

MAINE STATE LEGISLATURE

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L.D. 1211

Date: 6/5/15

Minority

(Filing No. H-313)

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. 829, L.D. 1211, Bill, "An Act To Provide Rule-making Powers and Increased Authority over Dental Hygienists to the Subcommittee on Dental Hygienists"

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 32 MRSA §1079, sub-§1, as amended by PL 2007, c. 620, Pt. A, §2, is further amended to read:

1. Membership. The subcommittee consists of 5 members:

A. A dental hygienist who is a member of the board;

B. ~~Two~~ Three dental hygienists, appointed by the Governor, who are qualified pursuant to subchapter 6 4, are legal residents of the State and have practiced in the State for at least 6 years immediately preceding appointment; and

~~C. Two dentists who are members of the board, appointed by the president of the board.~~

D. One dental hygienist, appointed by the Governor, who is involved in the education and training of dental hygienists at an accredited school of dental hygiene.

The subcommittee shall annually elect a chair and a secretary.

Sec. 4. 32 MRSA §1079, sub-§2, as enacted by PL 2003, c. 669, §3, is amended to read:

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

Amend the bill in section 4 in subsection 3 in paragraph B in the 3rd line (page 3, line 32 in L.D.) by inserting after the following: "1099" the following: 'all applications for local anesthesia and nitrous oxide permits'

Amend the bill in section 4 in subsection 3 in paragraph C in the first line (page 4, line 3 in L.D.) by striking out the following: "Adopt" and inserting the following: 'With oversight from the Commissioner of Professional and Financial Regulation, adopt'

Amend the bill by inserting after section 6 the following:

'Sec. 7. 32 MRSA §1094-K, sub-§1, as amended by PL 2009, c. 318, §1, is further amended to read:

1. Bachelor's degree and clinical experience. Possess a bachelor's degree in dental hygiene from a dental hygiene program accredited by the American Dental Association Commission on Dental Accreditation, or its successor organization, and document 2,000 work hours of clinical practice in a private dental practice or nonprofit dental clinic under direct or general supervision of a dentist during the 4 years preceding application or 3,000 hours of clinical practice under the general supervision of a dentist as a dental hygienist with public health supervision status; or

Sec. 8. 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. 9. 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; and

Sec. 10. 32 MRSA §1094-Q, sub-§1, ¶Q is enacted to read:

Q. Take impressions and fabricate teeth whitening trays and dispense teeth whitening solution.'

Amend the bill in section 14 in §1094-EE in the first paragraph in the 2nd line (page 6, line 39 in L.D.) by striking out the following: "35" and inserting the following: '35 30'

Amend the bill by striking out all of section 28 and inserting the following:

'Sec. 28. Transition provisions.

1. Subcommittee membership. Notwithstanding the Maine Revised Statutes, Title 32, section 1079, subsection 1, the members of the Board of Dental Examiners, Subcommittee on Dental Hygienists on the effective date of this Act continue to serve until appointments are made to implement this Act.

2. Rules. Until the Board of Dental Examiners, Subcommittee on Dental Hygienists adopts rules relating to the operation of the subcommittee and the licensure and practice of dental hygienists, independent practice dental hygienists, dental hygiene therapists, registered dental hygienists and dental hygienists with public health supervision status, as authorized by Title 32, section 1073, subsection 2 and sections 1094-KK and 1098-E, the rules adopted by the board and in effect on the effective date of this Act remain in effect.

Sec. 29. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Dental Examiners - Board of 0384

Initiative: Allocates funds for the per diem and All Other costs to support the additional responsibilities of the Subcommittee on Dental Hygienists.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
Personal Services	\$1,230	\$3,540
All Other	\$47,274	\$58,555
OTHER SPECIAL REVENUE FUNDS TOTAL	\$48,504	\$62,095

Dental Examiners - Board of 0384

Initiative: Allocates funds for one part-time Office Specialist I position and related All Other costs to address the increased workload of the board and the Subcommittee on Dental Hygienists.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$24,431	\$33,332
All Other	\$4,732	\$2,943
OTHER SPECIAL REVENUE FUNDS TOTAL	\$29,163	\$36,275

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF
DEPARTMENT TOTALS**

	2015-16	2016-17
OTHER SPECIAL REVENUE FUNDS	\$77,667	\$98,370
DEPARTMENT TOTAL - ALL FUNDS	\$77,667	\$98,370

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the minority report of the committee. It makes the following changes to the bill.

1. It increases the number of dental hygienists and removes the dentists on the Board of Dental Examiners, Subcommittee on Dental Hygienists.

2. It requires the subcommittee to review all nitrous oxide and local anesthesia permits.

3. It changes the number of continuing education hours required for the renewal of a dental hygiene therapist license from 35 to 30.

4. It allows a dental hygienist with public health supervision status and 3,000 hours of clinical practice under general supervision of a dentist to apply for licensure as an independent practice dental hygienist.

5. It adds taking impressions and fabricating teeth whitening trays and dispensing teeth whitening solution to the scope of practice for an independent practice dental hygienist.

6. It requires the Commissioner of Professional and Financial Regulation to provide oversight over the subcommittee's routine technical rule-making process.

7. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



Approved: 05/29/15 *MAC*

127th MAINE LEGISLATURE

LD 1211

LR 655(02)

An Act To Provide Rule-making Powers and Increased Authority over Dental Hygienists to the Subcommittee on Dental Hygienists

Fiscal Note for Bill as Amended by Committee Amendment *A(H-313)*
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
Appropriations/Allocations				
Other Special Revenue Funds	\$77,667	\$98,370	\$100,426	\$102,606
Revenue				
Other Special Revenue Funds	\$77,667	\$98,370	\$100,426	\$102,606

Fiscal Detail and Notes

This bill includes Other Special Revenue Funds allocations of \$77,667 in fiscal year 2015-16 and \$98,370 in fiscal year 2016-17 to the Board of Dental Examiners, affiliated with the Department of Professional and Financial Regulation, for one half-time Office Specialist I position, additional per diem costs and related all other costs including legal, financial and technology services associated with the increased duties and responsibilities of the Subcommittee on Dental Hygienists.

According to an analysis performed by the Department of Professional and Financial Regulation, fee increases will be required to support the cost of this legislation. This fiscal note assumes fees will be increased to a level sufficient to generate the additional revenue needed to cover the increased costs to the board.