



JANET T. MILLS
GOVERNOR

STATE OF MAINE
BOARD OF DENTAL PRACTICE
143 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0143

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BOARD ISSUED GUIDANCE AND ACTIONS TAKEN IN RESPONSE TO REGULATORY AND LICENSURE MATTERS

April 23, 2020

The Board of Dental Practice (“the Board”) has received inquiries seeking clarity on a number of regulatory and licensure matters implicated by the COVID-19 pandemic. In response to those inquiries, the Board held an emergency meeting on April 17, 2020, and after a thorough discussion on each matter it voted to issue guidance and to take action as highlighted below:

Telehealth / Telephone Consultation / Teledentistry

The terms “telehealth,” “telephone consultation,” and “teledentistry” have been used interchangeably in the context of providing remote care to dental patients during the coronavirus emergency. Understandably there has been some confusion about the propriety of such practice because the Maine Dental Practice Act does not define those terms and does not explicitly authorize licensees to practice in that manner.

The purpose of this guidance is to make clear that the use of video and audio, audio-only, or other electronic media to triage patients with conditions to determine emergencies and urgent care is acceptable and continues to be available to a licensed dental professional so long as the standard of care is maintained. The use of such technology does not expand a licensee’s scope of practice, rather it provides additional tools necessary to ethically and responsibly respond to patient care during this emergency.

As noted in an earlier communication, it is anticipated that during any Special Session of the 129th Legislature, LD 2146 will be considered and amend the Maine Dental Practice Act to include a statutory definition of teledentistry. LD 2146 would also include rulemaking authority for the Board to set clear practice guidelines to ensure public protection and to provide greater clarity to licensees. ([Maine State Legislature](#))

Emergency Care / Urgent Care

It is the expectation of the Board that licensed dental professionals shall continue to be available to their patients for emergencies and urgent care, and to make referrals in their established network of providers as needed not only to manage conditions that require immediate attention, but to reduce the burdens placed on emergency room departments. Failure of a licensed dental professional to abide by this practice requirement may, depending on the circumstances, be considered patient abandonment which could in turn be found to be unprofessional conduct under applicable statutes and rules.

Board Issued Guidance

April 23, 2020

Page Two

Conversely, a licensed dental professional who treats a patient for an elective dental procedure during the coronavirus emergency risks engaging in unprofessional conduct. Consistent with the urging and guidance provided by Governor Mills, the Centers for Disease Control and Prevention, the American Dental Association, the Occupational Health and Safety Administration, and the Maine Dental Association, a dental professional should postpone non-emergent dental care and postpone elective dental procedures in order to maintain appropriate social distancing and preserve the critical supply of personal protective equipment (PPE) needed in Maine.

Licensure and Examination Issues

The Board is cognizant that there are a variety of challenges facing graduates of dental programs this year. In particular, dental students and dental hygiene students who are in their final year are required to complete clinical experiences to meet the graduation requirements. The Board is committed to working with those students and educational institutions and anticipates that those students will be evaluated and or provided the opportunity to meet the competency requirements not only for graduation but for initial licensure.

Secondly, the biggest challenge facing graduates this year is the scheduling and taking of examinations that require live patient cases. Recently, the Board has received information from third party examining entities that have either released a manikin as an alternative to the restorative section of the examination or are preparing to release an alternative examination for the Board's consideration.

To that end, at its April 17, 2020 meeting, the Board voted to accept the CompeDont™ Tooth as an alternative to the Restorative Section of the American Board of Dental Examiners examination administered by the Commission on Dental Competency Assessments (CDCA) and the Council of Interstate Testing Agencies (CITA). The Board will consider other examinations as they become available for review such as any alternative to the dental hygiene examination, the live patient examination required for the periodontal section, as well as the Dental Licensure Objective Structured Clinical Examination that is anticipated to be released by the Joint Commission on National Dental Examinations.

Continuing Education Requirements

There are approximately 1,525 licenses that are set to expire on or before December 31, 2020. The breakdown of licensure types is as follows: 1,437 dental hygienists, 44 expanded function dental assistants, and 44 denturists. Recognizing the challenges associated with meeting the continuing education requirements and determining that the coronavirus emergency meets the standard as an extenuating circumstance, the Board voted to grant waivers for the continuing education requirements for any renewing licensee whose license expires on or before December 31, 2020, in accordance with Board Rules, Chapter 13 Section VIII.

Board Issued Guidance

April 23, 2020

Page Three

Life Support Requirements

Completing life support recertification such as cardiopulmonary resuscitation (CPR) and basic cardiac life support (BLS) is required to renew a license and is also required to be maintained by dental personnel when supervision is required in the administration of local anesthesia and the use of nitrous oxide analgesia. Completing and maintaining life support certification such as advanced cardiac life support (ACLS) and pediatric advanced life support (PALS) is also required when a dentist who has been issued a sedation permit by the Board administers sedation and/or general anesthesia.

The Board encourages licensees to contact the provider of the life support certification such as the American Heart Association and the American Red Cross, as they may be offering extensions to existing certifications until such a time that the “hands on” component of the training is made available again. If an extension to the life support certification cannot be achieved for purposes of meeting the continuing education requirements outlined in Board Rules Chapter 13, then licensees may request a waiver from the Board as noted above.

In addition, dentists who are unable to obtain an extension from the provider of life support certifications offering ACLS or PALS recertifications as required in Board Rules Chapter 14, should please note that the Board will accept online trainings from a Board approved provider to ensure dentists are maintaining life support certifications when providing sedation services.

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The Board encourages licensees to stay up to date on matters related to the coronavirus emergency in Maine by accessing the

Governor’s Response to COVID-19: [State of Maine COVID-19 information](#)

American Dental Association: [ADA coronavirus information](#)

Centers for Disease Control and Prevention: [CDC Oral Health COVID-19 information](#)

Occupational Safety and Health Administration: [OSHA COVID-19 Information](#)

Board of Dental Practice: [Board of Dental Practice](#)

Maine Dental Association: [MDA coronavirus resources](#)

Your continued efforts to respond ethically and responsibly during the COVID-19 pandemic is greatly appreciated. Please know that if you have any questions regarding this notice to please reach out to the Board for further assistance at dental.board@maine.gov.

Sincerely,



Glen S. Davis, D.M.D.
Board Chair