**02-313**

**BOARD OF DENTAL EXAMINERS**

Maine Administrative Procedure Act

2015-2016 Regulatory Agenda

Prepared: October 20, 2015

AGENCY UMBRELLA-UNIT NUMBER: **02-313**

AGENCY NAME: **Board of Dental Examiners** (Affiliated with the Department of Professional and Financial Regulation)

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**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2015 - 2016 RULE-MAKING ACTIVITY:** The board may undergo a complete repeal and replacement of its rules, which may include streamlining the licensing requirements and scopes of practice provisions, standards of practice, and continuing education requirements for dentists, denturists, dental hygienists, dental hygiene therapists, independent practice dental hygienists, public health supervision dental hygienists, expanded function dental assistants, dental radiographers, as well as the sedation inspection and permitting process. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and other statutes governing dental practice will be updated or repealed.

The 127th Maine Legislature enacted several laws that may require the Board to review current rules for consistency with current rules and to implement new rules as required:

**Public Law Chapter 2** – Authorizes Independent Practice Dental Hygienists to expose and process dental radiographs under protocols developed by the Board.

**Public Law Chapter 155** – Expands a denturist’s scope of practice to include the making, placing, constructing, altering, reproducing or repairing of nonorthodontic removable sports mouth guards and the provision of teeth whitening services, including fabricating whitening trays, providing whitening solutions determined to be safe for public use and providing any required follow-up care and instruction for use of the trays and solutions at home.

**Public Law Chapter 192** – Authorizes the Board to issue externship permits to denturism students who are seeking supervised experience in practice settings.

**Public Law Chapter 326** – Authorizes dental hygienists, independent dental hygienists, public health supervision dental hygienists, and dental hygiene therapists to prescribe, dispense and administer fluoride dentifrice and antibacterial rinse for the purpose of bacterial reduction, caries control and desensitization in the oral cavity.

**CHAPTER 1**: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1094-I, 1094-Q, 1095, 1100-A, 1100-B, 1100-C, 1100-E, 1100-I

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary, and setting licensing standards, requirements, and practice standards.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2**: Rules Relating to Dental Hygienists

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1079(2), 1095, 1098-E, 1100-A

PURPOSE: This chapter outlines the scope of practice of a dental hygienist, procedures for notifying and practicing under public health supervision status, requirements for obtaining permits to administer nitrous oxide and local anesthesia, and other duties authorized under the direct and general supervision of a dentist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3**: Rules Relating to Dental Assistants

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1094-D, 1094-E, 1094-G, 1094-H, 1100-A, 1100 I – 1100 R

PURPOSE: This chapter outlines the scope of practice of expanded function dental assistants, including duties that a dentist may delegate to dental assistants and certified dental assistants. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees and unlicensed individuals

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 4**: Rules Relating to Practice of Denturism

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1100-A, 1100-B, 1100-C(1), 1100-E

PURPOSE: This chapter establishes the general practice standards for denturists. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 5**: Requirements for Licensure as a Denturist

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1078, 1100-A, 1100-C, 1100-D, 1100-E

PURPOSE: This chapter outlines the requirements for licensure as denturist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary. The Board recently adopted proposed rules outlining the requirements that a denturism student must meet in order to obtain an externship permit from the Board for the purpose of gaining supervised experience in practice settings pursuant to Public Law 2015, chapter 192.

SCHEDULE FOR ADOPTION: Anticipated completion 2015.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6**: Rules for Radiation Barriers

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1100-A, 1100-P

PURPOSE: This chapter establishes the rules requiring the use of radiation barriers in dental procedures involving the exposure of patients to ionizing radiation. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 7**: Licensing/Certification/Late Fees

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1061, 1073(2), 1084, 1085, 1086, 1086-A, 1087, 1089, 1094-G, 1094-H, 1094-J, 1094-L, 1094-M, 1094-N, 1094-O, 1097, 1098, 1098-A, 1099, 1100-C, 1100-D, 1100-E, 1100-N, 1100-P, 10 M.R.S. §8003(5)(C)(4)

PURPOSE: This chapter establishes fess for licensure, permits, reinstatements, late filings, and duplicate license fees. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 8**: Advertising

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1073(3), 1081(3), 1081(4), 1092

PURPOSE: This chapter requires the identity of dental providers be included in advertisements made available to the public. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 9**: Complaints/Investigations/Unprofessional Conduct

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1073(3), 1077, 1092

PURPOSE: This chapter describes the procedure by which the Board processes and/or initiates complaints and investigations, and defines acts or omissions that constitute “unprofessional conduct.” The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 10**: Licensure Requirements for Dental Radiographers

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1100-P

PURPOSE: This rule establishes the qualifications for licensure as a dental radiographer. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 11**: Requirements for Licensure as Dental Hygienists

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1096, 1098, 1099, 10 M.R.S. §8003(5)(G)

PURPOSE: This chapter establishes the requirements for licensure as a dental hygienist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 12**: Requirements for Dental Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1082, 1083, 1085

PURPOSE: This chapter establishes the requirements for licensure as a dentist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 13**: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1084-A, 1094-H, 1094-P, 1098-B, 1100-A, 1100-C, 1100-E1, 1100-P, 10 M.R.S. §8003(5)

PURPOSE: This chapter establishes the continuing education required for licensees of the board, including provisions for inactive status. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees and continuing education providers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 14**: Rules for Use of Sedation and General Anesthesia by Dentists

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1089

PURPOSE: This chapter outlines the requirements under which dentists may obtain permits to administer minimal, moderate, deep sedation and general anesthesia. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 15**: Mortality or Significant Health Incidents in a Dental Office

STATUTORY AUTHORITY: 32 M.R.S.A. § 1073(2),

PURPOSE: This chapter requires licensees to report to the Board mortality or significant health incidents that occur in a dental office. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 16**: Rules to Implement a 2-Year Pilot Project For Independent Practice Dental Hygienists to Process Dental Radiographs in Underserved Areas of the State

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1100-A

PURPOSE: The Board recently adopted proposed rules that identify protocols under which Independent Practice Dental Hygienists are to expose and process dental radiographs as part of their permanent scope of practice pursuant to Public Law 2015, chapter 2. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2015.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 17**: Requirements for Establishing a Board Approved Dental Hygiene Therapy Program

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1094-AA(2)

PURPOSE: This chapter establishes the requirements for dental hygiene therapy programs to be approved by the Board. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 21**: Use of Controlled Substances for Treatment of Pain

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1072 and 1073(2)

PURPOSE: This chapter is a joint rule to ensure adequate relief of pain to the citizens of Maine. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.