

Notice of Agency Rule-making Proposal

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

CHAPTER NUMBER AND TITLE: Chapter7, "Establishment of Fees"

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: 32 M.R.S. § 18323(3) authorizes the Maine Board of Dental Practice ("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. This is an amendment to an existing rule to stabilize the Board's collection of fees. Based on financial projections, the fees established in this proposed 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 proposed changes:

- 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.

Date, time and location of PUBLIC HEARING (*if any*): **October 16, 2020 at 8:30 a.m.**; Maine Board of Dental Practice, Conference Room, 161 Capitol Street, Augusta, ME

During a State of Civil Emergency, public hearings will be conducted in accordance with Public Law 2020 chapter 617 via Zoom platform at: <https://us02web.zoom.us/j/88094198672?pwd=WGVFU2RJVmxsbGc5VWVkb2ZjFDSHNpUT09>

Meeting ID: 889 2921 3401

Passcode: 624609

COMMENT DEADLINE: **October 26, 2020 at 5:00 p.m.**

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*): Penny Vaillancourt, Executive Director, 143 State House Station, Augusta, ME 04333; 207-287-3333 (tel.); 207-287-8140 (fax); TTY 711

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §§ 18323(3) and 18324.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): N/A

AGENCY WEBSITE: www.maine.gov/dental

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: penny.vaillancourt@maine.gov

* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT *Penny Vail-Lancourt* DATE: 9.15.2020
(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
014	02D	0384	01	4946				

MAPA-3 revised 2-2016: additional summary information for web

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Additional Information for the Web *(if any)*

DETAILED SUMMARY:

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, Executive Director, 143 State House Station, Augusta, ME 04333; 207-287-3333; penny.vaillancourt@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 7 “Establishment of Fees”

STATUTORY AUTHORITY: 32 M.R.S. §§ 18323(3) and 18324.

DATE, TIME AND PLACE OF PUBLIC HEARING: October 16, 2020 at 8:30 a.m.; Maine Board of Dental Practice, Conference Room, 161 Capitol Street, Augusta, ME

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Meeting ID: 889 2921 3401

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COMMENT DEADLINE: October 26, 2020 at 5:00 p.m.

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

32 M.R.S. § 18323(3) authorizes the Maine Board of Dental Practice (“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. This is an amendment to an existing rule to stabilize the Board’s collection of fees. Based on financial projections, the fees established in this proposed 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 proposed changes:

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 - a) Dentist, faculty dentist, and limited dentist; and
 - b) Moderate sedation permits, deep sedation/general anesthesia permit, and itinerant dentist permit.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? __ YES X NO [§8056(1)(B)]:

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]: N/A

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]

- Text of the current rule as adopted by the Board on July 3, 2019.
- Statutory fee cap language pursuant to 32 M.R.S. § 18323(3).
- Financial analysis and consultation with the Office of the Commissioner, Department of Professional and Financial Regulation.

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

The fees established in this proposed rule will generate additional revenue necessary to maintain the current level of services necessary to meet the Board's statutory mandate. It is projected that an additional \$300,000 in revenue will be collected biennially.

FOR 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 7: ESTABLISHMENT OF FEES

Summary: This chapter establishes fees for licenses and registrations issued by the Board of Dental Practice, as well as related fees.

I. ESTABLISHMENT OF FEES; EFFECTIVE DATES

The board shall charge the license and other fees indicated in Section III below. For initial licenses, and for applications and examinations, the fees set out below shall become effective upon the effective date of this chapter. For renewal licenses, the fees set out below shall become effective with the first renewal cycle occurring on or after the effective date of this chapter.

II. REFUNDS

If an applicant applies for a license or registration listed for which a separate application fee is charged, the license fee will be refunded if the license is denied. All other fees listed in Section III are nonrefundable.

III. FEES TO BE CHARGED FOR LICENSES, REGISTRATIONS AND RELATED FEES

The following fees shall be charged for the licenses, registrations and other services listed in subsections 1– 14 below. For any given license or registration, the designated fee shall apply to both initial issuance and renewal unless otherwise indicated. The term of a license or registration ends on the uniform expiration or renewal date established for that license or registration by law.

A. Dentist Fees – Initial and Renewal of Licenses

Dentist	2 yr	\$50750
Faculty Dentist	2 yr	\$50750
Limited Dentist	2 yr	\$50750
Resident Dentist	2 yr	\$550

B. Sedation / General Anesthesia Permit Fees – Initial and Renewal of Permits

Moderate – Level I (Enteral)	2 yr	\$50750
Moderate – Level II (Parenteral)	2 yr	\$50750
Deep Sedation / General Anesthesia	2 yr	\$50750
Itinerant Dentist	2 yr	\$50750

C. Dental Hygienist Fees – Initial and Renewal of Licenses

Dental Hygienist	2 yr	\$140
Faculty Dental Hygienist	2 yr	\$200

D. Dental Hygiene Authority Fees – Initial Authorities

Local Anesthesia	2 yr	\$50
Nitrous Oxide Analgesia	2 yr	\$50
Independent Practice Dental Hygiene	2 yr	\$50
Public Health Dental Hygiene	2 yr	\$50
Dental Hygiene Therapy	2 yr	\$50
Provisional Dental Hygiene Therapy	2 yr	\$50

E. Denturist Fees – Initial and Renewal of Licenses

Denturist	2 yr	\$200
Faculty Denturist	2 yr	\$200

F. Expanded Function Dental Assistant Fee – Initial and Renewal of License

Expanded Function Dental Assistant	2 yr	\$200
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G. Dental Radiographer Fee – Initial and Renewal of License

Dental Radiographer	2 yr	\$200
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H. Temporary License Fees – Initial Licenses

Dentist	6 mos.	\$250
Dental Hygienist	6 mos.	\$150
Denturist	6 mos.	\$150
Expanded Function Dental Assistant	6 mos	\$100
Dental Radiographer	6 mos	\$100

I. Registration Fees – Initial and renewal of registrations

Sedation/General Anesthesia Registration	1 yr	\$200
Local Anesthesia Registration	1 yr	\$200
Nitrous Oxide Analgesia Registration	1 yr	\$200
Denturist Trainee Registration	1 yr	\$200

J. Application Fees – Initial applications only

Dentist (all categories in Section A)	N/A	\$100
Dentist Permits (all categories in Section B)	N/A	\$100
Dental Hygienist (all categories in Section C)	N/A	\$50
Dental Hygiene Authority (all categories in Section D)	N/A	\$50
Denturists (all categories in Section E)	N/A	\$50
Expanded Function Dental Assistant	N/A	\$50
Dental Radiographer	N/A	\$50
Registration (all categories in Section I)	N/A	\$50
14 Day Notification – Board Rule, Chapter 14		\$100

K. Renewal of License Fees - Inactive Status only

Dentist (all categories in Section A, <u>except Resident Dentist</u>)	2 yr	\$50 <u>750</u>
<u>Resident Dentist</u>	<u>2 yrs</u>	<u>\$550</u>
Dental Hygienist (all categories in Section C)	2 yr	\$140
Denturists (all categories in Section E)	2 yr	\$140
Expanded Function Dental Assistant	2 yr	\$200
Dental Radiographer	2 yr	\$200

L. Late Renewal of License Fees - Within 90 Days of Expiration

Dentist (all categories in Section A)	2 yr	\$100
Dentist Permits (all categories in Section B)	2 yr	\$100
Dental Hygienist (all categories in Section C)	2 yr	\$50
Denturists (all categories in Section E)	2yr	\$50
Expanded Function Dental Assistant	2 yr	\$50
Dental Radiographer	2 yr	\$50

M. Reinstatement Fees for Licenses, Registrations, and Authorities –Between 91 days and Two Years of Expiration

Dentist (all categories in Section A)	2 yr	See Initial Fees
Dentist Permits (all categories in Section B)	2 yr	See Initial Fees
Dental Hygienist (all categories in Section C)	2 yr	See Initial Fees
Dental Hygiene Authority (all categories in Section D)	2 yr	See Initial Fees
Denturists (all categories in Section E)	2 yr	See Initial Fees
Expanded Function Dental Assistant	2 yr	See Initial Fees
Dental Radiographer	2 yr	See Initial Fees
Registration	1 yr	See Initial Fees

N. Fees for Other Services

Duplicate license	N/A	\$25
Verification of license	N/A	\$25
Licensee data list	N/A	\$75

CURRENT STATUTORY AUTHORITY:
32 M.R.S. §§ 18323(3) and 18324

Chapter 7 History:

EFFECTIVE DATE (as “False and Misleading Advertising”):
December 13, 1982 – filing 82-252

AMENDED:
May 21, 2005 – filing 2005-162

EFFECTIVE DATE (as “Licensing / Certification / Late Fees”):
May 22, 2007 – filing 2007-198

AMENDED:
February 11, 2009 – filing 2009-59
September 28, 2009 – filing 2009-502
October 22, 2012 – filing 2012-290

EFFECTIVE DATE (as “Establishment of Fees”):
July 3, 2019 – filing 2019-109