

# MAINE STATE LEGISLATURE

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Date: 4-13-16

L.D. 1514

(Filing No. S-524)

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**STATE OF MAINE**  
**SENATE**  
**127TH LEGISLATURE**  
**SECOND REGULAR SESSION**

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1037, L.D. 1514, Bill, "An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation"

Amend the amendment by striking out everything after the title and inserting the following:

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

'Sec. 1. 32 MRSA §18345, sub-§2, ¶C, as enacted by PL 2015, c. 429, §21, is amended to read:

C. For dental hygiene therapist authority:

(1) Verification of having successfully completed a master's degree in dental hygiene therapy from an educational program that:

(a) Is accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board; or

~~(b) Is a minimum of 4 semesters;~~

~~(c) Is consistent with the model curriculum for educating dental hygiene therapists adopted by the American Association of Public Health Dentistry or a successor organization;~~

~~(d) Is consistent with existing dental hygiene therapy programs in other states approved by the board; and~~

(e) Meets the requirements for dental hygiene therapy education programs adopted by board rule;

~~(2) Verification of a bachelor's degree or higher in dental hygiene, dental hygiene therapy or dental therapy from a school accredited by the American Dental Association Commission on Dental Accreditation or a successor organization;~~

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1 (3) Verification of passing a clinical examination and all other examinations  
2 required by board rule. The clinical examination must be a comprehensive,  
3 competency-based clinical examination approved by the board and administered  
4 independently of an institution providing dental hygiene therapy education;

5 (4) Verification of having engaged in ~~2,000~~ 2,500 hours of supervised clinical  
6 practice under the supervision of a dentist and in conformity with rules adopted  
7 by the board, during which supervised clinical practice the applicant is authorized  
8 to practice pursuant to paragraph F.

9 For purposes of meeting the clinical requirements of this subparagraph, an  
10 applicant's hours of supervised clinical experience while enrolled in the dental  
11 hygiene therapy program under subparagraph (1) may be included as well as  
12 hours completed under the supervision of a dentist licensed in another state or a  
13 Canadian province, ~~provided that~~ as long as the applicant was operating lawfully  
14 under the laws and rules of that state or province; and

15 (5) A copy of the written practice agreement and standing orders required by  
16 section 18377, subsection 3;

17 **Sec. 2. 32 MRSA §18371, sub-§5**, as enacted by PL 2015, c. 429, §21, is  
18 amended to read:

19 **5. Supervision of dental therapists.** A dentist, referred to in this section as the  
20 "supervising dentist," who employs or supervises a dental hygiene therapist shall comply  
21 with this subsection.

22 A. A supervising dentist shall arrange for another dentist or specialist to provide any  
23 services needed by a patient of a dental hygiene therapist supervised by that dentist  
24 that are beyond the scope of practice of the dental hygiene therapist and that the  
25 supervising dentist is unable to provide.

26 B. The supervising dentist is responsible for all authorized services and procedures  
27 performed by the dental hygiene therapist pursuant to a written practice agreement  
28 executed by the dentist pursuant to section 18377.

29 C. Revisions to a written practice agreement must be documented in a new written  
30 practice agreement signed by the supervising dentist and the dental hygiene therapist.

31 D. A supervising dentist who signs a written practice agreement shall file a copy of  
32 the agreement with the board, keep a copy for the dentist's own records and make a  
33 copy available to patients of the dental hygiene therapist upon request.

34 E. A dentist may not supervise more than 5 dental therapists at one time.

35 **Sec. 3. 32 MRSA §18377, sub-§1**, as enacted by PL 2015, c. 429, §21, is  
36 amended to read:

37 **1. Scope of practice.** A dental hygiene therapist may perform the following  
38 procedures in limited practice settings, if authorized by a written practice agreement with  
39 a dentist licensed in this State pursuant to subsection 3.

1 A. To the extent permitted in a written practice agreement, a dental hygiene therapist  
2 may provide the care and services listed in this paragraph only under the ~~direct~~  
3 general supervision of the supervising dentist:

- 4 (1) Perform oral health assessments, pulpal disease assessments for primary and  
5 young teeth, simple cavity preparations and restorations and simple extractions;
- 6 (2) Prepare and place stainless steel crowns and aesthetic anterior crowns for  
7 primary incisors and prepare, place and remove space maintainers;
- 8 (3) Provide referrals;
- 9 (4) Administer local anesthesia and nitrous oxide analgesia;
- 10 (5) Perform preventive services;
- 11 (6) Conduct urgent management of dental trauma, perform suturing, extract  
12 primary teeth and perform nonsurgical extractions of periodontally diseased  
13 permanent teeth if authorized in advance by the supervising dentist;
- 14 (7) Provide, dispense and administer anti-inflammatories, nonprescription  
15 analgesics, antimicrobials, antibiotics and anticaries materials;
- 16 (8) Administer radiographs; ~~and~~
- 17 (9) Perform other related services and functions authorized by the supervising  
18 dentist and for which the dental hygiene therapist is trained; ~~and~~
- 19 (10) Perform the procedures listed in section 18374, subsections 1 and 2.

20 ~~B. To the extent permitted in a written practice agreement, a dental hygiene therapist~~  
21 ~~may provide the care and services listed in section 18374, subsections 1 and 2 under~~  
22 ~~the general supervision of the supervising dentist.~~

23 **Sec. 4. 32 MRSA §18377, sub-§3, ¶B**, as enacted by PL 2015, c. 429, §21, is  
24 amended to read:

25 B. A dental hygiene therapist may practice only under the ~~direct~~ general supervision  
26 of a dentist through a written practice agreement signed by both parties. A written  
27 practice agreement is a signed document that outlines the functions that the dental  
28 hygiene therapist is authorized to perform, which may not exceed the scopes of  
29 practice specified in subsections 1 and 2. A dental hygiene therapist may practice  
30 only under the standing order of the supervising dentist, may provide only care that  
31 follows written protocols and may provide only services that the dental hygiene  
32 therapist is authorized to provide by the written practice agreement.

33 **Sec. 5. Maine Revised Statutes amended; revision clause.** Wherever in the  
34 Maine Revised Statutes the words "dental hygiene therapist" appear or reference is made  
35 to those words, they are amended to read or mean, as appropriate, "dental therapist," and  
36 the Revisor of Statutes shall implement this revision when updating, publishing or  
37 republishing the statutes.

38 **Sec. 6. Maine Revised Statutes amended; revision clause.** Wherever in the  
39 Maine Revised Statutes the words "dental hygiene therapy" appear or reference is made

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1 to those words, they are amended to read or mean, as appropriate, "dental therapy," and  
2 the Revisor of Statutes shall implement this revision when updating, publishing or  
3 republishing the statutes.'

4 **SUMMARY**

5 This amendment corrects conflicts created by the enactment of Public Law 2015,  
6 chapter 429, which repealed and replaced the laws governing dental professionals. This  
7 amendment makes the following changes to the provisions of law enacted in chapter 429:

8 1. It changes the term "dental hygiene therapist" to "dental therapist";

9 2. It changes the term "dental hygiene therapy" to "dental therapy";

10 3. It specifies that an applicant who has successfully completed a master's degree,  
11 instead of a bachelor's degree or higher, in a dental therapy education program that is  
12 accredited by either the Board of Dental Practice or the American Dental Association  
13 Commission on Dental Accreditation or a successor organization approved by the board  
14 meets the requirements for having completed a dental therapy education program;

15 4. It increases the number of hours of supervised clinical practice that an applicant  
16 for dental therapist authority must complete from 2,000 to 2,500;

17 5. It removes the requirements that a dental therapy education program be consistent  
18 with a specified model curriculum, be consistent with programs in other states and be  
19 approved by the board;

20 6. It limits to 5 the number of dental therapists that a single dentist may supervise at  
21 one time; and

22 7. It removes the requirement that a dental therapist practice under the direct  
23 supervision of a dentist.

24 **SPONSORED BY:** 

25 (Senator BURNS)

26 **COUNTY: Washington**