

# MAINE STATE LEGISLATURE

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Date: 3/23/16 Majority

L.D. 1514  
(Filing No. H- 593)

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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

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 bill in section 1 in §1094-AA in the first line (page 1, line 4 in L.D.) by striking out the following: "hygiene"

Amend the bill in section 1 in §1094-AA in the first paragraph in the 2nd line (page 1, line 6 in L.D.) by striking out the following: "hygiene" and inserting the following: 'hygiene'

Amend the bill in section 1 in §1094-AA in the first paragraph in the 4th line (page 1, line 8 in L.D.) by striking out the following: "hygiene" and inserting the following: 'hygiene'

Amend the bill in section 1 in §1094-AA in subsection 1 in the 2nd line (page 1, line 12 in L.D.) by striking out the following: "qualifies" and inserting the following: 'qualifies qualify'

Amend the bill in section 1 in §1094-AA by striking out all of subsection 2-A (page 1, lines 25 to 38 in L.D.) and inserting the following:

**2-A. Education program standards and requirements. The applicant must have successfully completed a dental therapy education program and have been awarded a Bachelor of Science degree or higher in a dental therapy education program that:**

**A. Is accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board; or**

**B. Meets the requirements for dental therapy education programs adopted by the board.'**

Amend the bill in section 1 in §1094-AA by striking out all of subsection 4 (page 2, lines 7 to 12 in L.D.) and inserting the following:

**4. Examination. Has The applicant must have passed a comprehensive, competency-based clinical examination approved by the board and administered**

**COMMITTEE AMENDMENT**

1 independently of an institution providing dental hygiene therapy education and ~~has~~ have  
2 passed an examination of the applicant's knowledge of Maine laws and rules relating to  
3 the practice of dentistry. An applicant who fails the clinical examination twice may not  
4 take the clinical examination again until further education and training, as specified by  
5 the board, are obtained; ~~and.~~'

6 Amend the bill in section 1 in §1094-AA by striking out all of subsection 5 (page 2,  
7 lines 13 to 19 in L.D.) and inserting the following:

8 **'5. Supervised clinical practice.** ~~Has~~ The applicant must have completed at least 2  
9 years and 2,000 hours of supervised clinical practice under the supervision of a dentist  
10 licensed under this chapter and in conformity with rules adopted by the board, during  
11 which supervised clinical practice the applicant holds a provisional dental hygiene  
12 therapy license pursuant to section 1094-BB. For purposes of meeting the requirements  
13 of this subsection, an applicant's hours of supervised clinical experience while enrolled in  
14 the ~~4 semester~~ dental ~~training~~ therapy education program may be included.'

15 Amend the bill in section 1 in §1094-AA by striking out all subsection 6 (page 2,  
16 lines 20 to 28 in L.D.)

17 Amend the bill in section 2 by striking out all of §1094-BB (page 2, lines 31 to 39 in  
18 L.D.) and inserting the following:

19 **'§1094-BB. Provisional dental therapy license**

20 The board shall issue a provisional dental hygiene therapy license to an applicant for  
21 licensure under this subchapter who has met the requirements of section 1094-AA,  
22 subsections 1 to 4 and rules adopted by the board and who has paid a fee established by  
23 the board of not more than \$175. During the period of provisional licensure, which may  
24 not exceed 3 years, the applicant shall maintain in good standing the applicant's license to  
25 practice as a dental hygienist or an independent practice dental hygienist. During the  
26 period of provisional licensure the applicant may be compensated for services performed  
27 as a dental hygiene therapist.'

28 Amend the bill in section 3 in §1094-FF in the first paragraph in the first line (page 3,  
29 line 4 in L.D.) by inserting after the following: "completion of" the following: 'at least 2  
30 years and'

31 Amend the bill in section 3 in §1094-FF in the first paragraph in the 2nd line (page 3,  
32 line 5 in L.D.) by striking out the following: "hygiene" and inserting the following:  
33 'hygiene'

34 Amend the bill in section 3 in §1094-FF in the first paragraph in the 2nd to last line  
35 (page 3, line 18 in L.D.) by striking out the following: "hygiene" and inserting the  
36 following: 'hygiene'

37 Amend the bill by striking out all of sections 4 and 5 and inserting the following:

38 **'Sec. 4. 32 MRSA §1094-GG, first ¶,** as enacted by PL 2013, c. 575, §7, is  
39 amended to read:

40 A dental hygiene therapist may practice only under the ~~direct~~ general supervision of a  
41 dentist who is licensed in this State, referred to in this subchapter as "the supervising

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1 dentist," and through a written practice agreement signed by both parties. For the  
2 purposes of this section, a written practice agreement is a signed document that, in  
3 conformity with the legal scope of practice provided in section 1094-HH, outlines the  
4 functions that the dental hygiene therapist is authorized to perform. A dental hygiene  
5 therapist may practice only under the standing order of a dentist, may provide only care  
6 that follows written protocols and may provide only services that the dental hygiene  
7 therapist is authorized to provide by that dentist. A dentist may not supervise more than 5  
8 dental therapists.

9 **Sec. 5. 32 MRSA §1094-HH, first ¶,** as enacted by PL 2013, c. 575, §7, is  
10 amended to read:

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

19 **Sec. 6. Maine Revised Statutes amended; revision clause.** Wherever in the  
20 Maine Revised Statutes the words "dental hygiene therapist" appear or reference is made  
21 to those words, they are amended to read or mean, as appropriate, "dental therapist" and  
22 the Revisor of Statutes shall implement this revision when updating, publishing or  
23 republishing the statutes.

24 **Sec. 7. Maine Revised Statutes amended; revision clause.** Wherever in the  
25 Maine Revised Statutes the words "dental hygiene therapy" appear or reference is made  
26 to those words, they are amended to read or mean, as appropriate, "dental therapy" and  
27 the Revisor of Statutes shall implement this revision when updating, publishing or  
28 republishing the statutes.'

29 **SUMMARY**

30 This amendment, which is the majority report of the committee:

- 31 1. Changes the term "dental hygiene therapist" to "dental therapist";
- 32 2. Eliminates the provision of the bill that moves dental therapist examination  
33 requirements to the statutory subsection on education requirements;
- 34 3. Eliminates the provision of the bill that allows licensure of dental therapists by  
35 endorsement;
- 36 4. Limits the number of dental therapists that a single dentist may supervise;
- 37 5. Corrects a cross-reference;
- 38 6. Requires that an applicant for a dental therapy license engage in at least 2 years  
39 and 2,000 hours of supervised clinical practice; and

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COMMITTEE AMENDMENT "A" to H.P. 1037, L.D. 1514

1           7. Clarifies that a dental therapist must practice under the general supervision of a  
2 dentist.

3

**FISCAL NOTE REQUIRED**

4

**(See attached)**

**COMMITTEE AMENDMENT**



# 127th MAINE LEGISLATURE

LD 1514

LR 2414(02)

**An Act To Conform Maine Law to the Requirements of the American Dental Association Commission  
on Dental Accreditation**

**Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-593)  
Committee: Labor, Commerce, Research and Economic Development  
Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Additional costs to the Board of Dental Examiners, affiliated with the Department of Professional and Financial Regulation, to amend the rules associated with the licensing and practice requirements for dental therapists can be absorbed within existing budgeted resources.