

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1514

H.P. 1037

House of Representatives, December 28, 2015

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

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 22, 2015. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative SIROCKI of Scarborough.
Cosponsored by Senator BURNS of Washington and
Representatives: BLACK of Wilton, MASTRACCIO of Sanford, Senators: DILL of
Penobscot, McCORMICK of Kennebec, PATRICK of Oxford.

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

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

4 **§1094-AA. Dental hygiene therapist**

5 A dental hygienist or independent practice dental hygienist licensed by the board
6 pursuant to this chapter may practice as a licensed dental hygiene therapist to the extent
7 permitted by this subchapter. To qualify for licensure under this subchapter as a dental
8 hygiene therapist, a person shall apply to the board on forms provided by the board, pay
9 the application fee under section 1094-DD and demonstrate to the board that the
10 applicant: meets the requirements of this section.

11 **1. Licensure.** ~~Possesses~~ The applicant must possess a valid license to practice dental
12 hygiene or independent practice dental hygiene pursuant to this chapter or qualifies for
13 licensure to practice by endorsement pursuant to section 1094-L~~2~~.

14 ~~**2. Educational program standards and requirements.** Has successfully~~
15 ~~completed a dental hygiene therapy education program that:~~

16 ~~A. Is accredited by the American Dental Association Commission on Dental~~
17 ~~Accreditation or a successor organization;~~

18 ~~B. Is a minimum of 4 semesters;~~

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

23 ~~D. Meets the requirements for dental hygiene therapy education programs adopted~~
24 ~~by the board;~~

25 **2-A. Education program standards and requirements.** The applicant:

26 A. Has successfully completed a dental hygiene therapy education program and been
27 awarded a Bachelor of Science degree or higher in a dental hygiene therapy education
28 program that:

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

31 (2) Meets the requirements for dental hygiene therapy education programs
32 adopted by the board; and

33 B. Has passed a comprehensive, competency-based clinical examination approved
34 by the board and administered independently of an institution providing dental
35 hygiene therapy education and has passed an examination of the applicant's
36 knowledge of Maine laws and rules relating to the practice of dentistry. An applicant
37 who fails the clinical examination twice may not take the clinical examination again
38 until further education and training, as specified by the board, are obtained.

1 ~~3. Bachelor of Science degree.~~ Has been awarded a Bachelor of Science degree in
2 dental hygiene. In order to meet the requirements of this subsection, an applicant must
3 hold at least an associate degree in dental hygiene before entering a dental hygiene
4 therapy education program that meets the requirements of subsection 2, which may be
5 completed concurrently or consecutively with a Bachelor of Science degree in dental
6 hygiene;

7 ~~4. Examination.~~ Has passed a comprehensive, competency based clinical
8 examination approved by the board and administered independently of an institution
9 providing dental hygiene therapy education and has passed an examination of the
10 applicant's knowledge of Maine laws and rules relating to the practice of dentistry. An
11 applicant who fails the clinical examination twice may not take the clinical examination
12 again until further education and training, as specified by the board, are obtained; and

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

20 ~~6. Licensure by endorsement.~~ As an alternative to the requirements of subsections
21 1 to 5, an applicant may meet the requirements for licensure by endorsement as a dental
22 hygiene therapist. For licensure by endorsement, the applicant must:

23 A. Be a graduate of a dental hygiene therapy education program or its equivalent;

24 B. Furnish proof satisfactory to the board that the applicant has been duly licensed to
25 practice dental hygiene therapy in another state after full compliance with its laws;
26 and

27 C. Have engaged in active clinical practice for a minimum of 3 years prior to
28 application.

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

31 **§1094-BB. Provisional dental hygiene therapy license**

32 The board shall issue a provisional dental hygiene therapy license to an applicant for
33 licensure under this subchapter who has met the requirements of section 1094-AA,
34 subsections 1 to ~~4~~ 5 and rules adopted by the board and who has paid a fee established
35 by the board of not more than \$175. During the period of provisional licensure, which
36 may not exceed 3 years, the applicant shall maintain in good standing the applicant's
37 license to practice as a dental hygienist or an independent practice dental hygienist.
38 During the period of provisional licensure the applicant may be compensated for services
39 performed as a dental hygiene therapist.

1 **Sec. 3. 32 MRSA §1094-FF**, as enacted by PL 2013, c. 575, §7, is amended to
2 read:

3 **§1094-FF. Limitation of practice**

4 Upon completion of 2,000 hours of supervised clinical practice under section
5 1094-AA, subsection ~~4~~ 5 a dental hygiene therapist may provide services within the
6 scope of practice provided in section 1094-HH and under the ~~direct~~ supervision of a
7 dentist who is licensed in this State in the following health settings: a hospital; a public
8 school, as defined in Title 20-A, section 1, subsection 24; a nursing facility licensed
9 under Title 22, chapter 405; a residential care facility licensed under Title 22, chapter
10 1663; a clinic; a health center reimbursed as a federally qualified health center as defined
11 in 42 United States Code, Section 1395x(aa)(4) (1993) or that has been determined by the
12 federal Department of Health and Human Services, Centers for Medicare and Medicaid
13 Services to meet the requirements for funding under Section 330 of the Public Health
14 Service Act, 42 United States Code, Section 254(b); a federally qualified health center
15 licensed in this State; a public health setting that serves underserved populations as
16 recognized by the federal Department of Health and Human Services; or a private dental
17 practice in which at least 50% of the patients who are provided services by that dental
18 hygiene therapist are covered by the MaineCare program under Title 22 or are
19 underserved adults.

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

22 A dental hygiene therapist may practice only under the ~~direct~~ supervision of a dentist
23 who is licensed in this State, referred to in this subchapter as "the supervising dentist,"
24 and through a written practice agreement signed by both parties. For the purposes of this
25 section, a written practice agreement is a signed document that, in conformity with the
26 legal scope of practice provided in section 1094-HH, outlines the functions that the dental
27 hygiene therapist is authorized to perform. A dental hygiene therapist may practice only
28 under the standing order of a dentist, may provide only care that follows written protocols
29 and may provide only services that the dental hygiene therapist is authorized to provide
30 by that dentist.

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

33 A dental hygiene therapist may provide the care and services listed in this section and
34 may provide them only under the ~~direct~~ supervision of a dentist licensed in this State. A
35 dental hygiene therapist practicing under general supervision of a dentist may perform all
36 duties of a dental hygiene therapist listed in rules adopted by the board. A dental hygiene
37 therapist who is licensed as a dental hygienist may perform all of the duties of a dental
38 hygienist under this chapter. A dental hygiene therapist who is licensed as an
39 independent practice dental hygienist may perform all of the duties of an independent
40 practice dental hygienist. A dental hygiene therapist may:

1 **SUMMARY**

2 This bill amends the licensing and practice requirements for a dental hygiene
3 therapist by:

4 1. Specifying that an applicant who has successfully completed a dental hygiene
5 therapy education program that is accredited by either the American Dental Association
6 Commission on Dental Accreditation or a successor organization or the Board of Dental
7 Examiners meets the requirements for having completed a dental hygiene therapy
8 education program;

9 2. Specifying that a degree in dental hygiene therapy above a Bachelor of Science
10 degree is acceptable;

11 3. Removing the requirements that a dental hygiene therapy education program be
12 consistent with a specified model curriculum, be consistent with programs in other states
13 and be approved by the board;

14 4. Removing the requirement that an applicant hold an associate degree in dental
15 hygiene before entering a dental hygiene therapy education program;

16 5. Removing the requirement that a dental hygiene therapist be under the direct
17 supervision of a dentist; and

18 6. Allowing a person to be licensed as a dental hygiene therapist in this State if that
19 person was graduated from a dental hygiene therapy education program, is licensed to
20 practice as a dental hygiene therapist in another state and has engaged in active clinical
21 practice for at least 3 years prior to applying for a license in this State.