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July 19, 2016

**Informational Letter Regarding Enacted Laws
By the Maine State Legislature During the 127th Second Regular Session**

There were a number of laws enacted during the last legislative session that directly impact the Maine Board of Dental Examiners. Below is a list of those laws, including their effective dates and implementation status. I've also included Public Law 2016, c. 407 as the Board recently adopted a policy regarding the mandatory training and how the completed training might be used in meeting the continuing education requirements outlined in Chapter 13 of the Board's Rules.

New laws directly impacting Board's statute:

- Public Law 2016, c. 429 "An Act to Revise the Laws Regarding Dental Practices"
- Public Law 2016, c. 488 "An Act to Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program"

New laws not directly impacting the Board's statute, but directly impacts licensees:

- Public Law 2016, c. 407 "An Act To Require Training of Mandated Reporters under the Child Abuse Laws"

Summaries:

- Public Law 2016, c. 429 - repealed Chapter 16 of the Board's authorizing statute and replaced it with the new provisions outlined in Chapter 143. This new law also requires that the Board report back to the Legislature by March 1, 2017, regarding its efforts to identify recommendations for further legislative review. Highlights of the statutory changes are outlined in the attached document entitled "Highlights of Statutory Changes - Public Law 2016, c. 429."
- Public Law 2016, c. 488 - amends the Board's new statute by identifying new requirements when prescribing opioid medication. There are certain provisions of the new law that take effect on July 29, 2016, and there are provisions of the new law that will become effective on or after January 1, 2017. The new law also provides exceptions to the limitations on prescribing opioids, sets new electronic prescribing requirements, and requires 3 hours of continuing education every two years as a condition for dentists who prescribe opioid medication.
- Public Law 2016, c. 407 - requires those who are mandated reporters of child abuse to obtain training approved by the Maine Department of Health and Human Services at least once every 4 years.

Implementation status:

- Public Law Public Law 2016, c. 429: there are a number of new statutory provisions that will take effect immediately and a number of provisions that will require further rulemaking provisions. The attached document outlines those provisions that need further rulemaking.
- Public Law 2016, c. 488: the Board will undergo rulemaking to further implement the continuing education requirements. Additional efforts to implement the limitations on prescribing opioid medication is not anticipated at this time. However, a review of Board Rule, Chapter 21 "Use of Controlled Substances For Treatment of Pain" which is a joint rule with other regulatory boards will be examined to ensure that prescribing standards are consistent with this new law.
- Public Law 2016, c. 407: the Board does not have any enforcement authority on this new law. However, the Board will make efforts to educate applicants and licensees regarding the new law via email, website, applications, etc. Additionally, at its June 24, 2016 meeting, the Board voted to adopt a policy stating that it will recognize 1 hour of Category II home-study credit for dentists or dental hygienists who complete the mandated training provided by the Maine Department of Health and Human Services ("DHHS") in meeting the biennial registration renewal requirements. However, the following criteria must be met: licensees must complete the DHHS training within the licensure biennium, licensees are responsible for maintaining and producing a record of the training in the event they are audited by the Board, and licensees must be aware of the limit on home-study courses as outlined in Chapter 13.

FMI:

Maine State Legislature: <http://legislature.maine.gov/>

State Agency Rulemaking: <http://www.maine.gov/sos/cec/rules/index.html>

Board's Website: <http://www.maine.gov/dental/>

Should you have any questions regarding this notice, please feel free to contact Penny Vaillancourt, Executive Director, by email at penny.vaillancourt@maine.gov or by using the contact information provided below:

Attach.

HIGHLIGHTS OF STATUTORY CHANGES IDENTIFIED IN
PUBLIC LAW 2016, C. 429 (EFF. 7/29/2016)

New/Revised Changes from former Title 32, Chapter 16

Section	Subject	Notes
1) 18302	Definitions	<ul style="list-style-type: none"> This is a new section
2) 18304 (2)	Unlawful Practice	<ul style="list-style-type: none"> This section is not to be confused with the disciplinary action provisions
3) 18305	Licensure Exemptions	<ul style="list-style-type: none"> Clarifies exemptions to licensure under the Act
4) 18302 (1)	Board Name Change	<ul style="list-style-type: none"> Board of Dental Practice
5) 18322 (3)	Board Quorum	<ul style="list-style-type: none"> Quorum is majority of members serving instead of the number "5" Chair; Vice-Chair
6) 18325 (1)	Disciplinary Action	<ul style="list-style-type: none"> Aligned provisions of Title 10, Chapter 901 into Board statute
7) 18345	Dental Hygiene Licensure and Authorities	<ul style="list-style-type: none"> Establishes a baseline license with the ability to add authorities as outlined below: <ul style="list-style-type: none"> LAN and NOX Permits Independent Practice Public Health Dental Hygienist Dental Hygiene Therapist Provisional DHT
8) 18347	Endorsement	<ul style="list-style-type: none"> Two pathways <ul style="list-style-type: none"> Licensed at least 3 years (substantially equivalent - examine license laws) Licensed less than 3 years (substantially similar - examine individual's qualifications for licensure)
9) 18348	Registrations	<ul style="list-style-type: none"> Dentist Externships Denturists Externships Dentists - Sedation/general anesthesia training Dental Hygienists - LAN/NOX training
10) 18349	Renewals and Reinstatements	<ul style="list-style-type: none"> Late renewals - licensees can renew up to 90 days with payment of late fee Reinstatements - licensees can reinstate between 91 days and 2 years; board may waive examination requirements Beyond 2 years - meet all new requirements

New/Revised Changes from former Title 32, Chapter 16 (cont.)

11) 18351	Inactive Status	<ul style="list-style-type: none"> Clarifying language
12) 18352	10 Day Reporting Requirements	<ul style="list-style-type: none"> Change in name Criminal conviction Disciplinary action Material change in conditions or qualifications (i.e. sedation permits, supervision changes)
13) Subchapter 4 §18371 – §18379	Scope of Practice Provisions	<ul style="list-style-type: none"> No changes in scope; rather scope in board rules now placed into statute
14) §18371	Scope of Practice – Dentists	<ul style="list-style-type: none"> Clarifies by including delegation authority to unlicensed individuals
15) §18376	Scope of Practice – Public Health Dental Hygienists	<ul style="list-style-type: none"> Puts back into statute a practice category that will be added as an authority under an RDH license
16) §18345	IPDH - new pathway to licensure	<ul style="list-style-type: none"> The new law provides a pathway for RDH w/public health supervision experience to qualify for IPDH licensure

Provisions Removed from former Title 32, Chapter 16

Former Statute Section	Subject	Notes
17) 1084 (4), 1094 (1)	Posting of Licenses	<ul style="list-style-type: none"> Removed from statute – nullifies Chapter 9 requirement?
18) Various provisions of Chapter 16	Term “dental assistant” or “dental auxiliaries”	<ul style="list-style-type: none"> Replaces with the delegation authority to unlicensed persons; however, new statute does maintain “dental assistant” in §18377 (4) – reimbursement provisions
19) 1077	Informal Conferences	<ul style="list-style-type: none"> §1077 (1) provisions removed in their entirety as the authority is contained in Title 10, Chapter 901 provisions
20) Various provisions of Chapter 16	Interviews	<ul style="list-style-type: none"> Removed personal interviews as a requirement for licensure
21) Various provisions of Chapter 16	Fee Caps	<ul style="list-style-type: none"> Individual fee caps removed and one fee cap set at \$550.00