

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

313 BOARD OF DENTAL PRACTICE

BASIS STATEMENT AND RESPONSE TO COMMENTS:

November 6, 2020

(Written comments accepted through October 26, 2020)

Basis Statement: The Maine Board of Dental Practice (“the Board”) is charged by the Legislature with the regulation of dentists, dental hygienists, denturists, dental radiographers, and expanded function dental assistants in the State of Maine for the sole purpose to protect the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 18324 to fully implement its statutory mandates.

Additionally, 32 M.R.S. § 18323(3) authorizes the Board to establish by rule fees in amounts that are reasonable and necessary to sustain the operations of the Board on an ongoing basis. The amendment to Board Rule, Chapter 7 “Establishment of Fees” continues the Board’s effort to stabilize its collection of fees. Based on financial projections, the fees proposed in this amended rule will generate additional revenue necessary to maintain the current level of services necessary for the Board to meet its statutory mandate.

Below is a summary of the various fee structure changes identified in the proposed rule:

- 1) Increases initial licensure and renewal of licensure fees in the following categories:
 - a) Dentist, faculty dentist, and limited dentist; and
 - b) Moderate sedation permits, deep sedation/general anesthesia permit, and itinerant dentist permit.

Response to Comments

1. Dr. Michelle Mazur Kary, Chair of the Maine Dental Association (MDA)’s Public Affairs Committee (oral comments provided at the October 16, 2020 public hearing and written comments received October 22, 2020).

- A. Summary of comment: General observation/comment.** Comments received included support of the fee increases for the dental licensure and dental permit categories, while noting that all other licensure category fees remain unchanged. Dr. Mazur Kary identifies the economic challenges facing the dental profession amid the pandemic and the associated extended shutdown period. Dental practices are absorbing increased costs associated the mandatory personal protective equipment, sanitization supplies, office renovations for protective barriers, HVAC exchange systems and UV lighting. Dr. Mazur Kary also notes the economic challenges facing the profession such as decreased patient volume, stagnant reimbursement rates, and economic models predicting a significant decline in dental care spending as the pandemic’s impact continues.

- **Board Response to Comment(s).** The Board appreciates the comments and recognizes the challenges faced by dental professionals amid the current pandemic.

2. Dr. Jeffrey Walawender, Executive Director of Community Dental (oral comments provided at the October 16, 2020 public hearing and written comments received October 23, 2020).

A. Summary of comment: **General observation/comment.** Below is a summary of the comments submitted:

- i. Resident licensure – Comments received included a request to reduce the cost a resident license and clarify the length of the resident license term as compared to other states. Additional comments received identified the financial challenges facing resident dentists specific to compensation rates and the amount of loan debt faced by resident dentists.
- ii. Non-profit public dentists – Comments received identifying concerns of the increase in license fees despite the starting salary of dentists at local non-profit centers, lack of loan repayment opportunities in those practice areas, and poor reimbursement rates of Mainecare/Medicaid patients that have not changed since 1991. A comment was also received that some states issue a separate public health dental license.
- iii. Revising board membership – Comments received recommended that board membership be revised to include a public health dentist member and a faculty dentist member due to concerns that they are not adequately represented that make up a large portion of the dental community.

- **Board Response to Comment(s).** The Board appreciates the comments and recognizes the challenges faced by dental professionals, especially those dedicated to providing care in public health settings and while enrolled in dental and post-doctoral educational programs. The Board’s proposal specifically did not include an increase to the resident dental license category, and unfortunately it cannot support at this time any decrease in any licensure or permit category due to its financial projections.

The Board remains committed to a phased approach in stabilizing its revenue collection and anticipates further amendments to this rule over the next few biennium’s. In addition, the Board has proposed department legislation for the 130th First Regular Legislative Session to further streamline the licensure category of resident dental licensure and would anticipate a review of the fees associated if the legislation is enacted.

All licenses and permits issued to a qualifying dentist are issued for a two-year fixed term ending December 31st of every odd numbered years. Consequently, the collection of those fees must carry the Board’s expenses for at least a three-year budget cycle. As concerns issuing a separate public health dental license or adding seats to the Board’s membership are substantive policy discussions reserved for the legislative process, not the Board’s rulemaking process.