

MAINE STATE LEGISLATURE

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SAR
ROS

LD 1581

Date

6/21/23

(Filing No H-698)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 1026, L D 1581, "An Act Regarding Dental Hygienists and Dental Therapists"

Amend the bill by striking out everything after the enacting clause and inserting the following

Sec. 1. 32 MRSA §18302, sub-§6-A is enacted to read

6-A. Dental hygiene diagnosis. "Dental hygiene diagnosis" means the identification of an existing oral health problem that a dental hygienist is qualified and licensed to treat

Sec. 2. 32 MRSA §18341, sub-§4 is enacted to read

4. Basic life support. An applicant seeking an initial or a renewed license must include evidence of basic life support certification.

Sec. 3. 32 MRSA §18345, sub-§2, ¶F, as amended by PL 2021, c 44, §4, is further amended by amending subparagraph (2) to read:

(2) A copy of the written agreement between the applicant and a dentist who will provide ~~levels of direct supervision consistent with the scope of practice for the procedures outlined in section 18377 and, subsection 1, paragraph A and general supervision for the procedures outlined in section 18377, subsection 1, paragraph B~~ in conformity with rules adopted by the board

Sec. 4. 32 MRSA §18350, as enacted by PL 2015, c 429, §21, is amended to read **§18350. Continuing education**

As a condition of renewal of a license to practice, an applicant must have a current ~~cardiopulmonary resuscitation~~ basic life support certification and complete continuing education during the licensing cycle prior to application for renewal The board may prescribe by rule the content and types of continuing education activities that meet the requirements of this section

Sec. 5. 32 MRSA §18374, sub-§1, ¶A, as amended by PL 2021, c 223, §12, is further amended to read

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1 A Administer ~~local anesthesia or~~ nitrous oxide analgesia, as long as the dental
2 hygienist or faculty dental hygienist has authority to administer the ~~relevant~~ medication
3 pursuant to section 18345, subsection 2, paragraph ~~D or E~~

4 **Sec. 6. 32 MRSA §18374, sub-§1-A** is enacted to read

5 **1-A. Scope of practice; general supervision.** Under the general supervision of a
6 dentist, a dental hygienist and faculty dental hygienist may administer local anesthesia, as
7 long as the dental hygienist or faculty dental hygienist has authority to administer the
8 medication pursuant to section 18345, subsection 2, paragraph D

9 **Sec. 7. 32 MRSA §18374, sub-§2,** as amended by PL 2021, c 223, §12, is further
10 amended to read

11 **~~2. Scope of practice, general supervision.~~** A dental hygienist and faculty dental
12 hygienist may perform ~~under the general supervision of a dentist~~ all of the activities that
13 may be delegated to an unlicensed person pursuant to section 18371, subsection 3. A dental
14 hygienist and faculty dental hygienist may also perform the following procedures ~~under the~~
15 ~~general supervision of a dentist~~

16 ~~A Prescribe, dispense or administer anticavity toothpastes or topical gels with 1-1%~~
17 ~~or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium~~
18 ~~fluoride, as well as chlorhexidine gluconate oral rinse,~~

19 A-1 Prescribe, dispense or administer fluoride, silver diamine fluoride, antimicrobial
20 solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial
21 agents, desensitizing agents and resorbable antimicrobial agents,

22 ~~C Apply desensitizing agents to teeth,~~

23 ~~D Apply fluoride to control caries,~~

24 F Apply sealants,

25 J Expose and process radiographs,

26 S Perform all procedures necessary for a complete prophylaxis, including but not
27 limited to scaling and root planing and periodontal maintenance,

28 ~~U Perform complete periodontal and dental restorative charting,~~

29 ~~X Perform oral inspections, recording all conditions that should be called to the~~
30 ~~attention of the dentist,~~

31 ~~GG Place localized delivery of chemotherapeutic agents when treatment is planned~~
32 ~~by the dentist,~~

33 JJ Place temporary restorations as an emergency procedure, as long as the patient is
34 informed of the temporary nature of the restoration in compliance with the protocol
35 adopted by the board, and

36 TT Smooth and polish amalgam restorations,

37 ZZ Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene
38 treatment planning and implementation in the identification, prevention and
39 management of oral disease, and

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AAA Obtain impressions for and deliver athletic mouth guards and custom fluoride trays

Sec. 8. 32 MRSA §18375, sub-§1, as amended by PL 2017, c 388, §§20 and 21, is further amended to read

1. Scope of practice. An independent practice dental hygienist may perform only the following duties without supervision by a dentist

- ~~A. Interview patients and record complete medical and dental histories,~~
- ~~B Take and record the vital signs of blood pressure, pulse and temperature,~~
- ~~C Perform oral inspections, recording all conditions that should be called to the attention of a dentist,~~
- ~~D. Perform complete periodontal and dental restorative charting,~~
- E Perform all procedures necessary for a complete prophylaxis, including but not limited to scaling and root planing and periodontal maintenance,
- ~~F Apply fluoride to control caries,~~
- ~~G Apply desensitizing agents to teeth,~~
- ~~H Apply topical anesthetics,~~
- I Apply sealants,
- J Smooth and polish amalgam restorations, ~~limited to slow speed application only,~~
- L Obtain impressions for and deliver athletic mouth guards and custom fluoride trays,
- ~~M Place and remove rubber dams,~~
- N Place temporary restorations in compliance with the protocol adopted by the board,
- ~~O Apply topical antimicrobials, including fluoride but excluding antibiotics, for the purposes of bacterial reduction, caries control and desensitization in the oral cavity. The independent practice dental hygienist shall follow current manufacturer's instructions in the use of these medicaments,~~
- P Expose and process radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series, ~~under protocols developed by the board as long as the independent practice dental hygienist has a written agreement with a licensed dentist that provides that the dentist is available to interpret all dental radiographs within 21 days from the date the radiograph is taken and that the dentist will sign a radiographic review and findings form, and~~
- Q Prescribe, dispense or administer anticavity toothpastes or topical gels with 1-1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride, as well as chlorhexidine gluconate oral rinse. For the purposes of this paragraph, "topical" includes superficial and intraoral application. fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents; and

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1 R Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene
2 treatment planning and implementation in the identification, prevention and
3 management of oral disease

4 **Sec. 9. 32 MRSA §18376, sub-§1**, as amended by PL 2017, c 388, §§22 and 23,
5 is further amended to read

6 **1. Scope of practice.** A public health dental hygienist may perform the following
7 procedures in a public health setting under a supervision agreement with a dentist that
8 outlines the roles and responsibilities of the collaboration

9 ~~A Prescribe, dispense or administer anticavity toothpastes or topical gels with 1-1%~~
10 ~~or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium~~
11 ~~fluoride, as well as chlorhexidine gluconate oral rinse fluoride, silver diamine fluoride,~~
12 ~~antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic~~
13 ~~antimicrobial agents, desensitizing agents and resorbable antimicrobial agents;~~

14 ~~B Apply cavity varnish,~~

15 ~~C Apply desensitizing agents to teeth,~~

16 ~~D Apply fluoride to control caries,~~

17 ~~E Apply liquids, pastes or gel topical anesthetics,~~

18 ~~F Apply sealants,~~

19 ~~G Apply topical antimicrobials, including fluoride but excluding antibiotics, for the~~
20 ~~purposes of bacterial reduction, caries control and desensitization in the oral cavity-~~
21 ~~The public health dental hygienist shall follow current manufacturer's instructions in~~
22 ~~the use of these medicaments For the purposes of this paragraph, "topical" includes~~
23 ~~superficial and intramuscular application;~~

24 ~~I Expose and process radiographs upon written standing prescription orders from a~~
25 ~~dentist who is available to interpret all dental radiographs within 21 days and who will~~
26 ~~complete and sign a radiographic review and findings form,~~

27 ~~J For instruction purposes, demonstrate to a patient how the patient should place and~~
28 ~~remove removable prostheses, appliances or retainers,~~

29 ~~K For the purposes of eliminating pain or discomfort, remove loose, broken or~~
30 ~~irritating orthodontic appliances,~~

31 ~~L Give oral health instruction,~~

32 ~~M Interview patients and record complete medical and dental histories,~~

33 ~~N Irrigate and aspirate the oral cavity,~~

34 ~~O Isolate operative fields,~~

35 ~~P Perform all procedures necessary for a complete prophylaxis, including but not~~
36 ~~limited to scaling and root planing and periodontal maintenance,~~

37 ~~Q Perform complete periodontal and dental restorative charting,~~

38 ~~R Perform dietary analyses for dental disease control,~~

39 ~~S Perform temporary filling procedures without a dentist present under protocols~~
40 ~~adopted by board rule,~~

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- 1 ~~T~~ Perform oral inspections, recording all conditions that should be called to the
- 2 attention of the dentist,
- 3 ~~U~~ Perform pulp vitality tests pursuant to the direction of a dentist,
- 4 ~~V~~ Place and remove gingival retraction cord without vasoconstrictor,
- 5 ~~W~~ Place and remove matrix bands for purposes of fabricating or placing temporary
- 6 restorations,
- 7 ~~X~~ Place and remove rubber dams,
- 8 ~~Y~~ Place and remove wedges for purposes of fabricating or placing temporary
- 9 restorations,
- 10 Z Place temporary restorations in compliance with the protocol adopted by board rule,
- 11 ~~AA~~ Remove excess cement from the supragingival surfaces of teeth,
- 12 ~~BB~~ Retract lips, cheek, tongue and other tissue parts,
- 13 ~~CC~~ Smooth and polish restorations, limited to slow speed application only,
- 14 ~~DD~~ Take and record the vital signs of blood pressure, pulse and temperature,
- 15 ~~EE~~ Take dental plaque smears for microscopic inspection and patient education,
- 16 ~~FF~~ Obtain impressions for and deliver athletic mouth guards and custom fluoride
- 17 trays, and
- 18 ~~GG~~ Take intraoral photographs-
- 19 HH Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene
- 20 treatment planning and implementation in the identification, prevention and
- 21 management of oral disease

22 **Sec. 10. 32 MRSA §18377, sub-§1**, as amended by PL 2021, c 223, §13, is further
23 amended to read

24 **1. Scope of practice.** A dental therapist may perform the following procedures in
25 limited practice settings, if authorized by a written practice agreement ~~with~~ under the
26 general supervision of a supervising dentist licensed in this State pursuant to subsection 3

27 A To the extent permitted in a written practice agreement, a dental therapist may
28 provide the care and services listed in this paragraph ~~only~~ under the direct general
29 supervision of the supervising dentist

- 30 (1) Perform oral health assessments, pulpal disease assessments for primary and
- 31 young teeth, simple cavity preparations and restorations and simple extractions,
- 32 (2) Prepare and place stainless steel crowns and aesthetic anterior crowns for
- 33 primary incisors and prepare, place and remove space maintainers,
- 34 (4) Administer local anesthesia and nitrous oxide analgesia,
- 35 (6) Conduct urgent management of dental trauma, perform suturing, extract
- 36 primary teeth and perform nonsurgical extractions of periodontally diseased
- 37 permanent teeth if authorized in advance by the supervising dentist, and
- 38 (7) Provide, dispense and administer anti-inflammatories, nonprescription
- 39 analgesics, antimicrobials, antibiotics and anticaries materials

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1 B To the extent permitted in a written practice agreement, a dental therapist may
2 provide the care and services identified in section 18371, subsection 3 and section
3 18374 under the general supervision of the supervising dentist

4 **Sec. 11. 32 MRSA §18377, sub-§3, ¶B**, as amended by PL 2019, c 388, §10, is
5 further amended to read

6 B A dental therapist may practice ~~only~~ under the ~~direct~~ general supervision of a dentist
7 through a written practice agreement signed by both parties A written practice
8 agreement is a signed document that outlines the functions that the dental therapist is
9 authorized to perform, which may not exceed the scopes of practice specified in
10 subsections 1 and 2 A dental therapist may practice only under the standing order of
11 the supervising dentist, may provide only care that follows written protocols and may
12 provide only services that the dental therapist is authorized to provide by the written
13 practice agreement'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
15 number to read consecutively

16 **SUMMARY**

17 This amendment replaces the bill and makes the following changes to the laws related
18 to the licensing and scope of practice of dental hygienists and dental therapists

- 19 1 It adds a definition of dental hygiene diagnosis
- 20 2 It removes general supervision from dental hygienists' and faculty dental hygienists'
21 scope of practice
- 22 3 It changes the level of supervision from direct to general for dental hygienists who
23 hold a local anesthesia practice authority
- 24 4 It aligns the scope of practice procedures to be consistent with current practices of
25 dental hygienists, including the practice authorities governing independent practice dental
26 hygienists, public health dental hygienists and dental therapists
- 27 5 It removes a written practice agreement requirement for dental hygienists who hold
28 a public health dental hygienist practice authority
- 29 6 It changes the level of supervision from direct to general for the dental therapist
30 practice authority
- 31 7 It amends the life support certification for all individuals licensed by the Board of
32 Dental Practice to be basic life support instead of cardiopulmonary resuscitation
33 certification

34 **FISCAL NOTE REQUIRED**

35 (See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1581

LR 1296(02)

An Act Regarding Dental Hygienists and Dental Therapists

**Fiscal Note for Bill as Amended by Committee Amendment "A" (H-698)
Committee: Health Coverage, Insurance and Financial Services**

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Professional and Financial Regulation, Board of Dental Practice associated with the rulemaking process can be absorbed within existing budgeted resources