

MAINE STATE LEGISLATURE

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L.D. 1514

Date: 3/23/16

(Filing No. H-594)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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

COMMITTEE AMENDMENT "B" 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 in subsection 5 in the 4th line (page 2, line
 7 16 in L.D.) by striking out the following: "hygiene" and inserting the following: 'hygiene'

8 Amend the bill in section 1 in §1094-AA in subsection 5 in the last line (page 2, line
 9 19 in L.D.) by striking out the following: "hygiene"

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

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

14 **'§1094-BB. Provisional dental therapy license**

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

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

26 Amend the bill in section 3 in §1094-FF in the first paragraph in the 3rd line (page 3,
 27 line 6 in L.D.) by striking out the following: "~~direct~~" and inserting the following: 'direct'

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

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

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

34 A dental ~~hygiene~~ therapist may practice only under the direct supervision of a dentist
 35 who is licensed in this State, referred to in this subchapter as "the supervising dentist,"
 36 and through a written practice agreement signed by both parties. For the purposes of this
 37 section, a written practice agreement is a signed document that, in conformity with the
 38 legal scope of practice provided in section 1094-HH, outlines the functions that the dental
 39 ~~hygiene~~ therapist is authorized to perform. A dental ~~hygiene~~ therapist may practice only
 40 under the standing order of a dentist, may provide only care that follows written protocols

1 and may provide only services that the dental hygiene therapist is authorized to provide
2 by that dentist. A dentist may not supervise more than 5 dental therapists.

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

5 A dental hygiene therapist may provide the care and services listed in this section and
6 may provide them only under the direct supervision of a dentist licensed in this State. A
7 dental hygiene therapist practicing under general supervision of a dentist may perform all
8 duties of a dental hygiene therapist listed in rules adopted by the board. A dental hygiene
9 therapist who is licensed as a dental hygienist may perform all of the duties of a dental
10 hygienist under this chapter. A dental hygiene therapist who is licensed as an
11 independent practice dental hygienist may perform all of the duties of an independent
12 practice dental hygienist. A dental hygiene therapist may:

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

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

23 **SUMMARY**

24 This amendment, which is the minority report of the committee:

- 25 1. Changes the term "dental hygiene therapist" to "dental therapist";
- 26 2. Eliminates the provision of the bill that moves dental therapist examination
27 requirements to the statutory subsection on education requirements;
- 28 3. Eliminates the provision of the bill that allows licensure of dental therapists by
29 endorsement;
- 30 4. Limits the number of dental therapists that a single dentist may supervise;
- 31 5. Corrects a cross-reference; and
- 32 6. Retains the current requirement that a dental therapist practice under the direct
33 supervision of a dentist licensed in the State.

34 **FISCAL NOTE REQUIRED**

35 **(See attached)**



127th MAINE LEGISLATURE

LD 1514

LR 2414(03)

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 B (H-594)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

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.