

MAINE BOARD OF DENTAL PRACTICE

Delegation of Application Reviews and Other Matters to Chairs and Board Staff - December 16, 2022

LICENSE/AUTHORITY/PERMIT TYPE	INITIAL LICENSURE/PERMIT	RENEWAL/REINSTATEMENT
Dental Hygienist	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Renewals - staff review • Reinstatements - staff review
Dental Hygiene Authorities		
Local Anesthesia	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • N/A
Nitrous Oxide Analgesia	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • N/A
Independent Practice Dental Hygiene	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • N/A
Public Health Dental Hygiene	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • N/A
Dental Therapy / Provisional	<ul style="list-style-type: none"> • Subcommittee/Board 	<ul style="list-style-type: none"> • N/A
Dental Radiographer	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Renewals - staff review • Reinstatements - staff review
Dentists, Limited, Resident	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Renewals - staff review • Reinstatements - staff review
Denturists	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Renewals - staff review • Reinstatements - staff review
Expanded Function Dental Assistants	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Renewals - staff review • Reinstatements - staff review
Faculty	<ul style="list-style-type: none"> • Subcommittee/Board review 	<ul style="list-style-type: none"> • Renewals - staff review • Reinstatements - staff review
Temporary	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • N/A

Delegation Authority to Chairs and Board Staff - December 16, 2022 (cont.)

Sedation Permits & 14 Day Notifications - Chapter 14	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Renewals - staff review • Reinstatements - staff review
Registrations - Chapter 8	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Renewals - staff review
<p>Pending Criminal Charge(s)</p> <p>Board Chair authorized sign an Interim Consent Agreement to which the licensee agrees to stop practicing pending the outcome of the criminal charge(s). Board staff authorized to file complaint.</p>	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A
<p>Waiver of Regional Examination(s)</p> <p>Subcommittees/Board delegated to staff the ability to waive the regional examination requirements in a reinstatement application if the waiver had been previously granted by the Board.</p>	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Staff review
<p>Previously Disclosed Response(s)</p> <p>Subcommittees/Board delegated to staff the ability to approve applications which include disclosures that were previously disclosed, reviewed, and approved by the Subcommittees/Board.</p>	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Staff review

Delegation Authority to Chairs and Board Staff - December 16, 2022 (cont.)

<p>Subpoenas - Issued pursuant to 10 M.R.S. § 8003-A(1)</p> <p>Board delegated to Executive Director the ability to issue a subpoena in the course of a board investigation only after consultation with a complaint officer and/or assistant attorney general assigned to the board. The Executive Director may seek to compel compliance and remedial sanctions and may initiate contempt proceedings with the advice and assistance of the Board's assistant attorney general.</p>	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A
<p>Student Loan Default Disclosure(s)</p> <p>Subcommittees/Board delegated to staff the ability to approve applications which include student loan default disclosures that include a statement regarding efforts to repay/ payment plan.</p>	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Staff review
<p>Inactive to Active Licensure status request(s)</p> <p>Subcommittees/Board delegated to staff the ability to approve requests in accordance with Board Rule, Chapter 13.</p>	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Staff review
<p>Incomplete applications</p> <p>Subcommittees/Board delegated to staff the ability to administratively close applications that exceed the statutory time limit.</p>	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A

Delegation Authority to Chairs and Board Staff - December 16, 2022 (cont.)

<p>Request to withdraw application</p> <p>Subcommittee/Board delegated to staff the ability to grant requests for withdrawal barring any disclosures requiring review.</p>	<p>N/A</p>	<p>N/A</p>
	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
<p>Reinstatement applications w/disclosures of unlicensed practice. All licensure categories of practice except for sedation permits.</p> <p>DH Subcommittee/Board delegated to staff the ability to relicense otherwise qualified individuals who have disclosed unlicensed practice. The delegation includes authorizing board staff, in coordination with the Office of the Attorney General, to initiate a complaint, and to offer the licensee a consent agreement to resolve the technical violation.</p>	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • The terms of the consent agreement include: <ul style="list-style-type: none"> a) Admission; b) Warning; and c) Payment of \$50.00 civil penalty to be paid within 90 days. (Note: \$500.00 civil penalty for dentists.)
<p>Criminal conviction; disclosed</p> <p>DH Subcommittee/Board delegated to staff the ability to issue a license to an otherwise qualified applicant who has no conviction for either a potentially disqualifying crime, or a crime related to substance use or misuse. Board staff will consult with the Office of the Attorney General regarding the criminal conduct disclosure.</p>	<ul style="list-style-type: none"> • Staff review 	<ul style="list-style-type: none"> • Staff review

Delegation Authority to Chairs and Board Staff – December 16, 2022 (cont.)

<p>Criminal conviction; failure to disclose</p> <p>DH Subcommittee/Board delegated to staff the ability to issue a preliminary denial and offer the applicant a consent agreement in consultation with the Office of the Attorney General to resolve a violation of 32 M.R.S. § 18325(1)(A). This limited delegation applies only to convictions that are neither potentially non-qualifying crimes, nor crimes related to substance use or misuse.</p>	<ul style="list-style-type: none"> • The terms of the consent agreement include: <ul style="list-style-type: none"> a) Admission; b) Warning; and c) Payment of \$50.00 civil penalty to be paid within 90 days. (Note: \$500.00 civil penalty for dentists.) 	<ul style="list-style-type: none"> • The terms of the consent agreement include: <ul style="list-style-type: none"> a) Admission; b) Warning; and c) Payment of \$50.00 civil penalty to be paid within 90 days. (Note: \$500.00 civil penalty for dentists.)
<p>Criminal conviction; failure to report within 10 days</p> <p>DH Subcommittee/Board delegated to staff the ability to issue a preliminary denial and offer the applicant a consent agreement in consultation with the Office of the Attorney General to resolve a violation of 32 M.R.S. § 18352(1)(B). This limited delegation applies only to convictions that are neither potentially non-qualifying crimes, nor crimes related to substance use or misuse.</p>	<ul style="list-style-type: none"> • The terms of the consent agreement include: <ul style="list-style-type: none"> a) Admission; b) Warning; and c) Payment of \$50.00 civil penalty to be paid within 90 days. (Note: \$500.00 civil penalty for dentists.) 	<ul style="list-style-type: none"> • The terms of the consent agreement include: <ul style="list-style-type: none"> a) Admission; b) Warning; and c) Payment of \$50.00 civil penalty to be paid within 90 days. (Note: \$500.00 civil penalty for dentists.)
<p>Request financial records; adjudicatory hearing proceedings</p> <p>If an applicant/licensee at hearing wishes to prove the inability to pay costs, then Board staff will need to obtain certain financial records in advance of the hearing. Failure to produce such records within a defined timeframe may subject the applicant/licensee to discipline pursuant to 32 M.R.S. § 18325(1)(M).</p>	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A

Delegation Authority to Chairs and Board Staff - December 16, 2022 (cont.)

<p>Docket informal and formal complaint investigations</p> <p>Board staff is authorized to docket informal and formal complaint investigations pursuant to 32 M.R.S. § 18323(2) in consultation with a complaint officer and/or assistant attorney general assigned to the board.</p>	<ul style="list-style-type: none">• N/A	<ul style="list-style-type: none">• N/A
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***Note:** At its March 13, 2020 meeting, the Board voted to authorize board staff to assess incremental fines for each year of unlicensed practice not to exceed three years for consent agreements involving unlicensed practice.