

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER.....carried over to a subsequent session of the Legislature
CON RES XXX chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSESHouse & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT.....legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW.....sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY.....ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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established in the bill will receive dedicated funding from the State equivalent to 50% of the revenue received from the general sales tax currently imposed on the sale of consumer fireworks as set out in the bill, but the amendment limits this funding to two years.

This amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "B" (S-545)

This amendment removes the provision that dedicates a portion of the sales tax imposed on the sale of consumer fireworks. It allows the Maine Length of Service Award Program to accept donations and provides a base Other Special Revenue Funds allocation of \$500 in fiscal year 2014-15.

LD 1230 An Act To Improve Access to Oral Health Care

PUBLIC 575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES BURNS	OTP-AM ONTP	H-589 H-658 SANDERSON

This bill was carried over from the First Regular Session of the 126th Legislature.

It establishes a licensure process and scope of practice for dental hygiene therapists. It requires a dental hygiene therapist to be supervised by a dentist licensed in this State. The bill also requires a written practice agreement between the supervising dentist and the dental hygiene therapist and provides rulemaking authority for the Board of Dental Examiners.

Committee Amendment "C" (H-589)

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. It amends the laws governing MaineCare coverage, health insurance contracts and group and blanket health insurance to provide for dental coverage and reimbursement for services performed by dental hygiene therapists authorized to practice under the provisions of the bill.
2. It limits the time frame for a provisional dental hygiene therapy license to three years.
3. It increases the number of supervised clinical practice hours required in order to obtain a dental hygiene therapy license from 500 to 1,000.
4. It adds language to allow for the provisions regarding dental coverage and reimbursement to be enacted without review by the Department of Professional and Financial Regulation, Bureau of Insurance.
5. It adds an application section to provide that the requirements of the bill relating to insurance reimbursement apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2015 in the State.
6. It makes changes to the sections of the bill relating to scope of practice of dental hygiene therapists by removing minor surgical care, replacing the authority to prescribe medication with authority to provide, dispense and administer certain medications within the parameters of the written practice agreement and adding the authority to perform nonsurgical extractions of diseased permanent teeth if authorized in advance by the supervising dentist.
7. It adds public schools, residential care facilities and nursing facilities to the list of health settings where dental hygiene therapists may provide services within their scope of practice.

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8. The bill allows a dental hygiene therapist to provide certain services while under the general supervision of a dentist in certain health settings, including a setting in a county designated as a dental shortage area by the federal Department of Health and Human Services and in a private dental practice that serves a population that is at least 25% patients who are covered by the MaineCare program or are underserved adults. This amendment removes a designated dental shortage area as an eligible setting and increases the threshold for eligibility for private dental practices to those serving a population that is at least 50% patients who are covered by the MaineCare program or are underserved adults.

9. The bill allows a dental hygiene therapist to provide, dispense and administer certain medications, including analgesics. This amendment specifies that the analgesics are limited to nonprescription analgesics.

House Amendment "B" To Committee Amendment "C" (H-658)

This amendment makes the following changes to Committee Amendment "C".

1. It requires an applicant for a dental hygiene therapy license to meet specific education requirements, including obtaining an associate degree in dental hygiene prior to successfully completing at least four semesters of dental hygiene therapy training, which may be done at the same time as or consecutively with obtaining a Bachelor of Science degree in dental hygiene, which is also required.

2. It requires the dental hygiene therapy education program to be accredited by the American Dental Association Commission on Dental Accreditation. Until that accreditation is obtained, the Board of Dental Examiners may approve the dental hygiene therapy education program.

3. It increases from 1,000 to 2,000 the number of hours of supervised clinical practice required in order to obtain a dental hygiene therapy license, but allows the number of hours spent in supervised clinical practice while completing the four-semester dental hygiene therapy training to be included in the calculation.

4. It prohibits an applicant for a license as a dental hygiene therapist who fails the clinical examination twice from taking the examination again until after the applicant has received more education and training, as specified by the Board of Dental Examiners.

5. It specifies that a dental hygiene therapist may practice only while under the direct supervision of a dentist and clarifies that the supervising dentist must be licensed to practice in Maine.

6. It removes the ability of the supervising dentist to authorize a dental hygiene therapist to provide services to a patient who has not first seen the dentist.

7. It changes the category of rules adopted by the Board of Dental Examiners from major substantive rules to routine technical rules and requires the board to consult with dentists, dental hygienists and others before adopting the rules.

Enacted Law Summary

Public Law 2013, chapter 575 establishes a licensure process and scope of practice for dental hygiene therapists as follows.

1. It specifies that a dental hygiene therapist may practice only under the direct supervision of a dentist that is licensed to practice in Maine and in accordance with a written practice agreement.

2. It provides the list of health settings where a dental hygiene therapist may provide services within their scope of practice. It also specifies the scope of practice for this license, which includes generally: assessments and treatments; preparations; restorations; simple extractions; crowns; space maintainers; referrals; local anesthesia and

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nitrous oxide analgesia; preventive services; management of dental trauma and suturing; medications; radiographs; and other related services and functions.

3. It requires an applicant for a dental hygiene therapy license to meet specific education requirements, including obtaining an associate degree in dental hygiene prior to successfully completing at least four semesters of dental hygiene therapy training, which may be done at the same time as or consecutively with obtaining a Bachelor of Science degree in dental hygiene.
4. It requires the dental hygiene therapy education program to be accredited by the American Dental Association Commission on Dental Accreditation. Until that accreditation is obtained, the Board of Dental Examiners may approve the dental hygiene therapy education program.
5. It requires 2,000 hours of supervised clinical practice in order to obtain a dental hygiene therapy license and allows the number of hours spent in supervised clinical practice while completing the four-semester dental hygiene therapy training to be included in the calculation.
6. It prohibits an applicant for a license as a dental hygiene therapist who fails the clinical examination twice from taking the examination again until after the applicant has received more education and training, as specified by the Board of Dental Examiners.
7. It specifies that rules adopted by the Board of Dental Examiners are routine technical rules and requires the board to consult with dentists, dental hygienists and others before adopting the rules.
8. It amends the laws governing MaineCare coverage, health insurance contracts and group and blanket health insurance to provide for dental coverage and reimbursement for services performed by licensed dental hygiene therapists.
9. It includes an application section to provide that the requirements of the bill relating to insurance reimbursement apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2015 in this State.

**LD 1310 An Act To Improve Access to Dental Care through Empowering the
Denturist Subcommittee of the Board of Dental Examiners**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM ONTP	S-418

This bill was carried over from the First Regular Session of the 126th Legislature.

It amends the laws governing the Board of Dental Examiners as follows.

1. It renames the board the Maine Board of Oral Health, and it reassigns the membership of the board to give equitable representation to the regulated dental professions and adds additional public members. As changed, the board has nine members: two dentists, two dental hygienists, two denturists and three public members.
2. It changes the duties, functions and responsibilities of the board. The board's major roles are to perform administrative duties as a coordinating body for the board's subcommittees and to advise the subcommittees and ratify and carry out the recommendations of the subcommittees including rules recommended by the subcommittees.
3. It amends the laws governing the board's subcommittees on denturists and dental hygienists and establishes a new subcommittee on dentists. It defines the membership for each subcommittee and its duties, functions and