Rule-Making Fact Sheet
(5 MRSA §8057-A)

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

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON: Penny Vaillancourt, 143 State House Station, Augusta, ME 04333; 207-287-3333

CHAPTER NUMBER AND RULE TITLE:

Board Rules, Chapter 2, Section VII(C) “Specific Qualifications for the Administration of Local Anesthesia Authority”;

Board Rules, Chapter 2, Section VIII(C) “Specific Qualifications for the Administration of Nitrous Oxide Analgesia Authority”; and

Chapter 11, Section II “Specific Qualifications for Licensure by Endorsement; Applicants Authorized to Practice in Another Jurisdiction”.

TYPE OF RULE (check one):  ☐ Routine Technical  ☐ Major Substantive


DATE, TIME AND PLACE OF PUBLIC HEARING: Not applicable.

COMMENT DEADLINE: January 25, 2020 at 5:00 p.m.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]:

At its December 6, 2019 meeting, the Board of Dental Practice reviewed and accepted public comments to its proposed rulemaking packet as noted below:

Board Rules, Chapter 2: Amend the qualifications for local anesthesia and nitrous oxide analgesia authorities to clarify that the Board will consider either an examination approved by the Board, or an examination as part of a course approved by the Board. This language reflects current board practice in qualifying candidates.

Board Rules, Chapter 11: Amend the rule to include the Board’s authority to consider an equivalent education in meeting the educational requirements for licensure by endorsement.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE?  __YES__NO [§8056(1)(B)]:

Not applicable.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]: Not applicable.

Not applicable.
BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

Not applicable.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]:

Not applicable.

**OR EXISTING RULES WITH FISCAL IMPACT OF $1 MILLION OR MORE, ALSO INCLUDE:**

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS: [see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.
Chapter 2: QUALIFICATIONS FOR DENTAL HYGIENIST LICENSURE AND DENTAL HYGIENIST PRACTICE AUTHORITIES

SUMMARY: This chapter sets forth the qualifications for initial licensure as a dental hygienist and qualifications for dental hygiene practice authorities.

I. GENERAL QUALIFICATIONS; APPLICATION; FEES

A. An applicant seeking licensure or authority to practice under this chapter must submit an application with the appropriate fee, and any other materials required by the Board.

B. An applicant has 90 days after being notified of any additional materials needed to complete the application to submit those materials to the Board. Failure to complete the application within that 90-day period may result in a denial of the application.

C. Verification of current certification in CPR. For purposes of meeting the CPR certification requirements under this chapter, online trainings are not accepted, unless the applicant can verify hands-on participation with the instructor as a component of the training.

D. Verification of passing the jurisprudence examination administered by the Board with a grade of 90 percent. Applicants who do not pass the jurisprudence examination in three attempts may be preliminarily denied licensure.

II. SPECIFIC QUALIFICATIONS FOR DENTAL HYGIENIST INITIAL LICENSURE

A. Verification of an associate’s degree or higher from a dental hygiene program accredited by CODA or its successor organization, or of having completed at least 1/2 of the prescribed course of study in an accredited dental college as a dental student;

B. Verification of passing the National Board Dental Hygiene Examination or the successor to that examination; and

C. Verification of passing all sections of a Board-approved regional or state dental board dental hygiene examination.
III. SPECIFIC QUALIFICATIONS FOR INDEPENDENT PRACTICE DENTAL HYGIENIST AUTHORITY

A. Verification of an active dental hygienist license in good standing under the Maine Dental Practice Act; and

B. Verification of 2,000 hours of clinical practice experience as a licensed dental hygienist.

IV. SPECIFIC QUALIFICATIONS FOR PUBLIC HEALTH DENTAL HYGIENIST AUTHORITY

A. Verification of an active dental hygienist license in good standing under the Maine Dental Practice Act;

B. Submission of a written practice agreement between the applicant and a supervising dentist that outlines the roles and responsibilities of the collaboration, which must include:

1. Supervising dentist’s responsibilities, including:
   a. Providing an appropriate level of contact, communication, collaboration, and consultation with the dental hygienist;
   
   b. Having specific standing orders or policy guidelines for procedures that are to be carried out for each location or program, although the dentist need not be present when the procedures are being performed;

2. Dental hygienist’s responsibilities, including:
   a. Documenting revisions to a written practice agreement in a new practice agreement and filing it with the Board within 10 days of the change. Similarly, documenting termination of a practice agreement and submitting it to the Board within 10 days of the change;
   
   b. Maintaining an appropriate level of contact and communication with the Maine licensed dentist providing Public Health Supervision;
   
   c. Identifying the public health dental hygiene settings under which services are to be provided;
   
   d. Informing each patient who may require further dental services of that need; and
   
   e. Providing to the patient, parent or guardian a written plan for referral or an agreement for follow-up, recording all conditions that should be called to the attention of a dentist.
V. SPECIFIC QUALIFICATIONS FOR DENTAL THERAPIST AUTHORITY

A. Verification of an active dental hygienist license in good standing under the Maine Dental Practice Act;

B. Verification of a master’s degree in dental therapy from a program that is either CODA accredited or meets the curriculum requirements adopted by board rule;

C. Verification of 2,000 hours of supervised clinical practice while licensed as a provisional dental therapist and under the supervision of a dentist;

For purposes of meeting the clinical requirements of this subparagraph, an applicant’s hours of supervised clinical experience may be completed under the supervision of a dentist licensed in another state or a Canadian province, provided that the applicant was operating lawfully under the laws and rules of that state or province;

D. Verification of current ACLS certification;

E. Submission of a written practice agreement in settings limited to those enumerated in 32 M.R.S. § 18377(3) between the applicant and a supervising dentist that outlines the roles and responsibilities of the collaboration, and which must include:

(1) The services and procedures and the practice settings for those services and procedures that the dental therapist may provide, together with any limitations on those services and procedures;

(2) Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency;

(3) Procedures to be used with patients treated by the dental therapist for obtaining informed consent and for creating and maintaining dental records;

(4) A plan for review of patient records by the supervising dentist and the dental therapist;

(5) A plan for managing medical emergencies in each practice setting in which the dental therapist provides care;

(6) A quality assurance plan for monitoring care, including patient care review, referral follow-up, and a quality assurance chart review;

(7) Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed;

(8) Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to initiating care; and
(9) Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the scope of practice or capabilities of the dental therapist.

F. Revisions to a written practice agreement must be documented in a new practice agreement and filed with the Board within 10 days of the change. Similarly, termination of a practice agreement must be documented and submitted to the Board within 10 days of the change; and

G. Verification of passing all sections of a clinical examination approved by the Board.

VI. SPECIFIC QUALIFICATIONS FOR PROVISIONAL DENTAL THERAPIST AUTHORITY

A. Verification of an active dental hygienist license in good standing under the Maine Dental Practice Act;

B. Verification of a master’s degree in dental therapy from a program that is either CODA accredited or meets the curriculum requirements adopted by board rule;

C. Verification of current ACLS certification;

D. Submission of a current, written practice agreement in settings limited to those enumerated in 32 M.R.S. § 18377(3) between the applicant and a supervising dentist that outlines the roles and responsibilities of the collaboration, and which must include:

   (1) The services and procedures and the practice settings for those services and procedures that the dental therapist may provide, together with any limitations on those services and procedures;

   (2) Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency;

   (3) Procedures to be used with patients treated by the dental therapist for obtaining informed consent and for creating and maintaining dental records;

   (4) A plan for review of patient records by the supervising dentist and the dental therapist;

   (5) A plan for managing medical emergencies in each practice setting in which the dental therapist provides care;

   (6) A quality assurance plan for monitoring care, including patient care review, referral follow-up and a quality assurance chart review;
(7) Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed;

(8) Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to initiating care; and

(9) Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the scope of practice or capabilities of the dental therapist.

E. Revisions to a written practice agreement must be documented in a new practice agreement and filed with the Board within 10 days of the change. Similarly, termination of a practice agreement must be documented and submitted to the Board within 10 days of the change; and

F. Verification of passing all sections of a clinical examination approved by the Board.

VII. SPECIFIC QUALIFICATIONS FOR THE ADMINISTRATION OF LOCAL ANESTHESIA AUTHORITY

A. Verification of an active dental hygienist license in good standing under the Maine Dental Practice Act;

B. Verification of successfully completing a local anesthesia course approved by the Board or sponsored by an institutional program accredited by CODA. The coursework must include didactic and clinical experience in the administration of block and infiltration anesthesia; and

C. Verification of passing an examination in the administration of local anesthesia. The examination may be as part of the local anesthesia course approved by the Board or an examination administered by a third party approved by the Board, sponsored by the CODA-accredited institution.

VIII. SPECIFIC QUALIFICATIONS FOR THE ADMINISTRATION OF NITROUS OXIDE ANALGESIA AUTHORITY

A. Verification of an active dental hygienist license in good standing under the Maine Dental Practice Act;

B. Verification of successfully completing a nitrous oxide analgesia course approved by the Board or sponsored by an institutional program accredited by CODA. The coursework must include didactic and clinical experience; and
C. Verification of passing an examination in the administration of nitrous oxide analgesia. The examination may be as part of the nitrous oxide analgesia course approved by the Board, or an examination administered by a third party approved by the Board sponsored by the CODA-accredited institution.

XI. SPECIFIC QUALIFICATIONS FOR FACULTY LICENSURE

A. Verification of an active dental hygiene license in good standing issued under the laws of another state or a Canadian province;

B. Credentials, satisfactory to the Board, including:

1. A letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school and that the applicant will teach dental hygiene in this State as part of a clinical and didactic program for professional education for dental hygiene students and dental hygiene residents accredited by CODA or a successor organization approved by the Board; and

2. Previous employment experience relevant to the subject to be taught (including dates of employment).

X. SPECIFIC QUALIFICATIONS FOR TEMPORARY LICENSURE PURSUANT TO
10 M.R.S. § 8003(5)(G)

A. Verification of an active dental hygiene license in good standing issued under the laws of another state and payment of applicable fees.

B. The Board may waive the CPR and jurisprudence examination requirements set forth in Chapter 2(I)(C) and (D) for good cause.

Chapter 11: QUALIFICATIONS FOR LICENSURE BY ENDORSEMENT; REQUIREMENTS FOR RENEWAL, LATE RENEWAL, AND REINSTATEMENT OF LICENSURE AND AUTHORITIES

Summary: This chapter sets forth the qualifications for licensure by endorsement and the requirements for renewal, late renewal, and reinstatement for licenses and authorities to practice under the Maine Dental Practice Act.

I. GENERAL QUALIFICATIONS; REQUIREMENTS

A. An applicant seeking licensure by endorsement, or an applicant seeking to renew, renew late, or reinstate a license or an authority must submit an application with the appropriate fee, and any other materials required by the Board.

B. An applicant has 90 days after being notified of any materials needed to complete the application to submit those materials to the Board. Failure to complete the application within that 90-day period may result in a denial of the application.

II. SPECIFIC QUALIFICATIONS FOR LICENSURE BY ENDORSEMENT; APPLICANTS AUTHORIZED TO PRACTICE IN ANOTHER JURISDICTION

The Board is authorized, at its discretion, to waive the examination requirements, consider an educational equivalency in meeting the educational requirements, and issue a license or grant an authority to an applicant who is licensed under the laws of another state or a Canadian province who furnishes proof, satisfactory to the Board, that the other requirements for licensure have been met.

A. Substantially Equivalent License. The Board will review materials submitted by the applicant as outlined below to determine if the applicant has actively practiced with a substantially equivalent license at the level of licensure applied for under the laws and rules of the Board. An applicant seeking licensure by endorsement pursuant to this provision must provide:

(1) Verification of all licenses in good standing under which the applicant actively practiced during the 3 consecutive years immediately preceding application to the Board;

(2) Documentation of the laws and rules of all jurisdictions in which the applicant actively practiced during the 3 consecutive years immediately preceding application to the Board;
(3) A summary in the nature of a resume or curriculum vitae describing the applicant’s practice during the 3 consecutive years immediately preceding application for licensure to the Board. The summary must contain references with sufficient contact information to enable verification by email address, mail, and telephone; and

(4) Verification of current certification in CPR. For purposes of meeting the CPR requirement, online trainings are not accepted unless the applicant can verify hands-on participation with the instructor as a component of the training.

B. Substantially Similar Qualifications. The Board will review materials submitted by the applicant as outlined below to determine if the applicant’s qualifications are substantially similar to the requirements for initial licensure for the level of licensure applied for under the laws and rules of the Board. An applicant seeking licensure by endorsement pursuant to this provision must provide:

(1) Verification of all licenses in good standing under which the applicant is actively licensed;

(2) All application materials for qualifications required for initial licensure as a dentist, dental hygienist, dental hygienist authorities pursuant to 32 M.R.S. § 18345(2), a denturist, a dental radiographer, or an expanded function dental assistant, as applicable; and

(3) Verification of current certification in CPR. For purposes of meeting the CPR requirement, online trainings are not accepted unless the applicant can verify hands-on participation with the instructor as a component of the training.

III. SPECIFIC REQUIREMENTS FOR RENEWAL AND REINSTATEMENT OF LICENSURE

A. Renewal Requirements – Prior to the Date ofExpiration

(1) An applicant must apply for renewal on or before the date of expiration; and

(2) An applicant must complete the continuing education requirements pursuant to Chapter 13 as a condition to renew.

B. Late Renewal – Within 90 Days after Expiration

(1) An applicant who applies for renewal after expiration of the license, but within 90 days of expiration, must pay the required fees. The licensee will remain subject to disciplinary action for all other violations; and

(2) An applicant must complete the continuing education requirements pursuant to Chapter 13 as a condition to renew. Continuing education hours earned after the date of license expiration will not be applied to the late renewal application.
C. Reinstatement Requirements – Between 91 Days and Two Years of Expiration

(1) An applicant who applies for reinstatement after expiration of the license, but between 91 days and two years of expiration must pay the required fees and meet all qualifications for initial licensure. The Board may, giving due consideration to the protection of the public, waive the examination requirements.

An applicant whose license has been expired more than two years must submit an application for initial licensure, pay the required fee and meet all of the qualifications as outlined in Board statute and rule.

IV. SPECIFIC REQUIREMENTS FOR THE RENEWAL AND REINSTATEMENT OF DENTAL HYGIENE AUTHORITIES

A. The following are requirements to renew and reinstate a dental hygiene practice authority in the practice areas of local anesthesia, nitrous oxide analgesia and independent practice dental hygiene:

(1) A dental hygienist who at the time of renewal has a practice authority identified in Section IV(A) must meet the dental hygiene renewal requirements of this Chapter.

(2) A dental hygienist who at the time of a late renewal has a practice authority identified in Section IV(A) must meet the dental hygiene late renewal requirements of this Chapter.

(3) A dental hygienist who at the time of license expiration held a practice authority identified in Section IV(A) must meet the dental hygiene reinstatement requirements, file an initial authority application, pay the required fees, and meet all the requirements for the practice authority. The Board may, giving due consideration to the protection of the public, waive the examination requirements.

(4) A dental hygienist who at the time of license expiration held a practice authority identified in Section IV(A) and whose license expired more than two years from the date of expiration must submit an application for dental hygiene licensure and any practice authority, pay the required fees, and meet all requirements for licensure and the practice authority.

B. The following are requirements to renew and reinstate a dental hygiene authority in the practice areas of public health dental hygiene, dental therapy, provisional dental therapy:

(1) A dental hygienist who at the time of renewal has a practice authority identified in Section IV(B) must meet the dental hygiene renewal requirements of this Chapter, and submit a current, valid practice agreement(s) with a supervising dentist(s) pursuant to Board Rule, Chapter 2.
(2) A dental hygienist who at the time of a late renewal has a practice authority identified in Section IV(B) must meet the dental hygiene late renewal requirements of this Chapter, and submit a current, valid practice agreement(s) with a supervising dentist(s) pursuant to Board Rule, Chapter 2.

(3) A dental hygienist who at the time of license expiration held a practice authority identified in Section IV(B) must meet the dental hygiene reinstatement requirements, file an initial authority application, pay the required fees and meet all the requirements for the practice authority. The Board may, giving due consideration to the protection of the public, waive the examination requirements.

(4) A dental hygienist who at the time of license expiration held a practice authority identified in Section IV(A) and whose license expired more than two years from the date of expiration must submit an application for dental hygiene licensure and any practice authority, pay the required fees, and meet all requirements for licensure and the practice authority.

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18341, 18347, 18349, 18350.