

**02-313**  
**BOARD OF DENTAL PRACTICE**  
Maine Administrative Procedure Act  
2019-2020 Regulatory Agenda  
Prepared: September 26, 2019

AGENCY UMBRELLA-UNIT NUMBER: **02-313**

AGENCY NAME: **Board of Dental Practice** (Affiliated with the Department of Professional and Financial Regulation)

CONTACT PERSON: **Penny Vaillancourt, Executive Director**, 143 State House Station, Augusta, ME 04333-0143, Tel (207) 287-3333/Fax (207) 287-8140, e-mail – [penny.vaillancourt@maine.gov](mailto:penny.vaillancourt@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2019 - 2020 RULE-MAKING ACTIVITY:** The board may undergo a complete repeal and replacement of its rules, which may include streamlining the licensing requirements and scopes of practice provisions, standards of practice, and continuing education requirements for dentists, denturists, dental hygienists, dental hygiene therapists, independent practice dental hygienists, public health supervision dental hygienists, expanded function dental assistants, dental radiographers, as well as the sedation inspection and permitting process. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and other statutes governing dental practice will be updated or repealed.

During the 127<sup>th</sup> Maine Legislature **Public Law 2016, c. 429** was enacted which repeals and replaces the Board's authorizing statute. **Public Law 2016, c. 488** was also enacted which places new requirements when dentists prescribe opioid medications. The Board will need to review its current rules for consistency with the new Dental Practice Act and propose changes as necessary, including new rules to fully implement the new provisions.

During the 128<sup>th</sup> Maine Legislature **Public Law 2017, c. 388** was enacted which further amends the Dental Practice Act by eliminating certain dentist licensure categories and creates a denturist trainee registration.

During the 129<sup>th</sup> Maine Legislature **Public Law 2018, c. 388** was enacted which further amends the Dental Practice Act by clarifying the accreditation standards, the qualifications for licensure, the practice requirements and the name of the occupational category to practice dental therapy.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S.A. § 18324

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary, and setting licensing standards, requirements, and practice standards.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees

**CHAPTER 2: Rules Relating to Dental Hygienists**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18345

PURPOSE: This chapter outlines the scope of practice of a dental hygienist, procedures for notifying and practicing under public health supervision status, requirements for obtaining permits to administer nitrous oxide and local anesthesia, and other duties authorized under the direct and general supervision of a dentist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees

**CHAPTER 3: Rules Relating to Dental Assistants**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18371

PURPOSE: This chapter outlines the scope of practice of expanded function dental assistants, including duties that a dentist may delegate to dental assistants and certified dental assistants. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and unlicensed individuals

**CHAPTER 4: Rules Relating to Practice of Denturism**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18378

PURPOSE: This chapter establishes the general practice standards for denturists. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees

**CHAPTER 5: Requirements for Licensure as a Denturist**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18346

PURPOSE: This chapter outlines the requirements for licensure as denturist and a denturist trainee. The Board is expected to review this chapter to ensure compliance

with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

**CHAPTER 6: Rules for Radiation Barriers**

STATUTORY AUTHORITY: 32 M.R.S.A. § 18324

PURPOSE: This chapter establishes the rules requiring the use of radiation barriers in dental procedures involving the exposure of patients to ionizing radiation. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees

**CHAPTER 7: Licensing/Certification/Late Fees**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18323(3), 10 M.R.S. §8003(5)(C)(4)

PURPOSE: This chapter establishes fees for licensure, permits, reinstatements, late filings, and duplicate license fees. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

**CHAPTER 8: Advertising**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325

PURPOSE: This chapter requires the identity of dental providers be included in advertisements made available to the public. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees

**CHAPTER 9: Complaints/Investigations/Unprofessional Conduct**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18323, 18324, 18325, and 10 M.R.S. §8003(5)

PURPOSE: This chapter describes the procedure by which the Board processes and/or initiates complaints and investigations and defines acts or omissions that constitute “unprofessional conduct.” The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees

**CHAPTER 10: Licensure Requirements for Dental Radiographers**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18343

PURPOSE: This rule establishes the qualifications for licensure as a dental radiographer. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

**CHAPTER 11: Requirements for Licensure as Dental Hygienists**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18345

PURPOSE: This chapter establishes the requirements for licensure as a dental hygienist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

**CHAPTER 12: Requirements for Dental Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18342

PURPOSE: This chapter establishes the requirements for licensure as a dentist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

**CHAPTER 13: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18349, 18350, 18351 and 10 M.R.S. §8003(5)

PURPOSE: This chapter establishes the continuing education required for licensees of the board, including provisions for inactive status. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and continuing education providers

**CHAPTER 14: Rules for Use of Sedation and General Anesthesia by Dentists**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18348, 18379

PURPOSE: This chapter outlines the requirements under which dentists may administer minimal, moderate, deep sedation and general anesthesia. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

**CHAPTER 15: Mortality or Significant Health Incidents in a Dental Office**

STATUTORY AUTHORITY: 32 M.R.S.A. § 18324

PURPOSE: This chapter requires licensees to report to the Board mortality or significant health incidents that occur in a dental office. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees

**CHAPTER 16: Rules for Independent Practice Dental Hygienists to Process Dental Radiographs**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18375

PURPOSE: This chapter outlines the requirements under which independent practice dental hygienists may expose and process dental radiographs. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees

**CHAPTER 17: Requirements for Establishing a Board Approved Dental Hygiene Therapy Program**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18345(C) and 18345(F)

PURPOSE: This chapter establishes the requirements for dental hygiene therapy programs to be approved by the Board. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 18: Qualifications for Initial and Renewal of Registrations**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18348

PURPOSE: This chapter would establish the requirements for initial and renewal of registrations under a dentist license to obtain supervised, clinical experience. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

**CHAPTER 19: Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18349, 18350

PURPOSE: This chapter establishes the requirements for individuals who are already licensed in another state or Canadian province seeking licensure. This chapter will also identify the requirements to renew a license and identify the requirements for a late renewal and reinstatement of licensure and/or practice authority. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

**CHAPTER 20: Practice Requirements**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18349, 18350

PURPOSE: This chapter establishes the practice requirements for individuals who are authorized to practice under the Dental Practice Act. The practice requirements include infection control measures, radiation protection measures, emergency protocols, codes of professional conduct and ethics, recordkeeping and other practice requirements to ensure public protection. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees and applicants

**CHAPTER 21: Use of Controlled Substances for Treatment of Pain**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324

PURPOSE: This chapter is a joint rule to ensure adequate relief of pain to the citizens of Maine. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2019-2020.

AFFECTED PARTIES: Licensees