



## **Sunrise Review: Request for Information from Interested Parties**

LD 1129 “Resolve, Directing the Commissioner of Professional and Financial Regulation to Conduct a Sunrise Review of Oral Health Care Issues”

**Department of Professional and Financial Regulation  
Office of the Commissioner  
June 21, 2007**

## *Sunrise Review Survey: Oral Health Issues*

Please return the completed survey to the Commissioner's Office by July 20, 2007. You may respond to any or all questions. The survey should be e-mailed to Doug Dunbar, Assistant to the Commissioner. The address is [doug.dunbar@maine.gov](mailto:doug.dunbar@maine.gov). An electronic version of the survey is available by contacting the Commissioner's Office.

### **General Information**

**1. Group or organization you represent (if any):**

**International Federation of Denturists**

**2. Position on proposed legislation.** Does this group or organization support or oppose:

- Expanding the scope of practice of dental hygienists by creating a mid-level dental hygienist\* license category (LD 1246):
  
  - Permitting dental hygienists to practice independently without supervision of a licensed dentist (LD 550):
- Support**
- Permitting dental graduates of foreign universities to become licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners (LD 1129):
- Support**
- Creating a new licensing board within the Department of Professional and Financial Regulation for denturists and dental hygienists separate from the Board of Dental Examiners (LD 1462):

**Support**

### **Evaluation Criteria (32 M.R.S.A. § 60-J)**

**1. Data on group proposed for regulation.** Please provide a description of the professional or occupational groups proposed for regulation, including:

(a) The number of individuals or business entities that would be subject to regulation;

**Denturists: 50+ Licensees, 15 practicing in Maine**

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\* In this sunrise review, "mid-level dental hygienist" means a dental hygienist with an expanded scope of practice similar to the scope of practice proposed in LD 1246.

- (b) The names and addresses of associations, organizations and other groups representing potential licensees; and

**International Federation of Denturists  
P.O. Box 46132 RPO Westdale  
Winnipeg MB  
R3R 3S3  
Canada**

**National Denturist Association/USA  
PO Box 308  
Tonawanda, PA 18848**

**Maine Society of Denturists  
81 Webster St.  
Lewiston, ME**

- (c) An estimate of the number of potential licensees in each group.

**Maine could easily accommodate 50 practicing Denturists. The most limited scope of independent practice in the USA combined with being under the control of dentists has created conditions in which Maine has lost several practitioners to the west coast. It is very difficult to recruit new Denturists given the circumstances.**

2. **Specialized skill.** Please describe whether the proposed law changes in the areas of oral health care outlined below require such a specialized skill that the public is not qualified to select a competent individual or entity without assurances that minimum qualifications have been met:

- a mid-level dental hygienist license category (LD 1246):

**All dental professionals are tested for minimal competency and that should not change.**

- dental hygienists practicing independently without supervision of a licensed dentist (LD 550):

**All dental professionals are tested for minimal competency and that should not change.**

- dental graduates of foreign universities becoming licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners (LD 1129):

**All dental professionals are tested for minimal competency and that should not change.**

**3. Threat to public health, safety, or welfare.** Please describe:

(a) The nature and extent of potential harm to the public, if any, if regulation of the practitioners listed below is not expanded:

- a mid-level dental hygienist:

**Various governments, including the United Kingdom, the Republic of Ireland, Denmark, Canada and many more have recognized the fact that the public are not best served by dental monopolies. To benefit the public welfare, these countries are proposing or implementing schemes which allow for competition within dentistry such as exist in the medical profession.**

- dental hygienists practicing independently without supervision of a licensed dentist:

**This delivery scheme is practiced in various locations around the world as well as in the USA and Canada with no jurisdiction ever abandoning this model after implementation.**

- dental graduates of foreign universities licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners:

**To suggest that the USA, which ranks 42<sup>nd</sup> in the world for health care, is the only acceptable venue for educating dentists is parochial at best. Testing, independent of the ADA's CODA, should be available for evaluating and licensing foreign trained dentists.**

(b) The extent to which there is a threat to the public's health, safety or welfare (*Please provide evidence of the potential harm, including: a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional and occupational associations that have been lodged against dental hygienists or dental graduates of foreign universities in this State within the past 5 years*).

**Data unavailable.**

**4. Voluntary and past regulatory efforts.** Please provide a description of the voluntary efforts made by dental hygienists or dental graduates of foreign universities to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public.

**Data unavailable.**

**5. Costs and benefits of regulation.** Please describe the extent to which regulation or expanded regulation of the occupations (or proposed occupations) listed below will increase the cost of services provided by those practitioners, and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers.

- a mid-level dental hygienist:

**The Irish Competition Authority as well as the United Kingdom's Fair Trade Office have both issued reports calling for expanding competition within the dental profession as a method of bringing down costs as well as increasing access to care. As a consumer of dental services, government has a vested interest in controlling costs.**

- dental hygienists practicing independently without supervision of a licensed dentist:

**See previous answer.**

- dental graduates of foreign universities licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners:

**Competition usually brings cost down.**

- a new licensing board within the Department of Professional and Financial Regulation for denturists and dental hygienists separate from the Board of Dental Examiners:

**Costs should be covered by licensing fees and should not impact fees paid by the public.**

**6. Service availability under regulation.** Please describe the extent to which regulation or expanded regulation of the occupations (or proposed occupations) listed below would increase or decrease the availability of oral health services to the public.

- a mid-level dental hygienist:

- dental hygienists practicing independently without supervision of a licensed dentist:  
**Would increase the number of practitioners who could provide these services and thereby increase access to care.**

- dental graduates of foreign universities licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners:

**See previous answer.**

- a new licensing board within the Department of Professional and Financial Regulation for denturists and dental hygienists separate from the Board of Dental Examiners (LD 1462):

**See previous answer.**

- 7. Existing laws and regulations.** Please discuss the extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from non-regulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

**An autonomous dental board, dominated by dentists, unregulated by government except for sunset review every ten years has not served denturists, hygienists, and the public well. Every advance that has been made on behalf of denturists (for example, independent practice and the disciplinary subcommittee) has been as a result of the unflagging efforts of denturists and in spite of the dental board.**

- 8. Method of regulation.** Please describe why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.

**See previous answer.**

- 9. Other states.** Please provide a list of other states that regulate the profession, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on commercial leasing agents in terms of a before-and-after analysis.

**Oregon: Board of Denture Technology**

**Idaho: Board of Denturistry**

**Arizona: Board of Dentistry.**

**Montana: Board of Dentistry.**

**Washington: Board of Denture Technology**

**Canada: Provinces have Denturist regulatory bodies.**

**10. Previous efforts to regulate.** Please provide the details of any previous efforts in *this State* to implement regulation or expand regulation of the occupations (or proposed occupations) listed below:

- a mid-level dental hygienist:

**Unknown**

- dental hygienists practicing independently without supervision of a licensed dentist:

**Unknown**

- dental graduates of foreign universities:

**Unknown**

- a new licensing board within the Department of Professional and Financial Regulation for denturists and dental hygienists separate from the Board of Dental Examiners (LD 1462):

**Several attempts within the last 20 years.**

**11. Minimal competence.** Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

**N/A**

**12. Financial analysis.** Please describe the method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

**Most jurisdictions require the licensees to fund regulation.**

**13. Mandated benefits.** Please describe whether the profession or occupation plans to apply for mandated benefits.

**Unknown**

Date: August 21, 2007

Completed by:

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Name:

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