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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1211

H.P. 829

House of Representatives, April 2, 2015

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

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SIROCKI of Scarborough.

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

2 **Sec. 1. 32 MRSA §1073, sub-§2**, as amended by PL 1997, c. 107, §4, is further
3 amended to read:

4 **2. Rules.** Adopt rules in accordance with the Maine Administrative Procedure Act
5 that are necessary for the implementation of this chapter, except for rules relating to the
6 operation of the Subcommittee on Dental Hygienists and the licensure and practice in this
7 State of dental hygienists, independent practice dental hygienists, dental hygiene
8 therapists, registered dental hygienists and dental hygienists with public health
9 supervision status. The rules may include, but need not be limited to, requirements for
10 licensure, interviews for licensing and renewal, continuing education, inactive licensure
11 status, use of general anesthesia and fees for providing a list of addresses of licensed
12 professionals upon request;

13 **Sec. 2. 32 MRSA §1077-A** is enacted to read:

14 **§1077-A. Disciplinary actions involving dental hygienists**

15 Notwithstanding section 1077, the Subcommittee on Dental Hygienists, referred to in
16 this section as "the subcommittee," has exclusive jurisdiction over all disciplinary actions
17 or other actions regarding noncompliance with or violation of this chapter, or rules
18 adopted pursuant to this chapter, by a licensed dental hygienist, independent practice
19 dental hygienist, dental hygiene therapist, registered dental hygienist or dental hygienist
20 with public health supervision status, referred to in this section as "the licensee."

21 **1. Disciplinary proceedings and sanctions.** The subcommittee shall investigate a
22 complaint on its own motion or upon receipt of a written complaint filed with the board
23 or the subcommittee.

24 The subcommittee shall notify the licensee of the content of a complaint filed against the
25 licensee as soon as possible, but no later than 60 days from receipt of this information.
26 The licensee shall respond within 30 days. If the licensee's response to the complaint
27 satisfies the subcommittee that the complaint does not merit further investigation or
28 action, the matter may be dismissed, with notice of the dismissal to the complainant, if
29 any.

30 If, in the opinion of the subcommittee, the factual basis of the complaint is or may be
31 true, and the complaint is of sufficient gravity to warrant further action, the subcommittee
32 may request an informal conference with the licensee. The subcommittee shall provide
33 the licensee with adequate notice of the conference and of the issues to be discussed. The
34 conference must be conducted in executive session of the subcommittee, pursuant to Title
35 1, section 405, unless otherwise requested by the licensee. Statements made at the
36 conference may not be introduced at a subsequent formal hearing unless all parties
37 consent.

38 If the subcommittee finds that the factual basis of the complaint is true and is of sufficient
39 gravity to warrant further action, it may take any of the following actions it considers
40 appropriate:

1 A. With the consent of the licensee, enter into a consent agreement that takes any
2 action authorized by Title 10, section 8003, subsection 5 or Title 10, section 8003-D.
3 A consent agreement may be used to terminate a complaint investigation if entered
4 into by the subcommittee, the licensee and the Attorney General's office;

5 B. In consideration for acceptance of a voluntary surrender of the license, if a
6 consent agreement is signed by the subcommittee, the licensee and the Attorney
7 General's office, negotiate stipulations, including terms and conditions for
8 reinstatement, that ensure protection of the public health and safety and that serve to
9 rehabilitate or educate the licensee; or

10 C. If the subcommittee concludes that suspension or revocation of the license is in
11 order, the subcommittee may file a complaint in the District Court in accordance with
12 Title 4, chapter 5.

13 Notwithstanding Title 10, section 8003, subsection 5, any nonconsensual revocation of a
14 license by a dental adjudicatory panel pursuant to Title 10, section 8003 may be imposed
15 only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4
16 and is subject to judicial review exclusively in the Superior Court in accordance with
17 Title 5, chapter 375, subchapter 7. The subcommittee retains the authority to take any
18 other action pursuant to this section and Title 10, section 8003 regarding the disposition
19 of any complaint that does not involve an adjudicatory hearing.

20 **2. Grounds for discipline.** The subcommittee may suspend or revoke a license
21 pursuant to Title 5, section 10004. The following are grounds for an action to suspend or
22 revoke or refuse to issue, modify or renew the license of a licensee:

23 A. The practice of fraud or deceit in obtaining a license under this chapter or in
24 connection with service rendered within the scope of the license issued;

25 B. Misuse of alcohol, drugs or other substances that has resulted or may result in the
26 licensee performing services in a manner that endangers the health or safety of
27 patients;

28 C. A professional diagnosis of a mental or physical condition that has resulted or
29 may result in the licensee performing services in a manner that endangers the health
30 or safety of patients;

31 D. Aiding or abetting the practice of a dental profession by an individual who is not
32 licensed under this chapter and who claims to be legally licensed;

33 E. Incompetence in the practice for which the licensee is licensed. A licensee is
34 considered incompetent in the practice if the licensee has:

35 (1) Engaged in conduct that evidences a lack of ability or fitness to perform the
36 duties owed by the licensee to a client or patient or the general public; or

37 (2) Engaged in conduct that evidences a lack of knowledge or inability to apply
38 principles or skills to carry out the practice for which the licensee is licensed;

39 F. Unprofessional conduct. A licensee is considered to have engaged in
40 unprofessional conduct if the licensee violates a standard of professional behavior
41 that has been established in the practice for which the licensee is licensed;

1 G. Subject to the limitations of Title 5, chapter 341, conviction of a crime that
2 involves dishonesty or false statement or that relates directly to the practice for which
3 the licensee is licensed, or conviction of a crime for which incarceration for one year
4 or more may be imposed;

5 H. A violation of this chapter or a rule adopted by the subcommittee; or

6 I. Engaging in false, misleading or deceptive advertising.

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

9 **1. Membership.** The subcommittee consists of 5 members:

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

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

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

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

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

19 **Sec. 4. 32 MRSA §1079, sub-§3**, as amended by PL 2007, c. 620, Pt. A, §2, is
20 further amended to read:

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

22 A. Perform ~~an initial~~ a review of ~~and take appropriate action on~~ all complaints
23 initiated pursuant to section ~~1077~~ 1077-A involving dental hygienists.—~~Upon~~
24 ~~completion of its review of a complaint, the secretary of the subcommittee shall~~
25 ~~report to the board the subcommittee's recommended disposition of the complaint in~~
26 ~~accordance with those dispositions authorized by section 1077. Notwithstanding the~~
27 ~~provisions of section 1077, the board shall adopt the subcommittee's recommended~~
28 ~~disposition of a complaint unless no fewer than 2/3 of the board members who are~~
29 ~~present and voting vote to reject that recommended disposition; and~~

30 B. Perform ~~an initial~~ a review of all applications for licensure as a dental hygienist
31 pursuant to section 1097, all submissions relating to continuing education of dental
32 hygienists pursuant to sections 1098-B and 1099 and all submissions relating to
33 public health supervision status of dental hygienists as defined by board rule. Upon
34 completion of its review of an application or submission, the ~~secretary of the~~
35 ~~subcommittee shall report to the board the subcommittee's recommended disposition~~
36 ~~of~~ take appropriate action on the application or submission, including issuance,
37 renewal, denial or nonrenewal of a dental hygienist license.—~~Notwithstanding the~~
38 ~~provisions of section 1098, the board shall adopt the subcommittee's recommended~~
39 ~~disposition of an application or submission unless no fewer than 2/3 of the board~~

1 ~~members who are present and voting vote to reject that recommended disposition;~~
2 ~~and~~

3 C. Adopt routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A,
4 relating to the operation of the subcommittee and the licensure and practice of dental
5 hygienists in this State.

6 **Sec. 5. 32 MRSA §1094-I**, as enacted by PL 2007, c. 620, Pt. B, §1, is amended
7 to read:

8 **§1094-I. Independent practice**

9 An independent practice dental hygienist licensed by the ~~board~~ Subcommittee on
10 Dental Hygienists pursuant to this subchapter may practice without supervision by a
11 dentist to the extent permitted by this subchapter. Any licensee of the ~~board~~
12 subcommittee may be the proprietor of a place where independent practice dental hygiene
13 is performed and may purchase, own or lease equipment necessary for the performance of
14 independent practice dental hygiene.

15 A person practicing independent practice dental hygiene as an employee of another
16 shall cause that person's name to be conspicuously displayed at the entrance of the place
17 where the practice is conducted.

18 **Sec. 6. 32 MRSA §1094-J, sub-§2**, as enacted by PL 2007, c. 620, Pt. B, §1, is
19 amended to read:

20 **2. Licensure as dental hygienist.** Possess a valid license to practice dental hygiene
21 issued by the ~~board~~ Subcommittee on Dental Hygienists pursuant to subchapter 4 or
22 qualify for licensure as an independent practice dental hygienist by endorsement pursuant
23 to section 1094-L; and

24 **Sec. 7. 32 MRSA §1094-Q, sub-§2**, as enacted by PL 2007, c. 620, Pt. B, §1, is
25 amended to read:

26 **2. Practice under supervision.** An independent practice dental hygienist licensed
27 under this subchapter may perform duties under the supervision of a dentist as set forth in
28 the rules of the ~~board~~ Subcommittee on Dental Hygienists pursuant to section 1095.

29 **Sec. 8. 32 MRSA §1094-S**, as enacted by PL 2007, c. 620, Pt. B, §1, is amended
30 to read:

31 **§1094-S. Mental or physical examination**

32 For the purposes of this section, by application for and acceptance of a license to
33 practice under this subchapter, an independent practice dental hygienist is considered to
34 have given consent to a mental or physical examination when directed by the ~~board~~
35 Subcommittee on Dental Hygienists. The ~~board~~ subcommittee may direct an independent
36 practice dental hygienist to submit to an examination whenever the ~~board~~ subcommittee
37 determines the independent practice dental hygienist may be suffering from a mental
38 illness that may be interfering with the competent independent practice of dental hygiene

1 or from the use of intoxicants or drugs to an extent that they are preventing the
2 independent practice dental hygienist from practicing dental hygiene competently and
3 with safety to patients. An independent practice dental hygienist examined pursuant to an
4 order of the ~~board~~ subcommittee may not prevent the testimony of the examining
5 individual or prevent the acceptance into evidence of the report of an examining
6 individual. Failure to comply with an order of the ~~board~~ subcommittee to submit to a
7 mental or physical examination results in the immediate suspension of the license to
8 practice independent dental hygiene by order of the District Court until the independent
9 practice dental hygienist submits to the examination.

10 **Sec. 9. 32 MRSA §1094-AA, first ¶**, as enacted by PL 2013, c. 575, §7, is
11 amended to read:

12 A dental hygienist or independent practice dental hygienist licensed by the ~~board~~
13 Subcommittee on Dental Hygienists pursuant to this chapter may practice as a licensed
14 dental hygiene therapist to the extent permitted by this subchapter. To qualify for
15 licensure under this subchapter as a dental hygiene therapist, a person shall apply to the
16 ~~board~~ subcommittee on forms provided by the ~~board~~ subcommittee, pay the application
17 fee under section 1094-DD and demonstrate to the ~~board~~ subcommittee that the applicant:

18 **Sec. 10. 32 MRSA §1094-AA, sub-§2, ¶¶C and D**, as enacted by PL 2013, c.
19 575, §7, are amended to read:

20 C. Is consistent with the model curriculum for educating dental hygiene therapists
21 adopted by the American Association of Public Health Dentistry, or a successor
22 organization, is consistent with existing dental hygiene therapy programs in other
23 states and is approved by the ~~board~~ Subcommittee on Dental Hygienists; and

24 D. Meets the requirements for dental hygiene therapy education programs adopted
25 by the ~~board~~ Subcommittee on Dental Hygienists;

26 **Sec. 11. 32 MRSA §1094-AA, sub-§§4 and 5**, as enacted by PL 2013, c. 575,
27 §7, are amended to read:

28 **4. Examination.** Has passed a comprehensive, competency-based clinical
29 examination approved by the ~~board~~ Subcommittee on Dental Hygienists and administered
30 independently of an institution providing dental hygiene therapy education and has
31 passed an examination of the applicant's knowledge of Maine laws and rules relating to
32 the practice of dentistry. An applicant who fails the clinical examination twice may not
33 take the clinical examination again until further education and training, as specified by
34 the ~~board~~ subcommittee, are obtained; and

35 **5. Supervised clinical practice.** Has completed 2,000 hours of supervised clinical
36 practice under the supervision of a dentist licensed under this chapter and in conformity
37 with rules adopted by the ~~board~~ Subcommittee on Dental Hygienists, during which
38 supervised clinical practice the applicant holds a provisional dental hygiene therapy
39 license pursuant to section 1094-BB. For purposes of meeting the requirements of this
40 subsection, an applicant's hours of supervised clinical experience while enrolled in the 4-
41 semester dental training therapy program may be included.

1 **Sec. 12. 32 MRSA §1094-BB**, as enacted by PL 2013, c. 575, §7, is amended to
2 read:

3 **§1094-BB. Provisional dental hygiene therapy license**

4 The ~~board~~ Subcommittee on Dental Hygienists shall issue a provisional dental
5 hygiene therapy license to an applicant for licensure under this subchapter who has met
6 the requirements of section 1094-AA, subsections 1 to 4 and rules adopted by the ~~board~~
7 subcommittee and who has paid a fee established by the ~~board~~ subcommittee of not more
8 than \$175. During the period of provisional licensure, which may not exceed 3 years, the
9 applicant shall maintain in good standing the applicant's license to practice as a dental
10 hygienist or an independent practice dental hygienist. During the period of provisional
11 licensure the applicant may be compensated for services performed as a dental hygiene
12 therapist.

13 **Sec. 13. 32 MRSA §1094-DD**, as enacted by PL 2013, c. 575, §7, is amended to
14 read:

15 **§1094-DD. License; fees; discontinuation of license**

16 The ~~board~~ Subcommittee on Dental Hygienists shall issue a license to practice as a
17 dental hygiene therapist to an applicant for licensure under this subchapter who has met
18 the requirements of this subchapter and rules adopted pursuant to the subchapter for
19 licensure and has paid the application fee of not more than \$175. A dental hygiene
20 therapist shall publicly exhibit the license at the therapist's place of business or
21 employment. The initial date of expiration of the license must be the original expiration
22 date of the dental hygiene therapist's dental hygienist license issued by the ~~board~~
23 subcommittee pursuant to subchapter 4 or, for an independent practice dental hygienist
24 licensed by endorsement, January 1st of the first odd-numbered year following initial
25 licensure. On or before January 1st of each odd-numbered year, a dental hygiene
26 therapist shall pay to the ~~board~~ subcommittee a license renewal fee. The ~~board~~
27 subcommittee may renew the license of a dental hygiene therapist who meets the
28 requirements for continued licensure and pays a renewal fee and a late fee by February
29 1st in the year in which renewal is due. The ~~board~~ subcommittee shall suspend the license
30 of a dental hygiene therapist who does not renew a license by February 1st in the year
31 that renewal is due. The ~~board~~ subcommittee may renew the license of a dental hygiene
32 therapist who pays a renewal fee and a reinstatement fee as required by the ~~board~~
33 subcommittee. The subcommittee shall forward any fee received pursuant to this section
34 to the board.

35 **Sec. 14. 32 MRSA §1094-EE**, as enacted by PL 2013, c. 575, §7, is amended to
36 read:

37 **§1094-EE. Continuing education**

38 As a condition of renewal of a license to practice under this subchapter, a dental
39 hygiene therapist shall submit evidence of successful completion of 35 hours of
40 continuing education in the 2 years prior to renewal. Continuing education under this
41 section must be in conformity with the provisions of section 1084-A and must include

1 ~~board-approved~~ courses approved by the Subcommittee on Dental Hygienists, including
2 but not limited to a course in cardiopulmonary resuscitation. The ~~board~~ subcommittee
3 may refuse renewal to an applicant who has not satisfied the requirements of this section
4 or may renew a license on terms and conditions set by the ~~board~~ subcommittee.

5 **Sec. 15. 32 MRSA §1094-GG, sub-§4**, as enacted by PL 2013, c. 575, §7, is
6 amended to read:

7 **4. Requirements.** A supervising dentist and a dental hygiene therapist who sign a
8 written practice agreement shall each file a copy of the agreement with the board and the
9 Subcommittee on Dental Hygienists, keep a copy for the dentist's or dental hygiene
10 therapist's own records and make a copy available to patients of the dental hygiene
11 therapist upon request. The copy of the written practice agreement in the records of the
12 board and the subcommittee must be made available to the public upon request.

13 **Sec. 16. 32 MRSA §1094-HH, first ¶**, as enacted by PL 2013, c. 575, §7, is
14 amended to read:

15 A dental hygiene therapist may provide the care and services listed in this section and
16 may provide them only under the direct supervision of a dentist licensed in this State. A
17 dental hygiene therapist practicing under general supervision of a dentist may perform all
18 duties of a dental hygiene therapist listed in rules adopted by the ~~board~~ Subcommittee on
19 Dental Hygienists. A dental hygiene therapist who is licensed as a dental hygienist may
20 perform all of the duties of a dental hygienist under this chapter. A dental hygiene
21 therapist who is licensed as an independent practice dental hygienist may perform all of
22 the duties of an independent practice dental hygienist. A dental hygiene therapist may:

23 **Sec. 17. 32 MRSA §1094-KK**, as enacted by PL 2013, c. 575, §7, is amended to
24 read:

25 **§1094-KK. Rulemaking**

26 The ~~board~~ Subcommittee on Dental Hygienists shall adopt rules to implement this
27 subchapter. Rules adopted pursuant to this section are routine technical rules as defined
28 in Title 5, chapter 375, subchapter 2-A.

29 **Sec. 18. 32 MRSA §1095**, as amended by PL 1993, c. 600, Pt. A, §79, is further
30 amended to read:

31 **§1095. Definition**

32 The dental hygienist who practices under the supervision of a dentist of record may
33 perform duties as defined and set forth in the rules of the ~~Board of Dental Examiners~~
34 Subcommittee on Dental Hygienists, except that nothing in this subchapter may be
35 construed to affect the practice of medicine or dentistry or to prevent students of a dental
36 college, university or school of dental hygiene from practicing dental hygiene under the
37 supervision of their instructors.

1 **Sec. 19. 32 MRSA §1096**, as amended by PL 1993, c. 600, Pt. A, §80, is further
2 amended to read:

3 **§1096. Qualifications**

4 A person 18 years old or over who has successfully completed 2 years' training in a
5 school of dental hygiene approved by the ~~board~~ Subcommittee on Dental Hygienists, or
6 who is a full-time dental student who has satisfactorily completed at least half of the
7 prescribed course of study in an accredited dental college, but who has not graduated
8 from a dental college, is eligible to apply for examination.

9 **Sec. 20. 32 MRSA §1097**, as amended by PL 2003, c. 669, §7, is further amended
10 to read:

11 **§1097. Application; fee**

12 An eligible person desiring to practice dental hygiene must make written application
13 to the ~~Board of Dental Examiners~~ Subcommittee on Dental Hygienists to take the
14 examination. The application must be accompanied by a fee to be determined by the
15 ~~board~~ subcommittee not to exceed \$175. Applicants for licensure must pay a fee set by
16 the ~~board~~ subcommittee for the examination. The ~~board~~ subcommittee may recognize a
17 nationally or regionally administered examination for applicants to practice dental
18 hygiene in the State. The subcommittee shall forward any fee received pursuant to this
19 section to the board.

20 **Sec. 21. 32 MRSA §1098**, as amended by PL 2005, c. 45, §4, is further amended
21 to read:

22 **§1098. License; biennial fee**

23 The ~~board~~ Subcommittee on Dental Hygienists shall issue a license to practice as a
24 dental hygienist in this State to an individual who has met the licensure requirements.
25 The license must be exhibited publicly at the person's place of employment. The license
26 authorizes practice as a dental hygienist in this State for the year in which it is issued until
27 the expiration date that appears on the license. On or before January 1st of each odd-
28 numbered year, the dental hygienist must pay to the ~~board~~ subcommittee a license
29 renewal fee of not more than \$175 to be determined by the ~~board~~ subcommittee. Dental
30 hygienists who have not paid the renewal fee on or before January 1st must be reinstated
31 upon payment of a late fee of not more than \$50 to be determined by the ~~board~~
32 subcommittee if paid before February 1st of the year in which license renewal is due.
33 Failure to be properly licensed by February 1st results in automatic suspension of a
34 license to practice dental hygiene. Reinstatement may be made, if approved by the ~~board~~
35 subcommittee, by payment to the secretary-treasurer of the ~~board~~ subcommittee of a fee
36 determined by the ~~board~~ subcommittee of not more than \$175. A new applicant who has
37 paid the application fee shall pay the biennial licensure fee if the applicant applies in an
38 odd-numbered year or half the biennial licensure fee if the applicant applies in an even-
39 numbered year. The subcommittee shall forward any fee received pursuant to this section
40 to the board.

1 The ~~board~~ subcommittee may issue temporary licenses to dental hygienists who
2 present credentials satisfactory to the board. The ~~board~~ subcommittee may charge a fee
3 of up to \$25 for a temporary license.

4 **Sec. 22. 32 MRSA §1098-C**, as enacted by PL 2003, c. 669, §10, is amended to
5 read:

6 **§1098-C. Mental or physical examination**

7 For the purposes of this section, by application for and acceptance of a license to
8 practice, a licensed dental hygienist is considered to have given consent to a mental or
9 physical examination when directed by the ~~board~~ Subcommittee on Dental Hygienists.
10 The ~~board~~ subcommittee may direct a dental hygienist to submit to an examination
11 whenever the ~~board~~ subcommittee determines the dental hygienist may be suffering from
12 a mental illness that may be interfering with the competent practice of dental hygiene or
13 from the use of intoxicants or drugs to an extent that they are preventing the dental
14 hygienist from practicing dental hygiene competently and with safety to patients. A
15 dental hygienist examined pursuant to an order of the ~~board~~ subcommittee may not
16 prevent the testimony of the examining individual or prevent the acceptance into evidence
17 of the report of an examining individual. Failure to comply with an order of the ~~board~~
18 subcommittee to submit to a mental or physical examination results in the immediate
19 suspension of the license of the dental hygienist by order of the District Court until the
20 dental hygienist submits to the examination.

21 **Sec. 23. 32 MRSA §1098-D, sub-§1, ¶E**, as enacted by PL 2003, c. 669, §10, is
22 amended to read:

23 E. For any applicant who has completed the Northeast Regional Board Dental
24 Hygiene Examination or the successor to that examination more than one year prior
25 to application for licensure in the State, have successfully completed a personal
26 interview before the ~~board~~ Subcommittee on Dental Hygienists; or

27 **Sec. 24. 32 MRSA §1098-D, sub-§2**, as amended by PL 2005, c. 289, §2, is
28 further amended to read:

29 **2. Licensure by endorsement.** For licensure by endorsement, the applicant must:

30 A. Have graduated from an accredited dental hygiene program;

31 B. If the candidate graduated subsequent to 1964, have completed with a passing
32 grade the National Board Dental Hygiene Examination, or the successor to that
33 examination, if such examination was required;

34 C. Have furnished proof, satisfactory to the ~~board~~ Subcommittee on Dental
35 Hygienists, that the candidate has been duly licensed to practice dental hygiene in
36 another state after full compliance with its laws;

37 D. If the candidate graduated subsequent to 1970, have completed with a passing
38 grade the Northeast Regional Board Dental Hygiene Examination, or the successor to
39 that examination, if such examination was required, except that the ~~board~~
40 Subcommittee on Dental Hygienists may at its discretion waive the Northeast

1 Regional Board Dental Hygiene Examination, or the successor to that examination, if
2 all other requirements of this subsection have been met;

3 E. Have engaged in active clinical practice for a minimum of 3 years prior to
4 application;

5 F. Have completed with a passing grade the jurisprudence examination given by the
6 ~~board~~ Subcommittee on Dental Hygienists; and

7 G. Have successfully completed a personal interview before the ~~board~~ Subcommittee
8 on Dental Hygienists.

9 The ~~board~~ Subcommittee on Dental Hygienists may at its discretion waive the Northeast
10 Regional Board Dental Hygiene Examination, or the successor to that examination, if all
11 other requirements have been met.

12 **Sec. 25. 32 MRSA §1098-E**, as enacted by PL 2005, c. 198, §1, is amended to
13 read:

14 **§1098-E. Temporary filling procedures**

15 A dental hygienist with public health supervision status, as defined by rules adopted
16 by the ~~Board of Dental Examiners~~ Subcommittee on Dental Hygienists, may perform
17 temporary filling procedures without a dentist present under protocols developed by the
18 ~~Board of Dental Examiners~~ subcommittee. Rules adopted pursuant to this section are
19 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

35 **Sec. 27. 32 MRSA §1100-A**, as amended by PL 2007, c. 620, Pt. C, §10, is
36 further amended to read:

1 **§1100-A. Definition**

2 Duties of dental auxiliaries other than ~~dental hygienists and~~ expanded function dental
3 assistants must be defined and governed by the rules of the Board of Dental Examiners;
4 ~~except that duties of independent practice dental hygienists set forth in section 1094-Q,~~
5 ~~subsection 1 may not be restricted or expanded by the board.~~ Dental auxiliaries include,
6 but are not limited to, ~~dental hygienists, independent practice dental hygienists,~~ dental
7 assistants, expanded function dental assistants, dental laboratory technicians and
8 denturists.

9 **Sec. 28. Transition.** Until the Board of Dental Examiners, Subcommittee on
10 Dental Hygienists adopts rules relating to the operation of the subcommittee and the
11 licensure and practice of dental hygienists, independent practice dental hygienists, dental
12 hygiene therapists, registered dental hygienists and dental hygienists with public health
13 supervision status, as authorized by the Maine Revised Statutes, Title 32, section 1073,
14 subsection 2 and Title 32, sections 1094-KK and 1098-E, the rules adopted by the board
15 and in effect on the effective date of this Act remain in effect.

16 **SUMMARY**

17 Under current law, the Board of Dental Examiners, Subcommittee on Dental
18 Hygienists performs an initial review of complaints regarding dental hygienists and
19 applications and continuing education requirements for dental hygienists. Following its
20 review, the subcommittee makes a recommendation to the board and the board acts on the
21 subcommittee's recommendation.

22 This bill provides the subcommittee with exclusive jurisdiction over licensing,
23 continuing education and disciplinary matters regarding dental hygienists, independent
24 practice dental hygienists, dental hygiene therapists, registered dental hygienists and
25 dental hygienists with public health supervision status and provides the subcommittee
26 with rule-making authority regarding these matters.

27 The bill also changes the composition of the subcommittee by replacing one of the
28 dentists with a dental hygienist who is involved in the training and education of dental
29 hygienists at an accredited school of dental hygiene and removing the requirement that
30 the existing 2 dental hygienists are qualified denturists.