oral rinse. Rules adopted pursuant to this section are routine technical rules as defined in
21 Title 5, chapter 375, subchapter 2-A.

22 **Sec. 7. 32 MRSA §1098-F** is enacted to read:

23 **§1098-F. Prescription authority**

24 A dental hygienist licensed under this subchapter may prescribe, dispense or
25 administer anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and
26 oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride, as well as chlorhexidine
27 gluconate oral rinse.

28 **Sec. 8. Appropriations and allocations.** The following appropriations and
29 allocations are made.

30 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

31 **Office of MaineCare Services 0129**

32 Initiative: Provides funding for a change to the point-of-sale application that pays for
33 prescriptions at a pharmacy and oversight of vendor change management.

34	GENERAL FUND	2015-16	2016-17
35	All Other	\$6,750	\$0
36			
37	GENERAL FUND TOTAL	<u>\$6,750</u>	<u>\$0</u>

1	FEDERAL EXPENDITURES FUND	2015-16	2016-17
2	All Other	\$20,250	\$0
3			
4	FEDERAL EXPENDITURES FUND TOTAL	\$20,250	\$0
5			

6 **SUMMARY**

7 This amendment is the majority report of the committee. It adds dental hygienists
 8 with public health supervision status to the list of professionals identified in the bill,
 9 including dental hygienists, independent practice dental hygienists and dental hygiene
 10 therapists, who are provided the authority to prescribe fluoride dentifrice and antibacterial
 11 rinse. The amendment specifies that these include anticavity toothpastes or topical gels
 12 with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5%
 13 sodium fluoride, as well as chlorhexidine gluconate oral rinse. The amendment also
 14 provides dispensing authority and administering authority in addition to prescribing
 15 authority to all of these dental hygiene licensees.

16 The amendment also adds an appropriations and allocations section.

17 **FISCAL NOTE REQUIRED**

18 (See attached)



127th MAINE LEGISLATURE

LD 91

LR 602(02)

An Act To Allow Dental Hygienists To Prescribe Fluoride Dentifrice and Antibacterial Rinse

Fiscal Note for Bill as Amended by Committee Amendment "A(H-139)"
Committee: Labor, Commerce, Research and Economic Development

Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$6,750	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$6,750	\$0	\$0	\$0
Federal Expenditures Fund	\$20,250	\$0	\$0	\$0
Revenue				
Federal Expenditures Fund	\$20,250	\$0	\$0	\$0

Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation to the Department of Health and Human Services of \$6,750 and a Federal Expenditures Fund allocation of \$20,250 in fiscal year 2015-16 for technology changes to MIHMS to change the Point of Sale application that pays for prescriptions at a pharmacy and OIT oversight for vendor change management. There could also be additional claims to MaineCare. It is currently unknown how many patients would receive this service from a Dental Hygienist who had not received it in the past from a dentist.

Additional costs to the Board of Dental Examiners affiliated with the Department of Professional and Financial Regulation to amend its rules to include the requirements of this legislation can be absorbed within existing budgeted resources.