

Amalgam Poster & Brochure: Frequently Asked Questions

November 2013

1. **When is the effective date** – when must the dental office put the poster up and have the brochure available to patients?
 - Title 32 MRSA Ch. 16, Subchapter 3, §1094-C (the Maine Dental Practice Act) requires that any dentist who uses mercury or a mercury amalgam in any dental procedure shall display the poster in the public waiting area of the office and must provide each patient with a copy of the brochure.
2. **Must each patient be given a copy of the brochure?**
 - This is not entirely clear. The statute says each patient must be given a copy of the brochure, but doesn't specify whether the patient should get his/her own copy, or if he/she should be given a copy to read while in the office.
3. **Can a supply of the brochures be purchased? Must the dental office duplicate them for patients?**
 - The statute only requires that the State provide one copy to each dental office, and the State does not have the resources to provide multiple copies. How a dental office decides to pass the information on to patients is not specified in the statute. The brochure can be duplicated as needed; you can print a copy of the text from the Maine CDC website <http://www.maine.gov/dhhs/mecdc/population-health/odh/index.shtml>, and provide that to patients. See also question about laminating.
4. **Would it be acceptable to print copies, laminate them, and either keep copies in the waiting room and/or hand a copy to patients to read?**
 - Yes, we believe that this would be acceptable. See also the next question.
5. **If the patient wants his/her own copy, can the office charge for it?**
 - There is nothing in the statute that would prohibit a dental office for charging for a copy. The text of the brochure is also available via the Internet, on the Maine CDC's website (see above).
6. **What is the penalty for not displaying the poster or having the brochure available for patients?**
 - This is not entirely clear. There is nothing specific in the statute that governs the brochure that addresses any penalty. (In comments to the Bureau of Health [now the Maine CDC], the Department of the Attorney General noted that it is not clear that dentists who violate their duties under Title 32, § 1094-C would be subject to disciplinary proceedings by the Board of Dental Examiners.)
7. **If the dental office does not use dental amalgam** (“silver-colored fillings”), must the office display the poster and make the brochure available to patients?
 - The original statute states that “a dentist who uses mercury or a mercury amalgam in any dental procedure shall display the poster adopted by the Department of Human Services, Bureau of Health under this section in the public waiting area of that dentist's office and must provide each patient with a copy of the brochure.” There is nothing in the statute, or in the Resolve that authorized the printing and production of the poster and the brochure, to indicate that a dental office where dental amalgam is *not* used must comply with the statute.